

The Omaha Police Department Policies and Procedures Manual

OPD Mission Statement:

The Omaha Police Department, in partnership with our community, provides impartial, ethical, and professional law enforcement service and protection. We strive to maintain the trust and confidence of our citizens while working to improve the quality of life.

OPD Vision Statement:

To provide the environment for the Omaha Police Department that results in:

- Reduction of crime and fear of crime
- Maximum efficiency
- Enhanced customer service
- Improved public confidence
- Personal and professional growth for employees

OPD Motto:

“To Serve and Protect”

ABATEMENT OF DANGEROUS OR NUISANCE BUILDINGS

POLICY:

In collaboration with the City of Omaha Planning Department and the Parks, Recreation, and Public Property Department, it is the policy of the Omaha Police Department (OPD) to identify dangerous or nuisance buildings and take action to abate the nuisance.

PROCEDURE:

I. Identification

- A. Either through personal observation or when requested by the Planning Department or the Parks, Recreation, and Public Property Department, OPD officers will:
1. Identify buildings or structures that are believed to be a nuisance, as prescribed by the Omaha Municipal Code, Section 18-3. This ordinance designates smells, items, structural conditions, hazards, pollutants, noises, and other conditions and/or characteristics as nuisances.
 2. Identify structures that are believed to be unsafe or unfit for human occupancy, as prescribed by the Omaha Municipal Code, Section 48-71. This ordinance describes conditions and/or characteristics that make a structure unsafe or unfit for human occupancy.
 3. Investigate and gather facts that help establish probable cause and justify a finding that a building is either unsafe, unfit for human occupancy or a nuisance. The report of investigation may include crime and/or information reports, inter-departmental memos, photographs, and/or videotape recordings.
 4. Forward a copy of the investigation to the Nuisance Task Force to initiate the abatement process.

II. Reporting

- A. The Nuisance Task Force will:
1. Assemble a case file for all reports concerning a specific property.
 2. Forward a copy of the completed case file as prescribed below and request the applicable City Department complete the investigation and address any violations per City Ordinance.
 - a. Nuisance, Occupancy, or Building Code violations will be forwarded to the Planning Department, Housing and Community Development Division.
 - b. Weeds and Litter issues will be forwarded to the Parks, Recreation, and Public Property Department.
 3. Coordinate any law enforcement support to enforce applicable City Ordinances as requested by a City Department.

REFERENCES:

I. Omaha Municipal Code

- A. Omaha Municipal Codes 18-8, 18-3, and 48-71 are referenced in this policy.

II. Previous General Orders

- A. Previous OPD General Orders include #36-99 and 6-14.

ABUSE/NEGLECT/INJURY - CHILD

POLICY:

It is the policy of the Omaha Police Department (OPD) to investigate all reports of child abuse, sexual abuse, and neglect as well as serious or suspicious injuries to children. Procedures for report taking and investigation will vary depending on the location and age of the child.

PROCEDURE:

I. Mandatory Notification of the Child Victim/Sexual Assault (CVSA) Squad

- A. When an officer determines there is a violation of Nebraska Revised Statute (NRS) §28-707 Child Abuse, NRS §28-713 requires law enforcement officers “to take immediate steps to protect the child, and to institute legal proceedings if appropriate.”
- B. Officers SHALL contact the CVSA Squad in the following cases:
 - 1. All misdemeanor and felony child abuse/neglect cases or sexual assaults with juvenile victims.
 - a. Felony child abuse/neglect cases or sexual assaults with juvenile victims SHALL be reported to the CVSA Squad IMMEDIATELY, twenty-four hours a day, seven days a week.
 - 2. Serious injury to a child.
 - 3. Suspicious injury to a child reported by a medical professional.
 - 4. Homicides in which a child may have died as the result of abuse.
- C. Responding officers may ask the child minimal questions to determine if probable cause of a crime exists. However, the detailed interview of child victims shall be conducted by a trained CVSA investigator.
- D. During “A”-Shift and on weekends, holidays, and other non-business hours, officers may contact Regional detectives, weekend duty detectives, or the on-call CVSA Squad member. If officers contact Regional investigators/weekend duty detectives, the Regional investigator/weekend duty detective will make appropriate notifications to the CVSA Squad.

II. Investigations in Schools, Hospitals, and Daycare Centers

- A. When a complaint of child abuse, neglect, or sexual abuse is received by school, hospital, or daycare center officials, NRS §28-711 requires that they report the complaint to either law enforcement or the Child Protective Services (CPS) Hotline.

- B. UPB officers responding to such calls may ask the child minimal questions to determine if probable cause of a crime exists. However, the detailed interview of child victims shall be conducted by a trained CVSA investigator.
 - 1. Once probable cause is established, the UPB officer shall contact the CVSA Squad for further direction.
- C. In cases of suspected child abuse, neglect, or sexual abuse, NO ONE will contact the child's parents unless the investigating officer specifically requests they do so.
 - 1. In all cases, regardless of notification by school, hospital, or daycare center staff, the investigating officer is responsible for notifying a parent regarding a child's interview or child placement in protective custody.
 - 2. The investigating officer will make certain the notification is made in a timely manner.

III. Investigations by Uniform Patrol Bureau Officers

- A. When responding to radio calls of child abuse/neglect, the UPB officer will determine if, in fact, abuse/neglect exists. If an officer determines that there is abuse/neglect, they will complete an Incident Report (OPD Form 189).
- B. If the UPB officer determines upon arrival that a felony sexual assault occurred and the victim is 15 or younger, the officer shall not interview the victim. The officer will contact the CVSA Squad and an investigator will assume responsibility for the investigation.

NOTE: Responding UPB officers may ask the child minimal questions to determine if probable cause of a crime exists.

- C. When the abuse/neglect occurs during "B"- and "C"-Shifts, the CVSA Squad will be notified. During "A"-Shift and on weekends, holidays, and other non-business hours, officers will contact Regional detectives, weekend duty detectives, or the on-call CVSA Squad member for directions. If officers contact Regional investigators/weekend duty detectives, the Regional investigator/weekend duty detective will make appropriate notifications to the CVSA Squad.
- D. When an officer is unable to substantiate a complaint of child abuse/neglect (i.e., no visible injuries or the victim refuses to cooperate, etc.), the officer will prepare an Information Report (OPD Form 42). The Information Report will be forwarded to the CVSA Squad.

IV. Initial Report and Investigation Requirements

- A. Reports of child abuse, neglect, or sexual abuse will list the child as the victim.
- B. When there is visible evidence of abuse, neglect, or sexual abuse of a child, the OPD Forensic Investigations Section shall be called to take photographs.
- C. Any child who needs medical attention may be removed from the scene and taken to an emergency hospital.

NOTE: Officers will not remove children from their residence before advising the CVSA Squad and receiving directions. During "A"-Shift and on weekends, holidays, and other non-business hours, officers will contact Regional detectives, weekend duty detectives, or the on-call CVSA Squad member for directions. If officers contact Regional investigators/weekend duty detectives, the Regional investigator/weekend duty detective will make appropriate notifications to the CVSA Squad.

- D. If persons at the scene of the alleged complaint of abuse/neglect do not cooperate with the investigating officers, and no “reasonable cause facts” exist for forced entrance to check on the safety of the children, the UPB Sergeant should be contacted.
 - 1. If entrance for inspection purposes is denied after the persons talk with the UPB Sergeant, an Information Report (OPD Form 42) will be completed and forwarded to the CVSA Squad.
- E. When more than one child is a victim in an abuse/neglect situation, officers shall complete one Incident Report (OPD Form 189) for each child. All reports will carry the same RB Number if the incident is similar in circumstances and place.
- F. For each call of possible abuse/neglect, the above procedures will be followed. This includes multiple calls to a particular address when the officer has found no evidence of child abuse/neglect.

V. Affidavit for Removal

- A. If the child’s well-being is endangered due to neglect, abuse, or sexual abuse, the child will be placed into protective custody. The following protective custody placement procedures apply to child abuse/neglect investigations.
 - 1. When a determination is made to place the child into protective custody, the investigating officer shall contact the CVSA Squad, prior to removing the child, to make further arrangements.
 - a. During “A”-Shift and on weekends, holidays, and other non-business hours, officers will contact Regional detectives, weekend duty detectives, or the on-call CVSA Squad member. If officers contact Regional investigators/ weekend duty detectives, the Regional investigator/weekend duty detective will make appropriate arrangements for placement and/or notify the CVSA Squad for assistance.

NOTE: In those cases where the officer needs additional assistance to determine whether to remove a child, the officer will contact their UPB Sergeant.
 - 2. When an officer decides to remove an endangered child for their safety during the criminal investigation, the investigating officer will complete the following steps, in addition to completing an Incident Report (OPD Form 189):
 - a. Complete OPD Form 96, Affidavit for Removal of Juvenile(s) from Parental/Custodial Home.

NOTE: Officers need to be specific in the narrative as to why the child(ren) are being placed into protective custody.
 - b. Fax or email a copy of the notarized Affidavit to the CVSA Squad.
 - c. Place the original Affidavit in the CVSA tray at the CIB console.
- B. When a juvenile is placed into protective custody, at no time should the parents or legal guardian be given the address or location of the child(ren). Officers will note in original reports only that the child was placed into protective custody.

VI. Distribution of Reports

- A. Upon completing an investigation, the investigating officer will make certain copies of all reports pertaining to the investigation are hand-carried, faxed, or scanned and emailed to the CVSA Squad.
- B. The CVSA Squad will provide a copy of all involved crime reports to Douglas County CPS.

VII. Follow-Up Investigation

- A. All investigations will be carried through to the prosecution level when warranted. All cases will be closed by:
 - 1. Arrest of the suspect.
 - 2. Request for a warrant.
 - OR –
 - 3. Turning the case over to CPS on all cases that do not reach the level of need for prosecution of the suspect.

REFERENCES:

I. Nebraska Revised Statutes

- A. The following NRS are referenced in this policy: §28-707, § 28-711, §28-713, §28-717.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #9-86, #89-87, #33-88, #107-88, #58-90, #60-91, #21-95, #3-97, #6-14, and #3-15.
 - 1. Daycare Centers - Officers Responding to Calls #35-88.
- B. Previous OPD Information Orders include the following: #340-94.

III. Accreditation Standards

- A. CALEA Accreditation standard 44.2.2 is relevant to this policy.

ABUSE/NEGLECT/SEXUAL ASSAULT – REPORTS AT CENTRAL STATION – RESCINDED/REMOVED

This policy is rescinded per General Order #45-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #131-88.

ACCIDENT INVESTIGATION – GENERAL REPORTING – RESCINDED/REMOVED

This policy is rescinded per General Order #8-15 and 9-15.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #63-74, #83-85, #121-88, #12-90, #27-92, #6-97, #8-99, #13-99 and #13-99 Supplement #1, #52-00, #72-00, #30-01, #53-01, #23-02, #15-05, #23-06, and #26-06.
- B. Previous Information Orders include the following: #259-89, #50-91, #41-92, and #13-93.

ACCIDENTS – GENERAL REPORTING

POLICY:

It is the policy of the Omaha Police Department (OPD) to thoroughly report and document motor vehicle accidents in compliance with applicable Nebraska Revised Statutes. Officers will document all accidents electronically whenever possible. Officers may complete paper reports ONLY when the electronic reporting system is down (i.e., system failure). Officers will refer to the “Accidents-Investigation Procedures” Policy for policies and procedures regarding the investigation of motor vehicle accidents.

PROCEDURE:

I. Electronic Crash Report (ECR) Requirements

- A. Officers will complete an Electronic Crash Report (ECR) when they respond to motor vehicle accidents.
- B. If a specific cruiser’s electronic reporting system is down, but the overall OPD system is functioning, the officer(s) shall complete the ECR at their assembly.

II. General Accident Reporting Procedures

- A. When OPD officers are dispatched to or otherwise encounter a motor vehicle accident, they will, upon determining that an accident has occurred, complete either an ECR or, in the case of electronic reporting system failure, an Investigator’s Motor Vehicle Accident Report (DR Form 40).
 - 1. This report will be prepared for all motor vehicle accidents involving injury or property damage, including incidents in which:
 - a. An item is thrown or falls from a moving vehicle which then subsequently causes damage to property or injury to a person.
 - b. A person is thrown or falls from a moving vehicle and then subsequently causes damage to property or injury to another person.

- (1) The only exceptions to these rules are outlined under the "Quasi-Public Property and/or Private Property" sub-section of this policy.
 2. The cost of the damage will NOT determine if a report will be made.
- B. The officer who prepares the original ECR or Investigator's Motor Vehicle Accident Report (DR Form 40) (in the case of electronic reporting system failure) will gather as much information as possible. Officers will document the following in the report:
1. Description (photographing when available) of:
 - a. Tire marks or gouges on the roadway.
 - b. Vehicles involved (i.e., damage, positions, and license plate numbers of involved vehicles, etc.).
 - (1) Officers will label the "at fault" vehicle as "Vehicle #1." All other involved vehicles will be labeled in ascending order based on the order in which they were determined to have been impacted in the accident.
 - c. Debris.
 - d. Blood.
 - e. Position of deceased person(s).
 - f. Any items or conditions that may have caused visual obstruction.
 - g. Absence of or presence of any confusing signs or other traffic conditions that contributed to the accident.
 - h. Any other pertinent roadway evidence or involved items.
 2. Measurements and diagrams showing the positions of vehicles, deceased person(s), debris, tire marks, etc.
 3. Statements, comments, or quotes of drivers and/or witnesses.
 4. Whether there were any actions by the driver that may have contributed to the crash (i.e., the driver was using a cellular telephone at the time the accident occurred).
 - a. If the officer is completing an ECR, this will be noted in the "Contributing Circumstances" section of the report.
 - b. If the officer is completing the paper DR Form 40, this information will be entered in box "M" - "Major Contributing Human Factor."
 5. All other information required in the ECR or Investigator's Motor Vehicle Accident Report (DR Form 40).
- C. The injury severity codes used on the ECR and the Investigator's Motor Vehicle Accident Report DR Forms are opposite from the codes used by the OPD (OFD codes). The DR Form 40 and OFD injury severity codes are as follows:
1. Possible Injury-Complaint of Pain.

- a. OFD Code 1.
- b. DR Form 40 Code 4 .
2. Non-incapacitating injury.
 - a. OFD Code 2.
 - b. DR Form 40 Code 3.
3. Incapacitating injury (Trauma Center Candidate).
 - a. OFD Code 3.
 - b. DR Form 40 Code 2.
4. Fatal injury.
 - a. OFD Code 4.
 - b. DR Form 40 Code 1.

D. Information and details that are considered investigatory information will be entered in an OPD Continuation/Supplementary Report (OPD Form 200A).

NOTE: See NRS §84-712.05 regarding what could be considered investigatory information.

E. If the electronic reporting system has failed and officers complete a paper “Investigator’s Motor Vehicle Accident Report” (DR Form 40), they will adhere to the following procedures:

1. The OPD RB number will be entered in the space provided for the “Agency Case No.” The “For State Use Only” box will be left blank.
2. The Investigator’s Motor Vehicle Accident Report (DR Form 40), only has space for a brief synopsis. In order to record additional details as needed, as well as all information that is considered investigatory, officers will complete an OPD Continuation/Supplementary Report (OPD Form 200A) in:
 - a. ALL Felony Hit and Run accidents.
 - b. Any other accident in which additional narrative space is needed.
3. Officers may, if circumstances dictate, complete the Investigator’s Motor Vehicle Accident Continuation Report (DR Form 40a, buff colored) for continuations of accidents, injuries and narratives.
 - a. This report shall be submitted with the completed DR Form 40.
 - b. This report has a similar heading to the DR Form 40, and the first two lines shall be completed when used.
4. Official police reports will not be given to non-OPD employees for them to complete under any circumstances. Only official OPD employees will complete the Investigator’s Motor Vehicle Accident Report Forms.

F. Incomplete Reports.

1. In many cases, an investigation of a motor vehicle traffic accident will be incomplete. These circumstances exist when only one driver is reporting the event (i.e., most Hit and Run investigations, reports taken at the OPD Headquarters Front Desk, OPD precincts, etc.).
 2. A report filed by only one driver shall never be accepted as a factual account of a prior accident. These reports are used as the basis for additional follow-up investigation of the incident.
 3. The officer will indicate in the narrative of the ECR or the DR Form 40 if the report is incomplete, as well as any information available regarding other vehicles and/or descriptions of drivers who are no longer at the scene.
 - a. The officer will document whether the report is based on the statements of Driver #1, witnesses, the vehicle owner only, or any combination of sources.
- G. If a vehicle that was towed from the accident scene required a non-traditional tow and/or additional towing costs (i.e., flipped vehicle etc.), officers will note the circumstances in the "Details of Impounding or Recovery" field on the "Recovered/ Impounded Vehicle" form (OPD Form 202).
- H. Information Exchange for Drivers Involved in an Accident
1. In all accidents, officers will either:
 - a. Make certain involved parties exchange information as required by law.
 - OR -
 - b. Provide drivers with the Information Exchange for Drivers Involved in Accidents Form (OPD Form 34).
 - (1) This form is a courtesy to motorists involved in accidents. This information is necessary so that motorists involved in accidents can respond to the requirements of the State of Nebraska and to their own insurance companies.
 - (2) When completing an ECR, officers will print out a copy of the completed OPD Form 34 for all involved drivers.
 - (3) If officers are unable to complete an ECR for any reason, officers will:
 - (a) Provide each driver with a paper copy of OPD Form 34 for the drivers to complete while the officer conducts the investigation.
 - (b) The officer will examine each OPD Form 34 to verify that the forms were properly completed, and will then make certain the drivers exchange forms.
- I. Driver's Motor Vehicle Accident Report (DR Form 41)
1. The Nebraska Department of Roads requires that ALL drivers (including on-duty non-sworn and sworn police employees) involved in all instances of an accident that results in personal injury, death to any person, or in which damage exceeds one thousand

dollars (\$1,000) to the property of any one person, must submit a Driver's Motor Vehicle Accident Report (DR Form 41) within ten (10) days after each accident.

- a. If an officer marks the Accident Report indicating damage to any vehicle or property involved exceeding \$1,000, ALL DRIVERS INVOLVED will be advised to complete a Driver's Motor Vehicle Accident Report (DR Form 41) and forward it to the State as instructed on the form.
 - b. If the driver is physically unable to fill out the report, the owner of the motor vehicle is required to do so.
 - c. An attorney, insurance agent, or the nearest law enforcement authority may be consulted if there is difficulty filling out the form.
 - d. Failure to report an accident as required is a Misdemeanor punishable by a fine and possible revocation of the driver's operator's license.
2. The DR Form 41 will also be completed by civilians when they need to report an accident to which law enforcement did not respond.
- a. DR Form 41 will be provided to civilians for their completion upon request.
3. If City of Omaha non-sworn employees or sworn officers are involved in an accident while operating a City-owned vehicle and damages to the City-owned vehicle exceed \$1,000, the "Name of Insurance Company Affording Liability Coverage on Date of Accident" on the Driver's Motor Vehicle Accident Report (DR Form 41) will be entered as "City of Omaha Self Insured."
- a. This is to make certain that the report of the accident will not be forwarded to the driver's personal insurance company, but will stay at the State level.
- J. Officers will not print additional copies of reports for citizens. Officers will direct citizens to the OPD Records Unit for copies of accident/ECR reports.
- K. Hospital Follow-Up Reports
1. When conducting a hospital follow-up as part of an investigation of a serious injury or fatality accident, officers will complete an OPD Accident/Hospital Supplementary Follow-Up Report (OPD Form 200U).
 - a. The Accident/Hospital Supplementary Follow-up Report (OPD Form 200U) may be provided by the Accident Investigator if necessary.
 - b. The Accident Investigator or the Accident Investigator's designee will make certain that all portions of the report that apply to the specific incident are properly filled out and that the completed report is returned to the Accident Investigator.
- L. The Traffic Unit does not process property damage accident reports made by UPB officers. In the event that calls are received by the Traffic Unit concerning omissions or errors on property damage accident reports, the following will occur:
1. The caller will be advised to contact the appropriate UPB Captain under whose supervision the originating officer is/was assigned at the time they made the report.
 2. Advise that Captain of the problem with the report.

3. The UPB Captain may then initiate whatever action is necessary to amend the incorrect or incomplete report.

III. Hit and Run Accidents

- A. When responding to Hit and Run Accidents, officers will complete either an ECR or, in the case of electronic reporting system failure, an "Investigator's Motor Vehicle Accident Report – Hit and Run" form (pink copy of DR Form 40).
 1. Officers will document the description of the run driver and/or the vehicle and license plate number (if known) in the narrative of the report.
- B. An OPD Continuation/Supplementary Report (OPD Form 200A) shall be completed in all Felony Hit and Run investigations.
 1. This report will include, at a minimum, the following information:
 - a. All known suspect information (including a description of the suspect's clothing, appearance, injuries etc.).
 - b. A detailed physical description of the crash scene (including weather conditions, significant roadway evidence, and the status of any traffic control devices).
 - c. Impound report listed or description of the run vehicle (including possible damage, plate number if known, etc.).
 - d. Witness and victim statements, if any (including names and contact information).
 - e. All details of the original officer's investigation, attempts to locate the run vehicle/driver, etc.
 - f. Name of the OPD Accident Investigator who was notified.
 - g. Actions of each investigative officer.
 2. If the officer is not physically looking at the run vehicle and/or does not have custody of the driver of the hit and run vehicle at the time that the report is completed, the information above will still be documented in the narrative section of the report to the maximum extent possible.
 - a. This information will NOT be documented in the Vehicle Number 2 section of the DR Form 40 report.
 3. The only exception to this procedure is when the officer/Accident Investigator is physically looking at the run vehicle at the time of the report and intends to impound the vehicle, issue a citation to, or physically arrest the operator of the hit and run vehicle.
 - a. If the officer/Accident Investigator has physical control of the hit and run vehicle, the officer may then complete the information for the corresponding vehicle on the ECR or DR Form 40 report.
 - b. If the officer/Accident Investigator has custody of the driver of the hit and run vehicle and intends to issue a criminal citation or make a physical arrest, the officer will list the hit and run vehicle driver's information on the ECR or DR Form 40 report.

4. The ECR or “Investigator’s Motor Vehicle Accident Report – Hit and Run” form (pink copy of DR Form 40) will suffice as the initial Incident Report for the incident. An additional Incident Report (OPD Form 189) will not be required for the Hit and Run incident.
- C. Sending Hit and Run Accident Reports to the Accident Office.
1. When the reporting officer has completed all necessary reports, the officer will obtain an RB Number and make certain that it is documented on ALL applicable reports.
 2. If officers complete an ECR, PortalOne will automatically generate and send a copy of the “Investigator’s Motor Vehicle Accident Report – Hit and Run” form (pink copy of DR Form 40) to the Accident Investigation Office.
 - a. Officers will be responsible for scanning and emailing all other related reports to the Accident Office as soon as practical after the original officer documents the investigation (see [Appendix A](#) for the email address).
 3. If paper reports are completed for a Hit and Run accident, officers shall:
 - a. Scan and email ALL related reports to the Accident Office as soon as practical after the officer documents the investigation (see Appendix A for the email address).

IV. City-Owned Vehicles

- A. Accidents on Private Property
1. All motor vehicle accidents involving City-owned vehicles that occur on private property will be assigned an RB Number and will be processed through the OPD Data Center.
 2. Accident Investigators will complete a Private Property Information Report for City Vehicles Only form (OPD Form 268) for accidents that are not a Hit and Run.
 - a. This report is for internal use only and will not to be forwarded to the State of Nebraska Department of Motor Vehicles (DMV).
 - b. Officers shall document all injuries on OPD Form 268.
- B. Accidents on Public Property
1. The investigation of motor vehicle accidents that occur on public property involving equipment belonging to any other City department are to be documented according to standard OPD policies and procedures.
 2. A Report of Occurrence will NOT be completed by the investigator.
- C. In ALL Hit and Run accidents involving City-owned vehicles, the Accident Investigator will complete either an ECR or, in the case of electronic reporting system failure, an “Investigator’s Motor Vehicle Accident Report – Hit and Run” form (pink copy of DR Form 40).
- D. In all accidents involving City-owned vehicles and property (including OPD vehicles), a Continuation/Supplementary Report (OPD Form 200A) will be completed by the investigating officer. The Continuation/Supplementary Report will list the other party’s insurance information as follows:

1. Company name and address.
 2. Policy number (if available).
 3. Telephone number of the company.
 4. Agent's name, address, telephone number.
 5. Any other local office or address of the insurance carrier.
- E. In minor, non-injury traffic accidents involving City-owned snow removal equipment during times of inclement weather, it is the responsibility of the snow plow driver and the Public Works Department to be certain information is exchanged and a claim for damage is completed.

V. OPD Vehicle Accidents

- A. The following forms will be completed as appropriate based on the circumstances:
1. If the accident occurred on private property, a Private Property Information Report for City Vehicles Only form (OPD Form 268) will be completed by the OPD Accident Investigator.
 2. If the accident occurred on a public roadway the OPD Accident Investigator will complete an ECR or, in the case of electronic reporting system failure, a paper Investigator's Motor Vehicle Accident Report (DR Form 40).
 3. Whenever an OPD vehicle is involved in an accident, a Chief's Report (OPD Form 214) will be completed by the employee (see the OPD "Chief's Reports" policy for more details).
 - a. The UPB command officer who supervised the investigation of the accident scene will review all reports completed in relation to the incident.
 - b. The command officer's investigation will include recommendations based on all information and knowledge available. This will be reported in the required Chief's Report packet filed by the involved officer.
 4. The involved employee(s) will complete a Damaged-Lost-Stolen Report (OPD Form 24) to document damage of OPD equipment, per the OPD "Equipment" policy.
 5. A Report of Occurrence (City of Omaha Law Department Form) will be completed by the investigating officer.

NOTE: A Report of Occurrence (City of Omaha Law Department Form) is completed ONLY for accidents involving OPD vehicles.
 6. An OPD Continuation/Supplementary Report (OPD Form 200A) will be completed by the investigating officer.
 - a. The Continuation/Supplementary Report will list the other party's insurance information as described in the "City-Owned Vehicles" section of this policy.

VI. Quasi-Public Property and/or Private Property

- A. OPD officers dispatched to quasi-public property or private property to obtain a report of a motor vehicle collision will normally NOT complete an ECR or an Investigator's Motor Vehicle Accident Report (DR Form 40). Exceptions include the following situations:
1. Leaving the Scene of a Property Damage or Personal Injury Accident on quasi-public property and private property.
 2. When a motor vehicle leaves the roadway and crosses a yard and is unintentionally involved in a collision with any object.
 - a. If the investigating officer determines that the collision was unintentional, an ECR or, in the case of electronic reporting system failure, an Investigator's Motor Vehicle Accident Report (DR Form 40) will be completed.
 - b. If the investigating officer determines that the collision was intentional, an Incident Report (OPD Form 189) will be completed specifying the offense as a Destruction of Property.
- B. Injuries that result from motor vehicle accidents on private or quasi-public property that are not Hit and Run accidents will be documented in an Incident Report (OPD Form 189).
- C. If a vehicle crosses a lawn or any ground, private or public property, and causes damage without any other collision, the incident will be classified as Destruction of Property based on the complaint of the property owner.
1. Officers will complete an Incident Report (OPD Form 189).
- D. If a vehicle crosses a lawn or any ground, and no injuries or damages to vehicles or other objects exist, damage to lawns or grounds will be classified as a Destruction of Property incident and reported on an Incident Report (OPD Form 189).

VII. Trucks, Buses and Triple Trailer Trucks

- A. Officers will complete an ECR or, in the case of electronic reporting system failure, the "Investigator's Supplemental Truck and Bus Accident Report" (DR Form 174) when investigating a motor vehicle accident involving any of the commercial vehicles listed below, per the Commercial Motor Vehicle Safety Act of 1986, 49 USC §31100:
1. Vehicles that have a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds (whichever is greater).
 2. Vehicles displaying a hazardous materials placard.
 3. Buses designed to transport ten (10) or more passengers including the driver.
- B. When documenting incidents in which more than two trucks/buses are involved in the same accident officers will adhere to the following procedures:
1. If officers complete an ECR, a separate ECR will NOT need to be completed for each truck/bus involved in the same accident.
 2. If the electronic reporting system is down officers shall complete a separate DR Form 174 for each truck/bus involved in the accident.
- C. The paper "Investigator's Supplemental Truck and Bus Accident Report" (DR Form 174) is available in the OPD Police Supply Unit.

1. Instructions for completing the report are on the back side of the form and also available in the "Investigator's Motor Vehicle Accident Report Forms" handbook available from the OPD Police Supply Unit.
2. The RB Number will be written in the upper left corner of the front side of this report in the box marked "Agency Case Number."

D. Triple Trailer Trucks

1. Officers who investigate personal injury or property damage collisions involving triple trailer trucks shall indicate in the ECR that a "Triple Trailer" was involved by selecting the configuration of the truck.
 - a. If the electronic reporting system is down and officers complete a paper "Investigator's Supplemental Truck and Bus Accident Report" (DR Form 174), they will clearly indicate at the top of the report that a "Triple Trailer" was involved.
2. Any officer who issues a Super Citation for a traffic offense to the operator of a triple trailer truck will also complete an Information Report (OPD Form 42) to detail the circumstances of the violation, the type of vehicle and identification of the operator.
 - a. The heading of the Information Report (OPD Form 42) will read:
 - (1) OFFENSE/SUBJECT MATTER: Triple Trailer Truck.
 - (2) BUREAU: Uniform Patrol Bureau.
 - (3) UNIT: Traffic.

NOTE: If an "Investigator's Supplemental Truck and Bus Accident Report" (DR Form 174), or its electronic equivalent has been prepared in conjunction with the Super Citation, an Information Report (OPD Form 42) IS NOT required.
3. The Traffic Unit is responsible for notifying the Highway Safety Division of the Nebraska Department of Roads regarding all traffic violations involving triple trailer trucks, and will do so in a timely manner.

REFERENCES:

I. Laws

- A. The Commercial Motor Vehicle Safety Act of 1986, 49 USC §31100 is referenced in this policy.
- B. NRS §60-6,290 and 60-6,292 60-696, 60-697, and 84-712.05 are referenced in this policy.

II. Previous OPD Orders

- A. Previous General Orders include the following: #63-74, #83-85, #121-88, #12-90, #27-92, #6-97, #8-99, #13-99 and #13-99 Supplement #1, #52-00, #72-00, #30-01, #53-01, #23-02, #15-05, #23-06, #26-06, #8-15, and #2-16.

III. Accreditation Standards

- A. CALEA Accreditation Chapter 61 and Standard 83.2.6 are relevant to this policy.

ACCIDENT – INVESTIGATION PROCEDURES – RESCINDED/REMOVED

This policy is rescinded per General Order #8-15 and 9-15.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #63-74, #83-85, #121-88, #12-90, #27-92, #6-97, #8-99, #13-99, #13-99 Supplement #1, #30-01, #54-01, #21-02, and #14-05.
- B. Previous OPD Information Orders include #259-89, #50-91, #41-92, and #13-93.

ACCIDENTS – INVESTIGATION PROCEDURES

PREAMBLE:

A vehicle accident is often a new and confusing experience for the parties involved. The purpose of an accident investigation is to gather the facts about an accident by documenting evidence at the scene and by collecting statements from witnesses. A thorough and impartial accident investigation engenders trust and confidence in the Omaha Police Department.

POLICY:

It is the policy of the Omaha Police Department (OPD) to conduct professional and thorough accident investigations in compliance with applicable Nebraska Revised Statutes. Accident investigations involve the processing and investigation of the accident scene, completion of investigatory reports, follow-up investigation and reporting as needed, and/or the issuance of citations. Officers will refer to the “Accidents – General Reporting” policy for policies and procedures regarding accident reporting.

PROCEDURE:

I. Responsibility to Respond to the Scene of Accidents

- A. Response is required by officer(s) to the scene of the following types of vehicular accidents that have, in any part, occurred on a public roadway:
1. Death or injury except as outlined under the “Quasi-Public Property and/or Private Property Accident Investigations” section of this policy.
 2. Any property damage accident except as outlined under the “Quasi-Public Property and/or Private Property Accident Investigations” section of this policy.
 3. Any Hit and Run on private or public property.
 4. Damage to City-owned vehicles or property occurring on private or public property.
 5. Driver impairment due to alcohol or drugs.
 6. Vehicles carrying hazardous materials.
 7. Accidents resulting in major traffic congestion.

8. Damage to vehicles to the extent that towing is required.
 9. Accidents that involve disturbances between parties.
- B. Accidents Handled by Traffic Unit Officers/Accident Investigators
1. Accident Investigators will be used in the following circumstances:
 - a. All fatal accidents - (OFD CODE 4).
 - b. All personal injury accidents where there is an apparent serious injury or a life threatening injury with CPR in process – OFD CODE 3 TCC (Trauma Center Candidate) and OFD CODE 99.
NOTE: See the “Accidents – General Reporting” policy for a list of OFD injury severity codes.
 - c. All accidents involving a City-owned vehicle.
NOTE: Metro Area Transit (MAT) buses are not City vehicles.
 - d. Traffic Unit officers, including Accident Investigators, will respond to all accidents when no Uniform Patrol Bureau (UPB) officers are in-service.
 2. When an Accident Investigator arrives at the accident scene, the investigator will assume responsibility for investigation of the scene.
 - a. The Accident Investigator will be in charge of the investigation unless an officer of superior rank assumes command.
 - b. All officers present will cooperate with the Accident Investigator during the investigation.
- C. Accidents handled by Uniform Patrol Bureau (UPB) officers include the following:
1. All non-City-owned vehicle property damage accidents.
 2. All non-City-owned vehicle OFD CODE 1 accidents (including Hit and Run accidents).
 3. Complaint of injuries, possible injuries.
 4. All non-City-owned vehicle OFD CODE 2 accidents (including Hit and Run accidents).
 5. Minor injuries.
 6. All non-City-owned vehicle Hit and Run property damage accidents.

II. Responding to the Scene of Accidents

- A. When OPD Officers/Accident Investigators receive an accident investigation assignment, or otherwise come upon the scene of an accident, they will:
1. Plan the best route to the scene, and proceed safely and quickly.
 2. Consider the type of traffic conditions they may encounter at the scene.

3. Establish the requirements for the use of emergency equipment while en route to the scene based upon the call status provided by the 911 dispatcher (i.e., "Normal" or "Expedite").
4. Prior to leaving their cruisers, officers/Accident Investigators will quickly evaluate the scene and advise the 911 dispatcher of any requirements for other emergency type assistance including, but not limited to:
 - a. Downed wires.
 - b. Vehicle on fire.
 - c. Spilled fuel.
 - d. Obvious need of rescue squad, etc.
 - e. Barricade or other specialty traffic control equipment (see the OPD "Traffic Assistance" policy for additional details).
5. Keep the scene from getting worse. Upon arrival at the scene of the accident, officers/Accident Investigators will:
 - a. Select a parking place for their vehicle carefully to protect the scene from other traffic.
 - b. Activate the emergency lights in the direction of any immediately approaching traffic.

EXCEPTION: Officers will deactivate emergency lighting in the direction of oncoming traffic, whenever safe to do so, on the interstate and other divided barrier highways when only one direction of the roadway is affected. This can greatly reduce secondary, (i.e., "rubbernecking") crashes in oncoming lanes across the median/barrier.
 - c. Illuminate the scene as needed with headlights and/or spotlights.
 - d. Arrange for additional traffic direction and control if necessary.
 - (1) Officers/Accident Investigators will utilize additional cruisers and equipment upstream in the traffic flow to provide sufficient visual warning and protection while taking into account the location of the scene (i.e., hillcrests, curves, interstate, etc.).

NOTE: Whenever possible, the flow of traffic will be allowed to continue.
6. Give care and protection to the injured person(s) as may be required by the circumstances.
7. Take charge of the scene.
 - a. Place traffic cones and/or flares as needed.
 - b. Direct traffic around the scene if needed.

8. Watch for thefts at the scene.
9. Render any assistance so other emergency equipment may arrive and depart from the scene.
10. When practical, before moving any vehicles, officers/Accident Investigators may attempt to photograph the following evidence, if the equipment to do so is immediately available:
 - a. Any tire marks or gouges on the roadway.
 - b. Damage to vehicles.
 - c. Position of vehicles.
 - d. License plate numbers.
 - e. Debris.
 - f. Blood.
 - g. Position of deceased person(s).
 - h. Absence or presence of any confusing signs or other traffic conditions that may have contributed to the accident.
 - i. Any items or conditions that may have caused vision obstruction(s).
 - j. Any other pertinent roadway evidence or involved items.
11. If practical, clear the accident from the roadway.
 - a. When clearing the accident from the roadway, officers/Accident Investigators may make field notes and/or diagram the scene before moving any vehicles, if practical.
 - b. If vehicles are immovable, the investigating officer/Accident Investigator will contact the contract tow operator and arrange for removal of all vehicles blocking a traffic-way as expeditiously as practical.
 - (1) Officers will contact the contract tow operator only when the tow operator will be able to fully hook and transport the vehicle to avoid unnecessary standby costs.
 - (a) If there are extraordinary circumstances or conditions that require a non-traditional tow and/or additional costs (i.e., flipped vehicle), officers will refer to the "Accidents – General Reporting" policy for additional reporting requirements.

NOTE: This section does not apply to accident scenes that require primary investigation from the Accident Investigations Squad. These scenes will be preserved and traffic will be re-routed for safety.
 - c. Officers/Accident Investigators will notify 911 Dispatch as soon as the roadway is clear (i.e., all lanes are open to normal traffic flow).

12. The last officer(s)/Accident Investigator(s) on scene will notify 911 Dispatch as soon as the accident scene has been processed and cleared.

B. Interstate/Limited Access Highway Accidents.

1. In property damage and minor personal injury crashes on the interstate or a limited access highway (i.e., West Dodge Expressway), officers will document and/or diagram the scene in field notes and attempt to have the vehicles driven or removed from the interstate as soon as practical when:

- a. The involved vehicles are movable.
- b. There are no serious injuries.
- c. The drivers are not impaired, illegally operating the vehicle (i.e. suspended or revoked license, etc.), or wanted.

NOTE: Quick clearance is necessary to safely restore normal traffic flow and reduce the incidence of secondary crashes.

2. When it is necessary to have a vehicle towed from the interstate officers will:

- a. Only utilize tow companies contracted with the City to remove vehicles from the interstate or limited access highway.

EXCEPTION: Officers may only utilize private tow companies when the City-contracted tow companies are unavailable or have insufficient equipment to remove the vehicle (i.e., large vehicle, etc.).

- b. Contact the contract tow operator only when the tow operator will be able to fully hook and transport the vehicle to avoid unnecessary standby costs.

(1) If there are extraordinary circumstances or conditions that require a non-traditional tow and/or additional costs (i.e., flipped vehicle), officers will refer to the "Accidents – General Reporting" policy for additional reporting requirements.

3. Officers/Accident Investigators will notify 911 Dispatch when:

- a. The accident has been cleared from the roadway (i.e., all lanes are open to normal traffic flow).
- b. The accident scene has been processed and cleared.

- C. All accidents involving hazardous materials will be reported on and handled in accordance with the OPD "Incident Management System - Hazardous Materials" policy.

III. Obtain the Facts

- A. When the emergency is under control, officers/Accident Investigators will:

1. Establish the identity of the drivers, their condition, and obtain their driver's licenses.
2. Locate and identify any witnesses.

- a. Officers will question witnesses immediately if the witness(es) must leave the scene.
 - b. For more serious accidents, if an Accident Investigator is en route to the scene, the officer will have the witness(es) remain until the Accident Investigator arrives, if possible.
3. Examine the post-crash positions and condition of the vehicles involved for:
 - a. Possible mechanical defects.
 - b. Extent of damage to vehicles.
 - c. Any unusual conditions, odors, or items inside the vehicles.
 4. Take charge of all personal property of significant value if the owner is unable to do so at the time.
 5. If vehicles are still present at the scene, carefully examine the area of accident for:
 - a. Tire marks.
 - b. Debris, oil spots, etc.
 - c. Scratches or gouges on the roadway.
 6. Form a preliminary opinion of how the accident occurred.

IV. Record the Facts

- A. An accident is usually comprised of a series of events called the “chain of events.”
 1. The statements of witnesses and drivers generally describe the accident from the earliest event to the last event in the chain, while the investigation of an accident is generally conducted from where it happened (from the last event to the earliest event).
- B. Officers/investigators may record the facts by making field notes and sketches of the accident scene.
 1. Officers will then transfer these notes/sketches to an Electronic Crash Report (ECR) or, in the case of electronic reporting system failure, a paper “Investigator’s Motor Vehicle Accident Report” (DR Form 40) either at the scene or at a later time (i.e., at their assembly, etc.).
 2. See the OPD “Accidents – General Reporting” policy for reporting procedures.

NOTE: Officers will avoid completing reports in hazardous areas, such as interstate highways or shoulder areas.
- C. Video recording equipment is available in the OPD Forensic Investigations Section. All crash scenes that involve fatalities, life threatening injuries, or significant property loss will be video recorded. The following procedure will be followed:
 1. A Forensic Investigations Technician will be called to the scene of the accident.

2. The Accident Investigator will direct the Forensic Investigations Technician around the scene and indicate what the Forensic Investigations Technician will record.
3. The Forensic Investigations Technician will return to OPD Headquarters upon completion at the scene and:
 - a. Make a copy of the original recording.
 - b. Book the original recording into the OPD Evidence and Property Unit (EPU) as evidence.
 - c. Contact the Accident Investigator and make arrangements for them to pick up a copy of the recording to be used in their investigation.
- D. Officers will evaluate the area to determine if sources of possible video evidence such as nearby businesses' or residences' security camera systems might exist.
- E. Officers will adhere to the "Mobile Audio/Video Recorders – In-Car Video Recorders" policy when conducting roadside contacts to investigate accidents and interview involved persons and/or witnesses.

V. Determine How/Why the Accident Happened

- A. Additional study of all the facts involved may be unnecessary if entirely satisfactory explanations can be obtained from all of the following sources:
 1. Statements of drivers/witnesses agree.
 2. Damage corroborates statements.
 3. Position of vehicles, debris, tire marks, etc. corroborates statements.
- B. If statements from reliable and neutral witnesses/drivers cannot be obtained, determination of how/why accident happened may be informed by the:
 1. Condition of drivers.
 2. Type of damage.
 3. Roadway evidence.
- C. Damage to the vehicle(s), road surfaces, and other property is generally the most reliable indicator of what occurred at the scene.
 1. The officer will look for possible vehicle mechanical defects, such as:
 - a. Broken or loose steering mechanism.
 - b. Faulty brake system.
 - c. Excessively worn, low or punctured tires.

NOTE: Punctured tires on the side or area away from the points of damage may indicate why the accident happened.
 2. Damage can help the officer/Accident Investigator determine:

- a. Direction of travel of one or more vehicles.
- b. Speed (low or high).
- c. Points of contact.
- d. Color of vehicles in contact with other vehicles.
- e. Possible evasive action taken by one or more of the vehicles.

VI. Follow-Up Investigations

- A. Follow-ups are investigations that are not conducted at the scene at the original time of the accident. Examples include:
 1. Interviewing passengers, drivers, or witnesses at hospitals or other points away from the scene.
 2. Checking parts of vehicles in more detail that are not currently at the scene.
 3. Verifying statements or documents provided by witnesses or other involved parties.
 4. Returning to the scene for more details at a later time.
 5. Final completion of diagrams and additional reports.
 6. Final analysis of the total accident situation.
 7. Notification of official personnel that may be required based on the situation (i.e., the County Attorney and/or Coroner, etc.).
- B. The Traffic Unit will follow-up on any fatal, serious injury, or property damage accidents that result in an extreme amount of damage.
 1. A detailed hospital follow-up will be a part of the investigation.
- C. Only Accident Investigators certified in the use of a data collector may attempt vehicle information extraction from the crash data retrieval (CDR) system.

VII. Enforcement Action

- A. Officers/Accident Investigators will take necessary enforcement action and initiate any arrests or issue any citations based on the circumstances.
 1. This applies to all accidents that occur on public streets, alleys, and highways that are open to the public for vehicular traffic as a matter of right.
 2. Officers/Accident Investigators will rely upon the objective facts and circumstances of the violation when they select a disposition.
 - a. Aggravating Circumstances and Mitigating Factors, as listed in the OPD "Citations" policy, will be considered.

- b. Officers/Accident Investigators will be consistent in citing for violations whenever appropriate.
3. Three dispositions are available for accident-causing traffic violations:
 - a. Official citation or physical arrest: Used for routine traffic violations, or whenever aggravating circumstances are present.
 - b. Courtesy Citation (Also known as a Fix It or Warning Citation - see the OPD "Citations" policy for more details): Used for minor violations when aggravating circumstances are not present or when significant mitigating circumstances are present.
 - c. No enforcement action taken: Used when no driver is at fault or fault cannot be established after a thorough investigation.
4. On occasion there may be extenuating circumstances that may render a citation clearly inappropriate or impractical. The investigating officer's supporting rationale for citing or not citing shall be specifically articulated in the accident report or supplementary narrative.

EXAMPLE: "There are no independent witnesses, nor any evidence to support either driver's contradictory claims as to the status of a traffic signal color."
5. If sufficient evidence of an involved driver "texting" at the time of the accident exists, officers will cite the driver with Texting While Driving, Nebraska Revised Statute (NRS § 60-6,179.01) as a secondary offense to the crash-causing violation.

- B. During all accident investigations, the drivers and the vehicles will all be checked for possible warrants on file prior to leaving the scene or being released.
- C. When the driver of a motor vehicle involved in an accident refuses to give information to the investigating officer, the appropriate enforcement action will be taken.

VIII. Hit and Run Investigations

- A. A Hit and Run investigation is a criminal investigation arising from an accident.
 1. Hit and Run fatalities will be investigated by Traffic Unit Accident Investigators.
- B. Leaving the scene of ANY accident is a Hit and Run.
- C. Leaving the Scene of a Personal Injury Accident is a Felony (NRS §60-697).
 1. Officers will document the incident as a Personal Injury (P/I) accident if there is any complaint of injury expressed by any involved party.
 2. An Accident Investigator or Traffic Unit command officer shall be notified in all cases of Hit and Run Personal Injury accidents, and shall be consulted prior to booking any Hit and Run Personal Injury suspect(s).
- D. Leaving the scene of a property damage accident without immediately stopping and exchanging the required information with the owner of the struck property and the driver or occupant(s) of any other involved vehicle is a Class II Misdemeanor (NRS §60-696).

- E. Nebraska law (NRS §60-696) requires that the driver of any vehicle involved in an accident on a public highway, private road or private drive resulting in damage to an unattended vehicle or property must:
1. Immediately stop the vehicle at the scene of the accident and give to the property owner, or leave in a conspicuous place in or on the unattended vehicle or property, a written notice containing the following:
 - a. Name, address, telephone number and operator's license number of the driver.
 2. In addition, the driver must, without unnecessary delay, report the accident by telephone or other means to a police officer.
- F. Leaving the scene of a property damage accident that results in damage to an unattended vehicle or property without leaving the required notice in a conspicuous place in or on the unattended vehicle or property and without reporting the accident to a police officer is a Class II Misdemeanor (NRS §60-696).
1. After an officer arrives on the scene of a Hit and Run accident, the officer will attempt to locate or inquire about such written notice left in or on the unattended vehicle or property. This will determine whether or not the accident is considered a Hit and Run.
- G. If a person has one or more convictions for violations of NRS §60-696 in the twelve years prior to the date of the current conviction for this violation, they will be guilty of a Class I Misdemeanor.
- H. In addition to following the standard OPD procedures for responding to traffic accidents as outlined in this policy, officers/Accident Investigators responding to a call to investigate a Hit and Run will:
1. Be especially watchful while en route to the scene for the run vehicle.
 2. Carefully search the scene for any possible damaged or broken parts left at the scene that may have come from the run vehicle.
 3. In case of a Hit and Run Personal Injury or Fatality accident, the investigating officer and/or another officer will make a reasonably proximate, house-to-house survey along the route of the vehicles involved in the accident to try to establish the presence of any witnesses or visible video cameras on nearby business or residences that may have captured evidence.
- I. Officers may return to the scene at the same time of day as that of the original accident to attempt to find witnesses (i.e., delivery persons, etc.).
- NOTE:** Officers may find it especially effective to return to the scene on the exact day and time of the accident the following week.
- J. The key to solving most Hit and Run accidents is quickly locating the run vehicle in order to identify the driver. This will reduce the likelihood of the driver or owner of the run vehicle establishing an alibi.
- K. Once the run vehicle is located, officers will check the vehicle for freshly damaged or repainted areas.

1. In most felony Hit and Run (personal injury or fatality) cases, further tests will be made for fingerprints, blood, hair, etc. These tests will be directed by an Accident Investigator from the Traffic Unit.
- L. When an officer/Accident Investigator locates the run vehicle, they will attempt to establish the following:
1. Identity of the person driving the vehicle at the time of the accident.
 2. Whether the driver knew or should have known they were involved in an accident.
 3. Whether the driver evaded their legal responsibility.
- M. If officers/Accident Investigators are unable to locate the run car driver, they will impound the run car and place it on hold for the Accident Investigation Squad as a Hit and Run Vehicle.

IX. City-Owned Vehicles

- A. All accidents that involve vehicles owned or leased by the City of Omaha and operated by an employee of the City, will be investigated according to standard OPD policies and procedures with the following exception:
1. No citations or arrests are to be made at the time, except as described in this policy for OPD vehicle accidents.
- B. A UPB command officer will not need to be present during the investigation of City department vehicle accidents.

EXCEPTION: This does not apply to the investigation of OPD vehicle accidents.

C. Accidents Involving City Snow Plows

1. A police investigation is not required in minor, non-injury traffic accidents involving City-owned snow removal equipment during time of inclement weather.
 2. In cases that involve personal injury, an Accident Investigator will be dispatched to investigate the accident.
 - a. No citations or arrests are to be made, except as outlined in this policy for OPD vehicle accidents.
 3. Officers who respond to personal injury accidents involving City-owned snow removal equipment will handle the incident in the same manner as other City-owned vehicles.
- D. City-owned vehicles do not include Metro buses or privately-owned vehicles that are under contract services by the City of Omaha.
- E. All individuals who believe they have a claim against the City as a result of an accident involving a City vehicle will be notified to file a claim with the City Clerk's Office.

X. OPD Vehicle Accidents

- A. Moving or Accident Causing Violations.

1. In all motor vehicle accidents involving OPD vehicles, no charges for moving violations or accident causing violations will be filed by the investigating officer at the scene (either by the issuance of a citation or arrest and booking) except in the following situations:
 - a. Drivers suspected of DUI.
 - b. Arrests for violations such as willful reckless driving, etc.
 - c. Drivers operating with:
 - (1) Suspended driver's license.
 - (2) No driver's license.
 - (3) Improper license plates.
- B. Non accident-causing violations (i.e., no proof of insurance, expired plates, expired registration, etc.).
 1. The investigating officer will cite or arrest and book the driver according to standard OPD policies and procedures.
- C. A UPB command officer will supervise the investigation of the accident scene.
- D. All traffic accidents involving police vehicles will be reviewed by the City Prosecutor, where formal filing of charges against the person at fault will be made.
 1. Notification of these persons is the responsibility of the Prosecutor's Office.
- E. All vehicles owned or leased by the City of Omaha that are operated by an OPD employee who is involved in an accident on private property will be investigated in the same manner as described above.

XI. Quasi-Public Property and/or Private Property Accident Investigations

- A. OPD officers dispatched to quasi-public property or private property to obtain a report of a motor vehicle collision will NOT investigate the collision as an accident except in the following situations:
 1. Leaving the Scene of a Property Damage or Personal Injury Accident on quasi-public property and private property.
 2. Incidents in which a motor vehicle leaves the roadway and crosses a yard and is unintentionally involved in a collision with any object.
 - a. It is the investigating officer's responsibility to determine if the act was accidental or intentional from evidence gathered at the scene (i.e., witness accounts, tire marks, etc.).
 - b. If the investigating officer determines that the collision was unintentional, the incident will be investigated as an accident.
 - c. If the investigating officer determines that the collision was intentional, the incident will be investigated as a criminal Destruction of Property incident.

B. The following procedures regarding motor vehicle accidents on private or quasi-public property will be followed:

1. Initial reports will be completed, and a follow-up investigation will be made on all Hit and Run motor vehicle accidents.
2. Deaths that result from motor vehicle accidents on private property or quasi-public property will be investigated as criminal homicides by the Homicide Unit.

EXCEPTION: All Hit and Run fatalities will be investigated by Traffic Unit Accident Investigators.

3. Injuries that result from motor vehicle accidents on private or quasi-public property that are not hit and run accidents will be documented on an Incident Report (OPD Form 189).
 - a. Proper medical treatment response will be offered.
4. If a vehicle crosses a lawn or any ground, private or public property, and causes damage without any other collision, the incident will be classified as Destruction of Property based on the complaint of the property owner.

XII. Statistical Blood, Urine and/or Breath Tests for Drivers in Fatal Accidents

A. A chemical test of blood, breath, and/or urine will be requested of any surviving driver or pedestrian sixteen (16) years of age or older who is involved in a motor vehicle accident in which a person is killed (NRS §60-6,103).

B. Blood or urine samples will be obtained in all such cases.

XIII. Rights Advisory

A. Officers shall advise the driver or suspect of their Miranda Rights in any of the following type of accidents or charges:

1. Motor vehicle homicide.
2. Hit and Run personal injury.
3. Hit and Run property damage accident.
4. Operating a motor vehicle while under the influence.
5. Driving while operator's license is suspended.

B. Whenever an officer's actions or statements lead the suspect to believe they are in custody and are no longer free to leave of their own choice, the officer shall give the Miranda Warnings.

1. If there is a doubt in the officer's mind whether or not they should give the Miranda Warnings, the officer shall advise the person of the Miranda Warnings.

C. Upon arrival at the scene, an officer is entitled to ask "What happened?" of anyone at the scene.

1. It is not necessary to give any Miranda Warnings in this instance.

XIV. Evidence

- A. When any item of value as evidence in connection with an accident is held, the officer will book the property into the OPD Evidence and Property Unit (EPU) per OPD policies and procedures.
 - 1. Officers are reminded to book large and/or extremely dirty items of property at the Police Impound Lot.

XV. Controlling Property of Accident Victims

- A. The officer in charge at the scene of an accident will make certain that property belonging to accident victims is protected and is removed for safekeeping.
 - 1. Property belonging to injured accident victims (i.e., purses, wallets, etc.) who are transported from the scene by Omaha Fire Department Medic Units or personnel shall be turned over to hospital custody as the patients' personal effects.
 - 2. Any other portable property of significant value will be booked into the OPD EPU for later retrieval.
 - 3. Portable property that is damaged, trapped in, or attached in some way to the vehicle or is of a lesser value will be noted on the Accident Towing Agreement report (OPD Form 90) and left in the vehicle.
 - 4. All property will be inspected by the investigator.
 - a. Property determined to be personal will be returned to the owner or booked into the EPU as personal property.
 - b. Property determined to be evidentiary will be processed as described in this policy and in accordance with OPD policies and procedures.

REFERENCES:

I. Nebraska Revised Statutes

- A. NRS §60-6,103, 60-6,179.01 and 60-696 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #63-74, #83-85, #121-88, #12-90, #27-92, #6-97, #8-99, #13-99, #13-99 Supplement #1, #30-01, #54-01, #21-02, #9-15, and #3-16.

III. Accreditation Standards

- A. CALEA Accreditation Standards 41.2.1, 61.2.1, 61.2.2, 61.2.3, 61.3.2, and 83.2.2 are relevant to this policy.

ACCIDENTS – PROPERTY DAMAGE ACCIDENTS DURING INCLEMENT WEATHER

POLICY:

It is the policy of the Omaha Police Department (OPD) to suspend the investigation of property damage accidents which do not result in injuries or pose a traffic hazard during times of inclement weather or other

emergencies. This policy makes certain that enough cars remain in-service to respond to calls of a more serious nature, since inclement weather conditions often result in an unusually high number of traffic accidents.

PROCEDURE:

I. Decision to Suspend Accident Investigation and Notifications

- A. The decision to suspend property damage accident investigation during inclement weather may be made by a command officer with the rank of Lieutenant or above from the Uniform Patrol Bureau (UPB) after conferring with all other on-duty UPB Lieutenants as well as the 911 Communications Department Supervisor.
- B. The command officer who makes the decision will immediately notify the 911 Communications Department Supervisor (see [Appendix A](#) for the number). Dispatchers will inform officers of the decision by radio and will not dispatch property damage accidents until conditions improve and the decision to resume property damage accident investigation is made by a command officer with the rank of Lieutenant or above from the Uniform Patrol Bureau.

II. Reporting

- A. The command officer who made the decision to suspend accident investigations will send an email to "OPD Overnights" documenting the effective date, effective time, and the determining factors.
- B. The command officer who determines the resumption of property damage investigations is appropriate will send an email to "OPD Overnights" documenting the effective date and time of their decision.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #72-00 and 6-14.

ACCIDENTS – TRUCKS, BUSES AND TRIPLE TRAILER TRUCKS – RESCINDED/REMOVED

This policy is rescinded per General Order #8-15.

REFERENCES:

I. Laws

- A. The [Commercial Motor Vehicle Safety Act of 1986, 49 USC §31100](#) is referenced in this policy.
- B. Nebraska Revised Statute §60-6,290 and 60-6,292 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #4-85, #123-88 and #123-88 Supplement #1, #49-92 and #6-11.

ADULT PROTECTIVE SERVICES

POLICY:

It is the policy of the Omaha Police Department (OPD) to promptly investigate reports of vulnerable adults who are suspected of being the victims of abuse, neglect, self-neglect or exploitation, consistent with Nebraska Revised Statutes (NRS) §28-348 through §28-387 (Adult Protective Services Act). Coordination of the investigation and services to the vulnerable adult will be made with the Adult Protective Services Unit of the Nebraska Health and Human Services (NDHHS).

DEFINITIONS:

Vulnerable Adult: An adult eighteen (18) years of age or older who appears or is known to be substantially mentally or physically impaired to the extent that independent living or self-care is questionable. This could include adults who suffer mental illness, mental retardation, or senility.

Adult Abuse: May include physical injury, unreasonable confinement, sexual abuse, financial exploitation, cruel punishment, or denial of essential services. Abuse may result from neglect by a caretaker or responsible person, or by means of self-neglect.

Essential Services: Services necessary to safeguard the person or property of a vulnerable adult, including but not limited to sufficient food and clothing, temperate and sanitary shelter, treatment of medical or psychiatric needs, and proper supervision.

Exploitation: Taking the property of a vulnerable adult by means of undue influence, breach of a fiduciary relationship, deception, extortion, or by any unlawful means.

PROCEDURE:

I. Warning Signs and Reporting

- A. Employees who respond to a radio call or on-view complaint regarding a vulnerable adult who has been the victim of abuse, neglect, self-neglect, or exploitation will:
 1. Render Aid. In an emergency, ensure the person receives appropriate medical assistance.
 2. Observe the warning signs, which may include the following:
 - a. Physical Abuse: Observe the adult for signs of abrasions, bed sores, bruises, burns, dehydration, malnutrition, over sedation, welts, untreated old injuries, etc.
 - b. Psychological Abuse: Humiliation, intimidation, isolation, threats and verbal assault.
 - c. Neglect: Lack of medication, clothing, shelter, housecleaning, heat, food, personal care, glasses, false teeth, supervision, etc.
 - d. Victim's Behavioral Signs: Confusion, depression, fear, inability to reach food, water or sanitary facilities, abandoned.
 3. Complete an Incident Report and select the appropriate box (Adult Abuse, etc.). The Incident Report should document the following:

- a. Name, address, age (of the vulnerable adult and the care person).
 - b. Nature and extent of the vulnerable person's incapacity and the specific abuse, neglect or exploitation.
4. Email the OPD Special Victims Unit, Domestic Violence Squad (email address listed in [PPM Appendix A](#)) to notify them of the Incident Report. The email should include the PortalOne report number, the RB number, and the victim's name and date of birth.
 - a. The Domestic Violence Squad will print a copy of the Incident Report, write "Attention APS" on the top of the front page, and fax the report to APS.
 5. Document any physical evidence and, when necessary, contact the Forensic Investigations for photographs.
 6. Conduct a computer check via the Information Operator. This can determine when APS has been previously involved with an individual. Officers should determine if the adult has been in contact with APS to help coordinate services and obtain as much pertinent information that is available for a complete report on the adult.

II. Referral to Adult Protective Services (APS)

- A. The APS Unit of the NDHHS is responsible for the investigation of cases of alleged abuse of vulnerable adults. Services may include arranging and coordinating information and referrals to community resources. The NDHHS may also initiate Board of Mental Health petitions, and reports to law enforcement and/or the County Attorney based on the results of their investigation.
 1. Adult Protective Services is located at 1313 Farnam Street and is available Monday through Friday, from 0800 to 1700 hours. APS will be contacted directly by the officer during normal business hours (see [Appendix A](#) for numbers).
 2. The APS Hotline number is 1-800-652-1999. It is a statewide 24-hour toll free number. Weekends and after hours, Hotline staff can take information and facilitate referrals to the appropriate agency. In cases of emergencies, the Hotline can contact the APS Supervisor or an APS worker for advice. APS workers will not make an in-person visit, however, they may contact the officer by phone to discuss the situation, provide assistance, and commit to APS follow-up if the officer requests. Officers will contact the APS Hotline during non-business hours.
- B. An Incident Report will be completed. In addition to the normal submission of the Incident Report, officers will:
 1. Call APS or the APS Abuse Hotline.
 2. Print a copy of the Incident Report, write "Attention APS" at the top of the front page, and fax the Incident Report to APS and the Domestic Violence Squad in all situations except for cases of Sexual Assault of a Vulnerable Adult. In these cases, officers will contact the CVSA Squad, Monday through Friday, during "B" and "C" Shifts.
 - a. During "A" shift and on weekends, holidays, and other non-business hours, officers will contact Regional detectives or weekend duty detectives. The Regional investigators/weekend duty detective will make appropriate notifications to the CVSA Squad.

- C. Upon receipt of an Incident Report, APS will route a response form to the Domestic Violence Squad that indicates the action taken on that referral. Cases accepted for investigation will have the worker's name and number. Some reports will be handled without investigation, but will be referred and followed up by other agencies.
- D. All reports accepted for investigation and the results of the investigation are forwarded to the Central Abuse Registry in Lincoln and to the OPD Data Center. At the Data Center, they are input into the computer and then routed to the Special Victims Unit, Domestic Violence Squad.

III. Life Threatening or High Risk Situations

- A. If an officer is at the scene with a vulnerable adult and believes the situation to be life threatening or at high risk to the adult's safety, APS may be contacted for assistance. After hours and weekends call the Hotline.
 - 1. An APS worker may arrange shelter or medical care, or may initiate legal intervention (Ex-Parte Order).
 - 2. APS may request an officer to provide transportation.
 - 3. This process does not always involve a voluntary committal, and it is an alternative to committal at a mental hospital when a person is not an active danger to themselves or to another but is mentally impaired to the point where they cannot care for themselves.
- B. In an emergency, a vulnerable adult may be involuntarily placed temporarily. An emergency exists concerning a vulnerable adult when other protective services are unavailable or insufficient for the adult's protection.
- C. APS may obtain an ex-parte order authorizing short-term involuntary adult protective services or temporary placement by application filed to the County Attorney who in turns files with the County Court.
- D. An officer accompanied by an APS worker may enter the vulnerable adult's premises with a court order. Forcible entry may be made only after the court order has been obtained unless there is probable cause to believe that the delay of such entry would cause the vulnerable adult to be in imminent danger of life, threatening physical injury, or denial of essential services.
- E. If, from personal observations it appears that the adult is in imminent danger, then an officer may take the adult into custody and transport them to an appropriate medical or protective facility.
- F. APS will assist in making placement arrangements. Copies of the Incident Report will be immediately faxed to the APS and the Douglas County Attorney (see [Appendix A](#) for numbers).

IV. Nebraska Legislation – Adult Protective Services Act

- A. The Adult Protective Services Act is contained in NRS §28-348 through §28-387. The NRS provides the intent of the legislation (§28-349), procedures for reporting abuse (§28-373), and involuntary short-term protective placement of a vulnerable adult (§28-387).

REFERENCES:

I. Nebraska Revised Statutes

- A. NRS §28-348 through 28-387 are referenced in this policy.

II. Previous OPD Orders

- A. Previous General Orders include #18-84, 7-91, 23-93, 10-04, 6-14, and 19-15.

ALARMS - INTRUSION

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers who respond to an intrusion alarm will determine if the alarm is real or false. When the officer returns to service, they will advise 911 Dispatchers if the alarm was real or false. The final disposition code for the call will be provided to 911 Dispatchers.

PROCEDURE:

I. Dispatch to an Intrusion Alarm

- A. Upon notification of an intrusion alarm, two officers will be dispatched. In the event of an unverified intrusion alarm only, the first officer on the scene may initiate a review of the premises or building, but will NOT cancel the backup unit prior to determining that the alarm is actually a false one.
- B. If there appears to be any indication of criminal activity, officers will observe the area from a safe vantage point and wait for the necessary backup support.

II. Response to Intrusion Alarm

- A. When officers respond to an intrusion alarm, they will physically check the doors, windows, and if possible, inside fenced areas to determine if entry has been gained into the alarmed structure. Officers will also accompany security officers, when on the scene, inside the buildings to fully check for possible entrance gained through the roof or from adjacent buildings.
- B. When officers respond to an intrusion alarm, they will determine if the alarm was a real alarm or false alarm taking the following elements into consideration:
 - 1. Real (Good) Alarm: There is some type of indication that criminal activity took place, including but not limited to the following:
 - a. Signs of entry or attempted entry.
 - b. Broken windows.
 - c. Suspicious footprints, tire tracks, etc.
 - 2. Apparent False Alarm: There is no indication or evidence of criminal activity; the building appears secure.

III. Alarm Records

- A. The Douglas County 911 Communications Director will establish the guidelines for recording alarm information and dispatchers will be responsible for recording the information in the CAD system.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #90-87, #12-93, #48-02 and #6-14.

ALARMS – SILENT ALARM / FINANCIAL INSTITUTION RESPONSE

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY

ANIMAL COMPLAINTS

POLICY:

It is the policy of the Omaha Police Department (OPD) to work in conjunction with the Nebraska Humane Society (NHS) to handle animal complaints. Primary responsibility for animal complaints rests with the NHS, however OPD does have concurrent responsibility in some areas.

PROCEDURE:

I. Abandoned Animals

- A. If an OPD officer is dispatched to the scene of an animal abandonment case or as a result of an arrest an animal is likely to become abandoned, the officer will notify the NHS immediately for the care of such animals (See [Appendix A](#) for number).

II. Cruelty and/or Neglect Cases

- B. In cases of animal cruelty or abandonment, OPD officers will:

1. Act as a witness due to the possibility of false accusations leveled at a NHS officer.
– OR –
 2. Provide physical protection for the NHS officer.
- C. NHS officials and/or supervisors will take whatever measures they deem appropriate.

III. Animal Bites

- A. On arrival at the scene of an animal bite case, OPD officers will call for a NHS official immediately regardless of whether the animal is confined or running at large. (See [Appendix A](#) for number).
- B. The OPD officer will complete an Incident Report (OPD Form 189) and obtain the best description possible of the animal for relay to the NHS.
- C. The OPD officer will not give procedural information in regard to the animal but will inform the owner of the animal that the NHS officer will explain their procedures.
- D. When these procedures have been followed, the OPD officer will return to service.

IV. Protection Against Injury by an Animal

- A. If, in the OPD officer's opinion, an animal is likely to cause injury or death to any officer or a citizen, the officer will use whatever means necessary to stop the animal attack.
 1. This includes destruction of the animal.
 2. The only circumstance that would justify an officer firing their weapon at an animal is when a serious, extreme emergency situation exists where injury or death may result to the officer or a citizen if the animal is not stopped.
 3. In all other cases, the NHS will have sole responsibility for the animal.

V. Animals Struck by a Vehicle

- A. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from the appropriate agency (NHS, zoo personnel, etc.) responsible for the disposal of animals (see [Appendix A](#) for numbers).
- B. The destruction of vicious animals should be guided by the same rules set forth for in section IV above.
- C. To claim a road-killed deer or antelope, Nebraska Game and Parks Commission procedures will be followed.
 1. The Nebraska Game and Parks Commission procedures allow a Nebraska resident to take possession of a road-killed deer or antelope pursuant to Chapter 37 of Nebraska Revised Statutes (NRS).
 2. Any person who accidentally kills a deer or antelope with a motor vehicle may field dress and take possession of the animal at the time of the accident and remove it to his or her residence, provided they are issued a "Permit to Possess Road-Killed Deer or Antelope" by a Nebraska Game and Parks Commission official or other authorized law

enforcement officer. OPD officers are authorized to issue permits by the Nebraska Game and Parks Commission.

- a. Officers will have available a supply of the Nebraska Game and Parks "Permit to Possess Road-Killed Deer or Antelope" forms and may provide this permit to interested individuals at the scene of the accident, and allow them to remove the animal. The forms are available through Police Supply.
 - (1) The Permit to Possess Road-Killed Deer or Antelope is a two-part tag that is provided to OPD by the Nebraska Game and Parks Commission. The permit will be completed in full by the officer and issued to the individual requesting the permit at the scene.
 - (a) Part 1 of the permit contains: Name and address of permittee; date, location, date and time of accident; species, sex and age; validation time not to exceed 90 days; use to be made of carcass and hide, name of issuing officer.
 - (i) This part of the permit is retained by the officer until the end of his or her shift. It will then be mailed to the Nebraska Game and Parks Commission. The address is pre-printed on the permit and postage is not required.
 - (b) Part 2 of the permit contains: Type of animal (deer or antelope), name, address and signature of permittee; signature of issuing officer; regulations for possession and expiration date not to exceed 90 days.
 - (i) After completing the permit, the officer will attach this part to the carcass. The permittee will be advised to retain the permit after processing.
 - (2) The following conditions will apply to Nebraska residents who are allowed to take possession of a road-killed deer or antelope:
 - (a) Possession of the animal will be given to individuals in the following order:
 - (i) First Choice – Individual involved in the accident.
 - (ii) Second Choice – Public institution.

Note: Public institution may be exempted from permit requirements at the discretion of the Commission or authorized law enforcement official.
 - (iii) Third Choice – Non-profit organization.
 - (iv) Fourth Choice – Other individuals.
 - (b) Officers will be aware that it will be unlawful to:
 - (i) Possess more than one road-killed carcass at any one time, except that this provision will not apply to institutions or non-profit organizations.

- (ii) Possess a deer or antelope carcass that bears evidence of being shot.

Note: This will not prevent the issuance of a permit for an animal that was road-injured and subsequently shot by an enforcement officer or Commission employee to dispatch it.

- (iii) Process or cut up for preservation deer or antelope prior to obtaining a special salvage permit, i.e. the Permit to Possess Road-Killed Deer or Antelope.

- (c) Officers will verify that the animal is a road-kill rather than an illegally taken deer or antelope prior to issuing a Permit to Possess Road-Killed Deer or Antelope.

- 3. If the animal is not claimed by anyone at the scene of the accident, officers will contact the NHS for removal or clean-up of the animal (see [Appendix A](#) for number).

VI. Assault on an Officer of the Nebraska Humane Society

- A. If a NHS officer is assaulted in the performance of their duties, the OPD officer will complete an Incident Report (OPD Form 189). If probable cause exists, the offender will be arrested or cited for the appropriate charges.
- B. In those cases where problems have occurred in the past or verbal threats have been made to a NHS officer from a particular location, the NHS officer may request that an OPD officer be dispatched. The OPD officer will accompany the NHS officer in the performance of their duty to provide protection for the NHS officer.

VII. Destruction of Dangerous Animals

- A. Omaha Municipal Code Chapter 6, Article VII, defines and provides procedures regarding ownership, insurance of, harboring, and confinement of animals, to include special provisions regarding dangerous animals.
- B. Omaha Municipal Code § 6-159 provides for the destruction of dangerous animals determined to be at-large, unattended upon public property or right of way, or upon the property of someone other than its owner, or so forth.
 - 1. The City of Omaha is under no duty to attempt the confinement or capture of a dangerous dog or other dangerous animal found at large and does not have a duty to notify the owner of such an animal prior to its destruction.

VIII. Emergency Phone Numbers

- A. Humane Society employees can be reached 24-hours a day at the number listed in [Appendix A](#).
- B. Henry Doorly Zoo employees can be reached at 402-733-8400 or 402-733-8401 during normal business hours. Emergency contact numbers are listed in [Appendix A](#).

IX. Loose Wild Animals or Livestock

- A. In cases of loose wild animals, domesticated animals, fowls, snakes or livestock within the city limits of Omaha, the NHS is responsible for the confinement, capture and the care of such creatures.

- B. If an OPD officer is dispatched to the scene where loose livestock or wild animals are located, the officer will request the assistance of the NHS immediately.
 - 1. If the creature is one not ordinarily handled, the OPD officer will contact the Information Operator who will contact the zoo Director, or another staff member of the Henry Doorly Zoo and request their assistance (see [Appendix A](#) for numbers).
- C. It will be the responsibility of the OPD officer to control all motor vehicle traffic and pedestrians near the animal.
 - 1. A sizable distance will be given to the animal so as not to "spook" the animal to where it might run wildly, possibly injuring a citizen or the animal itself.
 - 2. It is imperative to remember that running an animal wildly to the point of exhaustion makes the animal more hostile and is a hindrance rather than an aid in the animal's confinement or capture. It is imperative that the animal be given a chance to settle down, thus eliminating the possibility of injuring someone.
- D. The NHS officer, or the representative of the zoo, will be in complete charge of the animal. OPD officers will give whatever assistance is requested by the NHS or the zoo representative.
- E. The only exception to the authority of the NHS officer or the zoo representative is if the safety of a citizen or the OPD officer is in question. The OPD officer will then take whatever action is necessary for protection. This includes destroying the animal if necessary.

X. Noise Complaints

- A. In the event an OPD officer is dispatched to a location of an animal complaint (for example, a barking dog), the officer will make every attempt to locate/contact the owner to care for the animal.
- B. If the owner cannot be located or contacted, the OPD officer will contact the NHS and inform them of the case. The NHS has follow-up procedures that can be implemented in such cases.
- C. If the complainant is known and the owner of the animal making the noise cannot be located or contacted, the OPD officer will advise the complainant that they may have an Incident Report completed if prosecution is desired. If the complainant desires prosecution, the OPD officer will complete an Incident Report and advise the complainant of the misdemeanor warrant procedures to obtain a warrant for the owner of the animal. See the OPD "Warrant Procedure – Misdemeanor Warrants" policy.
- D. If there is a complainant and the owner of the animal making the noise is located or contacted, the OPD officer will complete an Incident Report and issue a Criminal Citation for § 6-74(c) "Public Nuisance" to the owner of the animal if the violation takes place in the presence of the officer.

REFERENCES:

I. Nebraska Revised Statutes

- A. NRS Chapter 37 is referenced in this policy.

II. Omaha Municipal Code

- A. Omaha Municipal Codes 6-74 and 6-159 are referenced in this policy.

III. Previous OPD Orders

- A. Previous OPD General Orders include: #59-86, 16-02, 22-08 and 6-14.

ARREST AFFIDAVIT (RESCINDED)

This policy is rescinded per GO#45-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #39-93 and 16-05.

ARREST WITHOUT WARRANT

POLICY:

It is the policy of the Omaha Police Department (OPD) to use the most efficient and effective process to make an arrest. When a suspect is contacted during the course of an investigation, it is preferable to clear the case through arrest or citation as appropriate to the circumstances. A citation may be issued in lieu of a physical arrest in appropriate circumstances. Cases may be cleared through misdemeanor warrant advisement when the suspect is not present. To justify an arrest or citation without warrant, an officer must have probable cause to make the arrest.

PROCEDURE:

I. Criteria for Lawful Arrest

- A. There are two criteria for a lawful arrest that must be present:
 - 1. There is reason to believe that a crime has been committed.
 - AND –
 - 2. There is evidence to establish that the person to be arrested has committed the crime.

II. Probable Cause for Arrest

- A. Officers may take into account all facts and circumstances when they determine whether probable cause exists to justify an arrest. This may include:
 - 1. Facts based upon any expert knowledge or experience of the officer.
 - 2. Information received from any informant whom it is reasonable under the circumstances to credit, whether or not at the time of making the arrest the officer knows the informant's credibility.

3. The officer may rely on information provided by other officers and from the dispatcher.
 - a. "Probable Cause" cannot rest on a "hunch" or "mere belief." Probable cause must be supported by specific information.

III. Physical Arrest Made Without a Warrant

- A. An officer may physically arrest and book a person without a warrant if the officer has probable cause to believe that such person has committed:
 1. A felony.
 2. A misdemeanor, AND the officer has probable cause to believe that such person:
 - a. Will not be apprehended unless:
 - (1) Immediately arrested.
 - (2) Has no ties to the jurisdiction.
 - OR –
 - (3) Fails to fully and properly identify themselves.
 - b. May cause injury to themselves or others or damage to property unless immediately arrested.
 - c. May destroy or conceal evidence of the commission of such misdemeanor.
 - d. Has committed a misdemeanor in the "Presence of the Officer."
 - (1) "Presence of the Officer" indicates that it occurred within one (1) or more of the officer's five (5) senses. It is not required that it be viewed with eyesight.
 - e. Is involved in a Domestic Violence/Protection Order situation.
 - (1) The OPD policies "Domestic Violence" or "Protection Order Enforcement and Hold for Service of Protection Orders" are applicable.

IV. Felony Arrests

- A. An officer may make a FELONY arrest with probable cause without a warrant.
- B. In the absence of exigent circumstances, officers are prohibited from making a warrantless and non-consensual entry into a suspect's home to make a felony arrest.

V. Misdemeanor Arrests

- A. When probable cause exists, but a physical arrest is not allowed due to a failure to meet the requirements for physical arrest without a warrant, the officer will attempt to clear the case through citation in lieu of arrest.
 1. If an officer intends merely to issue a criminal citation, it is only necessary for the officer to reasonably believe that a crime has been committed, and that the person being cited committed the crime.

- B. If neither physical arrest nor citation is prudent or practical, the completed report will be forwarded with all information regarding “reasonable cause,” including complete identification of the person who is suspected. In these cases, a warrant may be applied for at a later time either by the officer or by the victim.
- C. Exceptions to advising a victim of the misdemeanor warrant process:
 - 1. When the suspect is a known gang member and/or has over 100 entries in the mainframe, the follow-up detective will obtain the arrest warrant unless the originating officer indicates that they are doing so.
 - a. In instances where the originating officer is obtaining the misdemeanor warrant, the origination officer will generate a Supplemental Report, titled in bold letters, “Uniform Follow-Up Investigation.”
 - 2. Detectives will not advise the victim of a pawn or secondhand related case to obtain a misdemeanor warrant. Instead, the assigned detective will obtain the warrant and provide a packet to the Prosecutor’s Office that contains:
 - a. Copy of the suspect’s Criminal History, including all Data Numbers.
 - b. Copy of the Incident Reports, including all supplemental reports.
 - c. Copy of the Original Pawn Card.
 - (1) Officers will make certain there is a name at the bottom of the card in the “receiver” section. This is the sales clerk at the shop who purchased the item from the suspect.
 - (2) If the name is incomplete or illegible, officers will contact the Pawn Unit for assistance. This information is vital for prosecution.
 - d. Copy of the Request for Forensic Investigations Services report with print comparison information.
 - (1) Victims shall not be given the Original Pawn Card with signatures and fingerprints.

VI. Uniform Patrol Bureau (UPB) Officers Investigatory Responsibility

- A. UPB officers will make an investigation of all misdemeanor offenses including the following:
 - 1. Identification of the subject and indicating any evidence that may give reasonable cause to arrest.
 - 2. All witnesses will be completely identified for later contact.
 - 3. Witness/victim/suspect statements will be documented thoroughly and individually, and the officer’s personal observations and actions will be documented thoroughly.
 - 4. It is unacceptable to identify witnesses solely by a non-specific descriptor, such as “clerk” or “neighbor,” or to group individual witness statements into a single generic statement.
- B. All of this information must be documented in the Incident Report or supplemental reports.

- C. The obligation to continue the investigation on that same shift in misdemeanor offenses is mandatory for the UPB officers within the reasonableness of the geography of the precinct in which they are assigned.
 - 1. If contact can be made with the suspect, the officer will contact the suspect and will make full investigative inquiry regarding:
 - a. Statements about the crime.
 - b. Full identification so that the suspect can be located at a later date.
 - c. If probable cause exists, the officer will issue a citation or physically book the suspect as appropriate to the circumstances. Command approval is required for physical booking. The name and rank of the commanding officer approving the booking will be documented in the narrative of the original Incident Report.
- D. Officers who make arrests after the initial investigation will, when possible, advise the victim that an arrest has been made. This notification will be documented in supplemental reports.

VII. Cases with a Suspect Identified

- A. In cases where the identification of the suspect or the perpetrator has been established by the officer and an arrest is not being made, the identification of the suspect should be made known to the victim before the officer leaves the investigation area, unless safety/investigative concerns dictate otherwise.
- B. At that time, the officer will have a complete report on file. Victims will be advised that a report of the crime is on file if they desire to contact the City Prosecutor's Office in the Hall of Justice, 17th and Farnam Streets, to swear out a misdemeanor warrant.
 - 1. Victims will not be advised to apply for a misdemeanor warrant without sufficient probable cause. In the case of competing stories, for example, probable cause requires that there be sufficient evidence and investigation to establish that one story is more likely than the other.
 - 2. Allegations that are exactly balanced by denials are cases that would not be appropriate for misdemeanor warrant referral. Additional investigation must first be done to make advisement of misdemeanor warrant procedures appropriate.
- C. Identification of the suspect will include, but will not be limited to:
 - 1. Full name.
 - 2. Address.
 - 3. Date of Birth.
 - 4. Race.
 - 5. Sex.
- D. Officers will provide the victim with the RB number of the report. If the officer has advised misdemeanor warrant procedures, the victim will be provided with the suspect's identifying information.

VIII. Identification

- A. All arrestees (to include citations in lieu of arrest) will be positively identified.
- B. If necessary, it is acceptable to remove a suspect to a separate location for fingerprint identification before issuing a criminal citation.
- C. On rare occasions when identification is not possible, *initial* booking may be under a placeholder name, e.g. John or Jane Doe, until a true identification can be established.

IX. Issuing a Criminal Citation

- A. Officers will follow Nebraska Revised Statute §29-422, which requires citations to be issued in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public.
- B. Where a failure to appear or warrant history exists, physical arrest and booking of the suspect is appropriate.

X. Citizen's Arrest

- A. Any person who is not an officer may, without a warrant, arrest any person, if a misdemeanor theft by unlawful taking or any felony has been committed and there are reasonable grounds to believe the person arrested is guilty of such an offense.
- B. In the event an arrest has been made by a merchant or merchant's employees, OPD officers will take the arrested person into custody.
- C. OPD officers will be the conveying officer in the event an arrest has been made by:
 - 1. Employees of stores who are agents of the owner.
 - 2. In all other cases of citizen's arrest for theft by unlawful taking.
- D. OPD officers will take custody of arrested persons, and will keep in mind that they are conveying officers, and that the citizen has made the arrest and is turning the arrest over to law enforcement officers for safekeeping until a legal warrant can be obtained.
- E. When persons arrested by citizens are booked, the officer will make certain that the information in the "Arresting Officer" blank on the booking sheet and the information concerning the arrest in the Incident Reports will be very clear and explicit as to:
 - 1. The name of the arresting citizen.
 - 2. The address of the arresting citizen.
 - 3. The company, corporation, and/or commercial unit which they are representing as an agent, if the arrest was not made for the theft of the personal property of a citizen.

REFERENCES:

I. Nebraska Revised Statutes

- A. Nebraska Revised Statute §29-422 is referenced in this policy.

II. Previous OPD Orders

- A. Previous General Orders include: #23-96, 24-02, 29-08, 14-12, and 6-14.

III. Accreditation Standards

- A. CALEA Accreditation standards 1.2.5, 1.2.6, and 1.2.7 are relevant to this policy.

ARRESTS – IDENTIFICATION AND PROSECUTION OF HABITUAL CRIMINALS

POLICY:

It is the policy of the Omaha Police Department (OPD) to identify those persons who meet the criteria of a Habitual Criminal as defined by Nebraska Revised Statute (NRS) §29-2221 and to work with the County Attorney's Office to pursue prosecution whenever it is deemed in the best interest of society.

PROCEDURE:

I. Identification

- A. All felony suspects arrested by OPD officers will have a complete records check completed by the follow-up unit.
- B. The records check will include local, state, and National Criminal Information Center (NCIC) Career Criminal History (CCH) check from NCIC Interstate Identification Index (III).

II. County Attorney Notification

- A. If a suspect is found to meet the statutory requirements for prosecution as a Habitual Criminal, this information will be communicated to the County Attorney's Office so that a determination can be made whether or not to pursue prosecution as a Habitual Criminal.

REFERENCES:

I. Nebraska Revised Statutes

- A. Nebraska Revised Statute §29-2221 is referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #21-00, 6-14 and 12-16.

III. Accreditation Standards

- A. CALEA Accreditation standard 42.1.5 is relevant to this policy.

ARRESTS – JURISDICTION OF OTHER LAW ENFORCEMENT OFFICERS WITHIN OMAHA

POLICY:

It is the policy of the Omaha Police Department (OPD) to assist other law enforcement officers who make arrests within Omaha City limits. A law enforcement officer may arrest and detain a person for a violation of a

Nebraska Revised Statute (NRS) or City of Omaha Ordinance while on-duty or while working in an off-duty capacity.

PROCEDURE:

I. Omaha Misdemeanor Warrant Arrests

- A. When a Douglas County Sheriff's Office (DCSO) deputy or other law enforcement officer makes an arrest for an OPD misdemeanor warrant in Omaha and calls the OPD for assistance, an OPD officer will be dispatched to transport the prisoner and book them into the Douglas County Department of Corrections (DCDC). OPD officers will follow standard OPD misdemeanor warrant procedures concerning warrant verification and booking.
- B. Arrests by other law enforcement officers for OPD misdemeanor warrants made outside Omaha are covered by the OPD "Warrants – Warrant Arrests by Surrounding Jurisdictions" policy.

II. Douglas County Sheriff's Office Deputies Working Off-Duty

- A. When OPD officers respond to a location in which DCSO deputies are working in an off-duty capacity and have requested OPD officers to make a physical arrest or to issue a citation for charges by the DCSO deputy, responding officers will follow the OPD "Off-Duty Employment" policy Sections VII and IX, except the off-duty DCSO deputy will not be required to complete an OPD Supplementary Report. The following additional procedures will be followed:
 - 1. In situations where a physical arrest is authorized by OPD policy, OPD officers may transport and book the suspect at DCDC.
 - a. The responding OPD officer will complete all reports, listing the off-duty DCSO deputy as the reporting party on the Incident Report.
 - b. The OPD officer will list the DCSO deputy as the second arresting officer on the DCDC Off-Street Booking Sheet.
 - 2. In situations where a citation in lieu of booking is required by OPD policy, OPD officers may, if requested by the DCSO deputy, issue the citation and complete the necessary reports. The DCSO deputy will be listed as the second arresting officer on the OPD citation and as the reporting party on the Incident Report.
- B. This policy does not prevent DCSO deputies from exercising their own power of arrest for a violation they witnessed but the DCSO deputy will use their own citations and booking procedures. This does not prohibit OPD officers' involvement to make certain the situation is secure.

III. Other Law Enforcement Officers Working Off-Duty

- A. When OPD officers respond to a location in which law enforcement officers other than OPD or DCSO are working in an off-duty capacity and have requested OPD officers to make a physical arrest or to issue a citation for violations observed by the other law enforcement officer, the following procedures apply:
 - 1. When the violation observed by the other law enforcement officer is shoplifting, NRS §29-402.02 authorizes the other law enforcement officer to make a physical arrest. OPD officers will either physically arrest or issue the appropriate citation per OPD policy.

2. When the violation observed by the other law enforcement officer is a misdemeanor, OPD officer may rely on the other law enforcement officer's statement and either physically arrest or issue the appropriate citation per OPD policy.
 3. In all misdemeanor arrests, the other law enforcement officer will be listed as the reporting party on the Incident Report and their testimony will be recorded in the narrative of the Incident Report or in a Supplementary Report.
 4. When the violation observed or reported by the other law enforcement officer is a felony, OPD officers will follow standard felony investigation procedures and arrest if probable cause exists.
- B. Law enforcement officers other than OPD or DCSO working in an off-duty capacity in their official law enforcement uniform are sworn law enforcement officers. All applicable NRS and City of Omaha Ordinances relating to Offenses Involving Integrity and Effectiveness of Government Operations (NRS §28-901 through §28-934) are applicable.
1. OPD officers may consider other law enforcement officers the same as OPD officers for "Assault on an Officer," "Obstructing a Peace Officer," and other such charges.
 2. OPD officers will complete an Incident Report for these types of charges and either make a physical arrest or issue the appropriate citation per OPD policy.

REFERENCES:

I. Nebraska Revised Statutes (NRS)

- A. NRS §28-901 through §28-934, and §29-402.02 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #61-70, #75-71, #2-87, #74-02, #26-08, and #2-14.

III. Accreditation Standards

- A. CALEA Accreditation standard 2.1.2 is relevant to this policy.

ARRESTS MADE IN THE POLICE BUILDING (RESCINDED)

This policy is rescinded per GO#45-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #93-76, 45-83, and 18-98.

ARRESTS – SPECIAL AGREEMENTS WITH FEDERAL AGENCIES

POLICY:

It is the policy of the Omaha Police Department (OPD) to cooperate with Federal Law Enforcement Agencies in the detention of persons under arrest by Federal Law Enforcement Agents. Special agreement arrests are usually made by or in concert with federal authorities. A special agreement charge is an administrative charge that allows OPD to hold the person for the federal authorities.

PROCEDURE:

I. Booking Under a Special Agreement

- A. Upon request of a Federal Law Enforcement Agent, officers will transport the arrest to Douglas County Detention Center (DCDC) and book the person under “special agreement.”
 - 1. An Incident Report (OPD Form 189) will be completed.
 - a. The offense will be “Special Agreement.”
 - b. The victim will be “Society.”
 - c. The name and contact information of the Federal Agent requesting the booking will be listed in the witness/reporting party section.
 - d. The details of the request will be explained in the synopsis section. If known, the Federal Prosecutor’s name should be documented in the Incident Report.
- B. Persons booked as “special agreement” may be held for 48 hours or until the earliest date that the arrest may be heard by a federal magistrate.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order for this policy is #28-13 and 6-14.

II. Accreditation Standards

- A. The following CALEA Accreditation Standards relate to this policy: 72.5.3 and 72.5.6.

BANK INVESTIGATIONS – CHECKS, FINANCIAL TRANSACTION DEVICE (ATM)

POLICY:

It is the policy of the Omaha Police Department to thoroughly investigate check forgery cases, no accounts/insufficient fund checks, and incidents involving unauthorized use of transaction devices (credit cards, bank cards).

PROCEDURE:

I. Forgery/Financial Transaction Device

- A. When a merchant or financial institution becomes aware of a Forgery or Unauthorized Use of a Financial Transaction Device, they should be directed to contact the OPD Telephone Report Squad.
- B. The Telephone Report Squad (TRS) will obtain information from the complainant and complete an Incident Report.
- C. The TRS will process the Incident Report and will notify the Fraud Squad via email of the PortalOne report number, the RB number, and the victim name and date of birth (if applicable). The Fraud Squad will assign the case to an investigating officer.
- D. It is the responsibility of the investigating officer to maintain personal contact with the complainant and keep them advised of the status of the investigation.

EXCEPTIONS: Uniform Patrol Bureau officers will respond to banks and businesses and investigate complaints of forgery/fraud and unauthorized use of financial transaction devices when the crime is in progress or the suspect is in the area.

II. No Account/Insufficient Fund Checks

- A. The victim will be advised to contact the County Attorney's Office. The responding officer WILL NOT prepare an original Incident Report.

III. Stopped Payment on Check

- A. When an individual writes a check for the purchase of an item and then "stops payment" on the check after obtaining the merchandise, an intentional fraud situation may exist. The officer will initiate an Information Report and notify the Fraud Squad.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #127-88, 70-94, 4-96, 7-06, 6-14, and 19-15.

BEARS FOR CHILDREN PROGRAM

POLICY:

It is the policy of the Omaha Police Department (OPD) to participate in the Bears for Children program. Small stuffed bears will be available in sufficient numbers to all listed Bureaus and Units. Whenever officers encounter an injured or traumatized child, one small "teddy bear" may be provided to the child. The child may keep the bear.

PROCEDURE:

I. Bears for Children Program Administration

- A. The Bears for Children program will be administered by the Neighborhood Services Unit. Inquiries regarding the Bears for Children program will be directed to the Neighborhood Services Unit.
 - 1. The bears will be individually wrapped in plastic bags and assigned a number for inventory purposes.
 - 2. The bears will be kept in a secure area at the Neighborhood Services Unit office with an inventory sheet and information regarding distribution.
 - 3. The Assistance League will continue to provide replacement bears as needed.
- B. Bears distributed by the Neighborhood Services Unit will be kept in designated vehicles of unit officers as follows:
 - 1. All Uniform Patrol Bureau "four wheeled" vehicles will keep two bears in the trunk or appropriate storage compartment of the vehicle. Replacement bears will be kept at the respective assembly areas designated by the Precinct Captain.
- C. Unit and Area Sergeants will be responsible to make certain that two bears are kept in each vehicle and that replacement bears are kept in a secured area

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #12-89 and 6-14.

BEER GARDENS (RESCINDED)

This policy is rescinded per GO#3-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD Orders include #217-90.

BIAS-BASED PROFILING

PREAMBLE:

Bias-Based Profiling is a practice that presents a great danger to the fundamental principles of a democratic society. Discriminatory profiling is abhorrent and cannot be tolerated. An individual who has been detained or whose vehicle has been stopped by the police for no reason other than the color of their skin or their apparent nationality or ethnicity is the victim of a discriminatory practice per Nebraska Revised Statute § 20-501. Per Mayoral Executive Order, discrimination due to race, creed, color, religion, political affiliation, gender, sexual orientation, gender identity, national origin, age, marital status, or disability will not be tolerated.

POLICY:

It is the policy of the Omaha Police Department (OPD) to prohibit stopping, detaining, searching, or arresting any person when such action is motivated solely by considerations of race, creed, color, ethnicity and/or national origin, religion, political affiliation, age, gender, gender identity, marital status, disability, economic status, cultural group, or sexual orientation. OPD Form 169, Omaha Police Department Traffic Stop Analysis, or its electronic equivalent, shall be used to record traffic stop information as mandated by Nebraska Revised Statute (NRS) §20-504.

DEFINITIONS:

Bias-Based Profiling: The selection of individuals based solely on a common trait of a group.

Discrimination: Any act or failure to act, whether by itself or as a part of a practice, the effect of which is to differentiate between or among individuals or groups of individuals by reason of race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age, or disability (Omaha Municipal Code § 13-82(f)).

Disparate Treatment: Differential treatment of persons on the basis of race, color, or national origin (NRS §20-503(1)).

Motor Vehicle Stop: Any stop of a motor vehicle (NRS §20-503(2)).

Racial Profiling: Detaining an individual or conducting a motor vehicle stop based upon disparate treatment of an individual (NRS §20-503(3)).

Sexual Orientation: Actual or perceived heterosexuality, homosexuality, or bisexuality (Omaha Municipal Code § 13-82(q)).

PROCEDURE:

I. Prohibition of Racial or Bias-Based Profiling and Discriminatory Practices

- A. No OPD employee will engage in racial and/or Bias-Based Profiling or discriminatory practices.
- B. Motor vehicle stops, field contacts, and asset seizure and forfeiture efforts based solely on race, creed, color, ethnicity and/or national origin, religion, political affiliation, age, gender, gender identity, marital status, disability, economic status, cultural group, or sexual orientation or any other prejudicial basis are prohibited.

EXCEPTION: Officers may take into account the reported use of the above-listed attributes of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons with the specific attribute(s) to a particular unlawful incident. Race, creed, color, ethnicity and/or national origin, religion, political affiliation, age, gender, gender identity, marital status, disability, economic status, cultural group, or sexual orientation can never be used as the sole basis for probable cause or reasonable suspicion.

- C. Detention of any individual that is not based on factors related to violation of, or investigation of violation of, federal law, Nebraska Statutes, Omaha's Municipal Code, or any combination thereof is prohibited. However, officers may continue to stop in a public place any person whom the officer reasonably suspects of committing, who has committed, or who is about to commit a crime pursuant to NRS § 29-829.

II. Training Requirements

- A. All OPD employees will receive training at least once per year about the harms of Bias-Based Profiling and discriminatory practices.
- B. The training will consist of a review this policy as well as legal aspects of Bias-Based Profiling and discriminatory practices.

III. Motor Vehicle Stops and Required Reports

- A. The OPD will retain the following data pursuant to NRS §20-504:
 - 1. The number of motor vehicle stops.
 - 2. The characteristics of race or ethnicity of person stopped.
 - 3. The nature of alleged law violation that resulted in the motor vehicle stop.
 - 4. Whether a warning or citation was issued, an arrest was made, or a search was conducted.
 - 5. Any additional information deemed appropriate.
- B. Omaha Police Department Traffic Stop Analysis, OPD Form 169, or its electronic equivalent, shall be used to record the above-listed information in compliance with NRS § 20-505. Forms are available in Police Supply in packets of twenty-five (25).
 - 1. Officers initiating traffic stops will complete OPD Form 169 after every traffic stop unless the officer issues an electronic citation.
 - a. The electronic reporting system will automatically capture or prompt the officer to provide required reporting information when an electronic citation is issued.
 - b. Officers who issue a paper citation must complete OPD Form 169.
 - c. For purposes of this form, a vehicle stopped for motorist assist reasons does not require the Traffic Stop Analysis form to be completed.
 - 2. Only information relating to the DRIVER of the stopped vehicle will be collected. Traffic stop data will not be collected from passengers of the stopped vehicle. The driver of the stopped vehicle will not be required to provide any information regarding their race or

ethnicity. Officers will indicate the driver's race or ethnicity on OPD Form 169, Traffic Stop Analysis, using their best judgment.

3. Specific instruction for completing paper copies of OPD Form 169:

a. Use a black ballpoint pen and completely shade in the appropriate information in response to each of the following items on OPD Form 169:

- (1) The month, day, and year of the traffic stop.
- (2) The time the traffic stop was conducted.
- (3) The district in which traffic stop occurred.
- (4) The shift the officer is working when the traffic stop occurred.

NOTE: Officers are also required to write in the numbers for the date, time, and district, as well as fill in the ovals.

- (5) The conditions (daylight/darkness) during which the vehicle was first observed.
- (6) The primary reason for initiating the traffic stop (mark only one (1) option).
- (7) The gender of the driver.
- (8) The officer's perception of the race/ethnicity of the driver of the vehicle. The officer is NOT to ask the driver their race or ethnicity for the purposes of completing the form.
- (9) The type of enforcement taken as a result of the traffic stop (mark all that apply).
- (10) Whether a search of the vehicle was conducted. If the vehicle was searched, indicate the type of search, and identify any contraband seized during the vehicle search.

b. If corrections are necessary, officers can use liquid correction fluid (white-out) to make the correction. Do not mark through the error or scratch out the mistake, as this will not scan correctly.

4. Completed OPD Form 169 forms should not be folded, bent, or stapled, and will be turned in at the end of the officer's regular shift with all other reports and citations.

- a. Sergeants will make certain that each officer under their command properly completes and submits all required OPD Form 169's.
- b. Sergeants will also make certain that OPD Form 169 forms are complete and all of the required boxes and fields are marked appropriately. The forms will then be delivered to the Customer Services Unit for processing.

C. The OPD will provide a copy of each allegation of racial profiling received, as well as written notification of review and disposition of each allegation, to the Nebraska Commission on Law Enforcement and Criminal Justice ("the Commission").

- D. The Deputy Chief of the Police Services Bureau is responsible for quarterly reporting that will be provided to the Commission regarding summary data for all traffic stops.

IV. Officer and Supervisor Responsibilities

- A. Officers will adhere to policies and procedures outlined in this policy, and will follow procedures for citizen complaints as described in the OPD "Internal Affairs Investigations" Policy.
- B. If an individual alleges Bias-Based Profiling and the allegation cannot be resolved at the scene, the officer's on-duty supervisor may be notified.
- C. If an individual alleges Bias-Based Profiling and the allegation is not resolved at the scene, the officer will explain to the individual the procedure for making a Citizen's Inquiry/Complaint Report (OPD Form 80), as outlined in the OPD "Internal Affairs Investigations" Policy. Officers are encouraged to make available the blue pamphlet entitled "How to File a Complaint Against the Police" (OPD Form 50).

V. Internal Affairs Unit Responsibilities

- A. The Internal Affairs Unit will conduct an investigation of each formalized complaint of alleged Bias-Based Profiling or discriminatory practices.
 - 1. Formalized Citizen Complaints and informal Citizen Inquiries concerning Bias-Based Profiling will be monitored via the Early Intervention Tracking System (EITS).
 - 2. The Chief of Police may direct an internal investigation for any allegations of Bias-Based Profiling.
- B. The Internal Affairs Unit will maintain all complaints and dispositions or findings/conclusions of fact of any investigation.
- C. The Internal Affairs Lieutenant will provide a copy of each complaint of alleged racial profiling, and written notification of the review and disposition of each allegation, to the Commission according to the system developed by the Commission.
- D. The Internal Affairs Lieutenant will conduct an annual administrative review of the OPD's policies and citizens' concerns about Bias-Based Profiling.
- E. The Internal Affairs Unit Lieutenant will present the findings of their administrative review by submitting an annual summary report to the Chief of Police that lists, but is not limited to, the following:
 - 1. Each complaint of Bias-Based Profiling.
 - 2. Dispositions or findings/conclusions of fact stemming from any investigations of Bias-Based Profiling.
 - 3. Recommendations for Bias-Based Profiling policy changes.
 - 4. Recommendations for training concerning Bias-Based Profiling.

VII. Disciplinary Procedures

- A. Appropriate sanctions will be implemented for non-compliance with this policy, in accordance with collective bargaining agreements and City of Omaha Policy.

- B. Failure to report any observed or known violations of this directive by any OPD employee may result in disciplinary action.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes §§ 20-501, 20-502, 20-503, 20-504, 20-505, and 20-506 are relevant to this policy.
- B. City of Omaha Ordinances §§ 13-81 through 13-86 are relevant to this policy.
- C. Mayoral Executive Order, “Statement of Zero Tolerance for Racism and Discrimination” is relevant to this policy.

II. Previous OPD Policies

- A. The General Order history of this policy includes the following: General Orders #29-01, 29-01 Supplement #1, 31-02, 31-02 Supplement #1, 16-06, 16-06 Supplement #1, 18-08, 14-13, 14-13 Supplement #1, 6-14, and 6-15.

III. Accreditation Standards

- A. CALEA Accreditation Standard 1.2.9 applies to this policy.

BODY WORN CAMERAS (BWC)

DISCLAIMER:

Body Worn Camera (BWC) use is limited to law enforcement and investigative activities involving members of the public. The BWC Recorded Media is considered investigative in nature and is for use in criminal investigations, disciplinary investigations, administrative purposes, and other proceedings protected by confidentiality laws and Department policy. The unauthorized use or release of BWC Recorded Media may compromise ongoing criminal and disciplinary investigations or violate the privacy rights of those recorded. Dissemination outside the Omaha Police Department is strictly prohibited without specific written authorization of the Chief of Police or designee. Violators will be subject to discipline up to and including termination.

PREAMBLE:

Body Worn Cameras (BWC) can be a useful tool to assist the Omaha Police Department (OPD) by documenting the interaction of police with citizens, which will assist in the documentation of evidence, preparation of reports, and future court testimony. The Recorded Media generated by the BWC may also be used to protect the OPD and its employees from civil litigation and false allegations of misconduct, as well as to provide an impartial record of events that can be used for strategic and tactical training purposes, incident debriefing, employee discipline investigations, etc. The purpose of this policy is to provide procedures for training, management, access, retention, handling, dissemination, storage, and retrieval of audio-video media recorded by BWC systems.

POLICY:

It is the policy of the Omaha Police Department (OPD) that police officers assigned the use of Body Worn Cameras (BWC) will adhere to the training, operational objectives, and protocols outlined in this policy to maximize the effectiveness of the BWC system, and to make certain of the integrity of evidence and related video documentation. This policy does not govern the use of recording devices used in undercover operations or in incidents that are investigated by the OPD Officer Involved Investigations Team (see the OPD “Force –

Investigative Process for Use of Force Incidents Involving Serious Injury or Death” policy for specific procedures).

DEFINITIONS:

Body Worn Cameras (BWC): Audio/Visual recording systems worn on the body, clothing, or person for the purpose of capturing Recorded Media.

BWC System Administrator(s): OPD system administrator(s) with full access to the OPD Evidence.com website. The BWC System Administrator(s) assigns and tracks equipment, controls passwords, conducts quality checks of uploaded data, coordinates data retention, and provides copies of requested data to authorized individuals.

Evidence.com: Online web-based digital media storage facility accessed at www.evidence.com. The virtual warehouse stores digitally encrypted data in a highly secure environment that is accessible to employees based upon a security clearance.

Evidence Transfer Manager (ETM): The ETM is a docking station that simultaneously recharges the BWC and uploads all data captured from the officer’s point of view during their shift to Evidence.com. The ETM makes certain that evidence handling is secured and is not altered.

Recorded Media: Audio-video signals recorded as part of an overall recording system.

PROCEDURE:

I. Program Objectives

- A. The OPD has adopted the use of Body Worn Camera (BWC) systems to document evidence regarding police encounters and to help provide accountability and protection for officers and citizens.
- B. BWCs may also be used to accomplish the following objectives:
 - 1. Enhance officer safety.
 - 2. Capture statements and events during the course of an incident, citizen/officer interaction, investigation, etc.
 - 3. Improve officers’ ability to document and review statements and actions for internal reporting requirements and courtroom presentation.
 - 4. Provide an impartial measure of self-critique for officers and field evaluation for training purposes.
 - 5. Capture visual and audio information/evidence for use in investigations and prosecutions.

NOTE: The OPD Internal Affairs Unit (IAU) may review BWC Recorded Media related to internal investigations.

- 6. Capture videos and/or audio to be used for officer evaluation and training purposes.

II. Training

- A. All BWC users, all supervisors of officers who will use BWCs, and any other OPD employee who will come into contact with video or audio data recorded by a BWC will successfully

complete Department approved training prior to being deployed with a BWC in an operational setting, being assigned to supervise officers who use BWCs, or accessing BWC Recorded Media.

- B. Original training documentation will be retained throughout any revision process and archived as necessary to be available for future reference.
- C. Officers/Supervisors will receive training updates through Roll Call Training, In-Service Training, or other refresher courses, as needed.
- D. Training will be documented per OPD policy and procedures.

III. Officer Responsibilities

- A. The inspection and general maintenance of issued BWC equipment will be the responsibility of the officer to whom the BWC is assigned.
- B. The assigned officer will operate BWC equipment in accordance with the manufacturer's recommended guidelines and OPD training and policies.
- C. Prior to each shift, the assigned officer shall test the equipment to make certain the BWC is performing in accordance with the manufacturer's recommendations and that it has sufficient battery life. Only fully operational BWCs shall be used.
- D. Malfunctions, damage, or theft of BWC equipment will be reported to an immediate supervisor. Supervisors/Sergeants will report problems to the BWC System Administrator.
 - 1. If the equipment is damaged, lost, stolen, or in need of general maintenance, the officer will complete the Police Equipment – Accountability Form (OPD Form 24).
- E. At the end of their shift, employees shall place the BWC in the Evidence Transfer Manager (ETM). This will allow data to be transferred to Evidence.com and also charges the BWC.
- F. Absent unusual circumstances, the BWC will not be removed from the ETM until the data has been uploaded and the battery has been fully recharged.

IV. Supervisor and BWC System Administrator Responsibilities

- A. When an incident arises (serious crime scenes, employee-involved incidents, etc.) that requires immediate retrieval of Recorded Media, the following procedures will be followed:
 - 1. If feasible, a field supervisor will respond to the scene and order the impacted BWC to be collected for transfer to the BWC Administrator.
 - 2. The BWC Administrator shall verify that all recordings have been transferred from the BWC to Evidence.com.
 - 3. The BWC Administrator shall:
 - a. Make a working copy of the Recorded Media for the investigative unit.
 - b. Create a DVD as the original copy and book the original copy into the OPD Evidence and Property Unit, per OPD procedures.
 - c. Complete an OPD Supplementary Report (PortalOne/OPD Form 200A).

- d. Provide additional copies as requested by the CIB Commander.
- 4. The BWC Administrator shall make certain that the BWC is returned to its assigned officer.
- 5. The BWC Administrator shall use the classification "LOCKED" on the Recorded Media. Recordings classified as "LOCKED" are restricted to specific employees.

NOTE: See the OPD "Force – Investigative Process for Use of Force Incidents Involving Serious Injury or Death" policy for procedures governing retrieval of BWC recordings of these types of incidents.

- B. Supervisors are responsible for conducting reviews of officer-assigned media in order to:
 - 1. Assess officer performance.
 - a. A supervisor's review of BWC recordings that identifies a minor performance deficiency should generally be viewed as an opportunity to provide counseling and/or additional training to correct that deficiency. If the performance deficiency is not corrected through training and/or counseling, the appropriate disciplinary and/or corrective action will be taken
 - 2. Make certain of the proper functioning of BWC equipment.
 - 3. Determine if BWC equipment is being operated properly and as required per OPD policies and procedures.
 - 4. Identify recordings that may be appropriate for training.
- C. Supervisors are responsible for reviewing the BWC Recorded Media of each officer assigned to their command who is assigned a BWC at least once every six (6) months.
 - 1. At a minimum, supervisors shall review the BWC Recorded Media related to at least one incident for each officer assigned to their command who is assigned a BWC.
 - 2. Supervisors will document the review on an OPD MVR/BWC Recorded Media Audit Form (OPD Form 111).
- D. The BWC System Administrator(s) will periodically audit BWC Recorded Media to make certain only authorized users are accessing the data for legitimate and authorized purposes. The BWC System Administrator(s) will not review BWC Recorded Media for the purpose of assessing officer performance.
- E. The BWC System Administrator will complete an annual statistical evaluation of OPD's BWC usage.
 - 1. The review will detail how frequently Recorded Media was used, identify any BWC financial impact issues/concerns, suggested training needs or updates, quantity of BWC Recorded Media, etc.
 - 2. The annual statistical evaluation will be submitted to the Chief of Police, via the BWC Administrator's chain of command.

V. Body Worn Camera Operational Guidelines

- A. BWCs will primarily be assigned to Uniform Patrol Bureau and Criminal Investigations Bureau officers, but may be assigned to officers in other bureaus as needed.
 - 1. Each BWC shall be assigned to one officer only.
- B. Only Department-issued BWCs shall be used.
- C. Officers shall wear the BWC in accordance with OPD training.

NOTE: Officers shall not wear the BWC in a manner that hinders the operation/recording capability of the camera.
- D. When feasible, officers will inform subjects that they are being recorded via BWC.
- E. When feasible, officers shall activate the BWC when they arrive in the area of the call for service and during all law enforcement-related encounters and activities that occur while officers are on duty.
 - 1. Examples of law enforcement-related encounters include but are not limited to the following: traffic stops, arrests, searches, interrogations and/or interviews, foot and/or vehicle pursuits, expedited level responses, citizen and/or suspect transports, violations of law, any situation in which the MVR would be activated (whether or not their vehicle is equipped with an MVR), etc.

NOTE: When in doubt, officers shall activate the BWC. Officers shall record any situation or incident they believe, through their training and experience, should be audibly and visually recorded.
- F. When feasible, backup/assisting officers shall activate their BWC's, regardless of whether or not other officers' BWC's are activated or other recording devices are recording an incident.
- G. If officers do NOT activate the BWC during an incident they would be expected to record, they shall document their reason(s) for not recording in the comments field of the Daily Report under the "Camera" category and "BWC" action.

EXCEPTION: Officers who do not complete a Daily Report will complete a Field Contact/Observation Card (OPD Form 150) documenting their reason(s) for not recording the incident.
- H. Officers are encouraged to narrate events using audio recording to provide the best documentation for pretrial and courtroom presentation.
- I. Employees shall not play back BWC recordings to members of the public.
- J. The BWC system shall be configured to capture 30 seconds of video data from the buffer prior to activation. It shall not be configured to record audio during that 30-second period.
- K. Once activated, officers shall make certain that the BWC continues recording until the incident and/or citizen contact is completed.
 - 1. For critical incidents, such as Pursuits, Use of Force incidents involving Actively Resistive Subjects, Assaultive/High-Risk Subjects, or Life Threatening/Serious Bodily Injury Subjects (as described in the OPD "Force – Use of Force" policy), the BWC shall NOT be deactivated until a supervisor determines the incident is completed.
- L. The BWC shall NOT be deactivated during an event/incident, unless:

1. The officer does not reasonably believe that deactivation will result in loss of critical documentary information.
 2. A supervisor directs an officer to stop recording.
 3. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
 4. In the officer's judgment, a recording would interfere with the officer's ability to conduct the investigation, would be inappropriate because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault), or would risk the safety of a confidential source/informant, citizen informant, or undercover officer.
- M. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes may lead to a citizen complaint, the officer shall immediately bring it to the attention of their supervisor.
1. The Recorded Media of the incident will be classified, maintained, and retained as described in this policy.
- N. Officers who activate the BWC and capture Recorded Media of an incident/event shall document the existence of the recording in their report(s).
- O. Prior to deactivating the BWC, officers will verbally announce their intention to deactivate the BWC and/or provide a short explanation (i.e., the event is concluded, a supervisor approved deactivation of the BWC, etc.).

VI. Privacy Considerations and Prohibitions

- A. Officers shall adhere to the following privacy-related prohibitions when operating BWCs:
1. To respect the dignity of others, officers will try to avoid recording videos of persons who are nude, or when sensitive human areas are exposed.
NOTE: Officers shall not activate the BWC while conducting strip searches.
 2. Officers shall not record places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless they are present in an official capacity.
 3. While in patient care areas of a medical facility, officers will only record with BWCs when the recording is for official law enforcement purposes. Care should be used to record only the parties involved in the event being investigated.
 4. Officers shall not record non-law enforcement-related personal activity.
 5. Officers shall not intentionally record conversations of fellow employees without their knowledge during routine, non-law enforcement-related activities.
 6. Officers shall not knowingly record confidential informants or undercover officers.
- B. Recording should be stopped prior to discussing a case on scene with other officers or during on scene tactical planning. When tactical discussions/planning have concluded and plans are being implemented, the BWC should be re-activated.

VII. Recording, Duplication, Dissemination and Review

- A. All BWCs and all Recorded Media, images, audio recordings, and metadata captured by the BWCs are the property of the OPD. Dissemination outside the agency is strictly prohibited without specific written authorization of the Chief of Police or designee. Violators will be subject to discipline up to and including termination.
- B. Employees shall not erase, alter, reuse, edit, copy, share, modify, or tamper with BWC recordings without prior written authorization and approval of the Chief of Police or designee.
- C. Officers shall not record, download, or otherwise transfer BWC recordings onto any type of personal recording devices, including but not limited to personal cellular phones, video recorders, tablets, etc.
- D. To prevent damage to, or alteration of, original Recorded Media, such media shall not be copied, viewed, or otherwise inserted into any device not approved by the BWC System Administrator.
- E. Officers may review recordings when preparing written reports of events to help make certain of the accuracy and consistency of accounts.

NOTE: BWC recordings are not a replacement for required written reports.

- F. Recording officers will appropriately classify all BWC recordings within the Evidence.com system per OPD training.
- G. Officers are responsible for copying Recorded Media to a DVD for criminal prosecution of their cases and shall book an "original" copy into the OPD Evidence and Property Unit per OPD procedures.
 - 1. Officers may be required to make an additional "working copy" to be used for ongoing investigations.
- H. BWC Recorded Media shall be copied to DVD for criminal prosecution and/or retained as evidence when they record audio or video of any of the following:
 - 1. Physical confrontations that result in a felony arrest.
 - 2. Searches in which contraband is recovered and where a felony arrest is made.
 - 3. All felony crime incidents that are recorded.
 - 4. Any other situation an officer deems important to document based on their experience and training for administrative or criminal reasons.
- I. When possible and practical, a copy of the original Recorded Media will be used when being viewed by investigators, staff, training, employees, and the courts (unless otherwise directed by the courts) to preserve the original copy.
- J. At the conclusion of trial proceedings, or as otherwise authorized by the Prosecutor's Office for which the media was required, all copies will be handled as directed by current evidence handling procedures and/or returned to the OPD Evidence and Property Unit.

VIII. Video Retention, Classification, and BWC System Administrator Responsibilities

- A. All media stored on Evidence.com will be retained for a period of two years.
- B. The classification category “LOCKED” will be used to classify serious incidents including, but not limited to, officer-involved shootings and cruiser accidents.
 - 1. Recordings classified as “LOCKED” are restricted to specific employees only.
- C. The BWC System Administrator will be responsible for the following:
 - 1. Long-term storage of Recorded Media of evidentiary value consistent with the Department’s evidence storage protocols and classification/retention schedule.
 - 2. Deletion of Recorded Media pursuant to a court order.
 - 3. Periodically reviewing BWC best-practices.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #36-16.

BOND REVIEW

POLICY:

It is the policy of the Omaha Police Department (OPD) to book a person for “Bond Review” when that person is arrested for a serious misdemeanor or any felony criminal charge and is found to be “Bound Over” on a felony charge in the Douglas County District Court.

PROCEDURE:

I. Bond Review

- A. On occasion, individuals who have been arrested for a felony charge, brought to a preliminary hearing, and “Bound Over” to the District Court are later arrested on another criminal charge.
- B. District Court jurisdiction of bonds is deemed to start after the preliminary hearing. The suspect may not be charged with “Bond Review” unless the Douglas County Computer file for this person indicates they are “Bound Over.”
- C. The Presiding Judge of the Douglas County District Court (Fourth Judicial District of the State of Nebraska) has indicated that any person arrested by OPD officers for a serious misdemeanor or any felony criminal charges and is found to be currently “Bound Over” to the District Court, Fourth Judicial District, will be held under the authority of Nebraska Revised Statute §29-901.
- D. The suspect in these situations will be physically arrested and taken to Douglas County Corrections. Officers will:
 - 1. Complete the proper reports on the new incident, obtain a new RB Number for the new charge(s) and book the suspect on all new charges.

2. Complete a second Incident Report using the RB Number which the suspect was originally arrested and “Bound Over” on, mark the box “Bond Review,” and book the suspect a second time for “Bond Review.”
3. Complete a Felony Packet and distribute reports according to the Felony Packet procedures.
 - a. Officers are reminded to complete a packet for the City Prosecutor is the new charges included misdemeanor charges.
- E. A printed copy of the Incident Report and both arrest sheets will be forwarded to the CIB, Fugitive Squad for the Deputy County Attorney on duty. It is the responsibility of the Fugitive Squad to contact the Douglas County District Court Administrative Office on the first court working day following the suspect’s arrest, to notify that office of the person’s arrest. The suspect will be handled according to their instructions.
- F. Minor criminal or traffic charges should not be used to arrest the suspect for “Bond Review.” However, while a party would not normally be booked for “Bond Review” on a serious traffic charge when they had been “Bound Over” on a burglary, this would be appropriate when the suspect had been “Bound Over” to District Court for a felony traffic violation.
- G. Suspects will not be booked or held in cases where the party’s District Court bond is a result of an appeal from a misdemeanor violation of the County Court. It will apply only to felony cases.

REFERENCES:

I. Nebraska Revised Statutes

- A. Nebraska Revised Statute §29-901 is referenced in this policy.

II. Previous OPD Orders

- B. Previous OPD General Orders include the following: #21-91, 6-14, and 19-15.

BOND SETTING (RESCINDED)

This policy is rescinded per GO#35-10.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #119-74 and 27-90.

BONDING PROCEDURES - OPD MISDEMEANOR WARRANTS INVOLVING OUTSIDE AGENCIES

POLICY:

It is the policy of the Omaha Police Department that persons arrested on an OPD warrant or bench warrant by law enforcement agencies outside Douglas County, but within the State of Nebraska, be allowed to post bond or pay fines to the arresting agency if a jail sentence is not mandated.

PROCEDURE:

I. Bonding Procedures

- A. Generally, Fugitive Squad personnel will not pick up a prisoner who is jailed more than ninety (90) miles from Omaha. However, the Special Operations Section Captain may authorize a prisoner transport beyond this limit for high-grade misdemeanors and offenses to include: Child Abuse/Neglect, CCW, Flight to Avoid Arrest, Protection Order Violation, Stalking, Resisting Arrest, Assault, Domestic Violence, DUI, and Reckless Driving. This list is not all-inclusive.
- B. If Fugitive Squad personnel are unavailable for the transportation assignment, the Precinct Lieutenant responsible for the precinct nearest the requesting agency will be contacted by Data Center Unit personnel. The Precinct Lieutenant may authorize a prisoner transport if the prisoner is within sixty (60) miles of Omaha, and staffing levels and the radio call load permit the assignment. The Precinct Lieutenant will then coordinate arrangements for the assignment with the appropriate Sergeant.

NOTE: In all cases, the outside agency will be asked to house the prisoner until Fugitive Squad or Uniform Patrol Bureau personnel are available for transport.

- C. If Fugitive Squad or Uniform Patrol Bureau personnel are unavailable for transport and the requesting jail cannot accommodate the prisoner, the Fugitive Squad Sergeant or appropriate Precinct Lieutenant will telephone the Douglas County Court Duty Judge. The Duty Judge will be asked for direction on releasing the person. The Fugitive Squad Sergeant or appropriate Precinct Lieutenant will complete necessary paperwork and fax information as necessary to comply with directions of the judge.
- D. The following procedures will be followed when a person with an outstanding misdemeanor warrant or bench warrant on file with the Omaha Police Department has been arrested by a Nebraska law enforcement agency outside Douglas County:
 - 1. When OPD is contacted by a Nebraska law enforcement agency outside Douglas County and is advised they are holding a party, the Information Operator will conduct a local check on the party arrested for warrants on file.
 - 2. If the check indicates that the party arrested has an OPD warrant on file, the Data Center Unit will physically check for the warrant in the Fugitive file. Data Center Unit will also verify that the warrant is still active by conducting a "Warrant Inquiry" on the computer. If an active warrant is found on file, the Data Center Unit will send an NLETS message to the inquiring law enforcement agency.
 - 3. If the inquiry identifies charges by the arresting agency against the suspect, copies of all NLETS messages should be attached to a copy of the warrant and placed in the Fugitive Squad tray to take further action.
 - 4. If the other agency advises that the suspect may post bond on the OPD warrant, an NLETS message will be sent listing the amount of bond and the date, time, and location of the court appearance if release is appropriate. On occasion, a bench warrant will specify a jail sentence which would not be bondable. If OPD officers are picking up the prisoner, information regarding the date and time of their arrival will be sent in a NLETS message. If bond information is not on the original warrant, the Data Center Unit will call

the Douglas County Corrections Department for the bond information and send the bond information in a NLETS message.

5. If the suspect posts bond or pays fines and costs due at the other agency, a copy of all NLETS messages will be attached to the original warrant and sent to the Fugitive Squad for final processing. The usual entries should be made in the warrant log book, except, in the disposition column, it will indicate what agency the suspect was arrested by and where the bonding took place.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #23-91, 2-97, and 8-12 and 6-14.

BOOKING – DOMESTIC VIOLENCE (DV)

PREAMBLE:

The VINE System (see the OPD “Victim Information and Notification Everyday Program” policy) was implemented to assist victims of violent crimes, and others, by providing information and notification regarding the status of offenders through an automated telephone system. However, due to delays/breakdowns in the system, updates are not always available. Therefore, it is the policy of the Omaha Police Department to facilitate Domestic Violence Victim Notifications until the initial appearance of the inmate.

VINE electronically links a National Call Center to custody information of inmates housed in the local jails or state prison. Custody and court information is gathered by the VINE call center. VINE then compares the inmate and case information to the list of registered users. When a match is found, VINE immediately places a call to the registered user, notifying them of a change in custody or case status. Users anonymously register by calling a toll-free number (877-634-8463) and following voice recorded prompts.

The VINE System is intended to prevent a surprise attack upon the victim or their family. However, anyone interested in the status of an arrestee may utilize the system. The service is active 24 hours a day, 365 days a year. Notification calls may come in the middle of the night, if a change in custody status occurs during that time, including release, transfer, or escape.

POLICY:

It is the policy of the Omaha Police Department (OPD) that a Domestic Violence Victim Notification Supplementary, OPD Form 135, be completed for all Domestic Violence (DV) related arrests whether on fresh charges or on warrants. This facilitates timely notification of DV Victims should the Arrestee be released from custody before the **V**ictim **I**nformation and **N**otification **E**veryday (VINE) System is updated with arrest information. VINE is designed to provide quick and easy access to inmate information and to assist victims in preparing for an inmate’s release. Victims should be reminded not to depend solely on VINE or any other program for personal safety.

PROCEDURE:

I. Officer Responsibilities

- A. When booking an arrestee on a DV charge, whether on a warrant or fresh charges, the officer will complete OPD Form 135, Domestic Violence Victim Notification Supplementary Report.

NOTE: When booking on a Protection Order (DV or Non-DV), a copy of the Protection Order must be included in the Felony/Misdemeanor packet for the County Attorney/City Prosecutor. Contact the Information Operator and have them fax a copy to Douglas County Department of Corrections (DCDC) (See [Appendix A](#) for fax number).

- B. Complete the Victim and Suspect Information Sections of OPD Form 135 in addition to all other required reports and paperwork.

NOTE: If it is a warrant arrest, retrieve the RB Number, Victim's Name, and Victim's Contact Information from the original Incident Report.

- C. Have DCDC make a copy of OPD Form 135. Turn in the original OPD Form 135, along with a printed copy of the original Incident Report (if applicable), to the proper command authority for review and forwarding to Data Review.
- D. Have DCDC fax a copy of OPD Form 135, along with a copy of the Record of Arrest (booking sheet) to the OPD Front Desk and the Omaha/Douglas County Victim Assistance Unit (See [Appendix A](#) for the fax number).

II. OPD Font Desk and Omaha/Douglas County Victim Assistance Unit Responsibilities

- A. DCDC will notify the OPD Front Desk, via the "red phone," anytime an OPD DV Arrestee bonds out, or is released, prior to their initial appearance.
- B. When DCDC notifies the OPD Front Desk between the hours of 0800 to 1600, Monday through Friday:
 - 1. OPD Front Desk employees will contact the Omaha/Douglas County Victim Assistance Unit and inform them of the pending release of the Domestic Violence Offender (See [Appendix A](#) for the phone number). The OPD Form 135, containing the Victim and Suspect Information, will be faxed to them immediately, if they have not already received one from DCDC (See [Appendix A](#) for the fax number).
 - 2. The Omaha/Douglas County Victim Assistance Unit will attempt to contact the Victim every half-hour, for up to six (6) hours. Notification, as well as attempts to notify, will be documented on the OPD Form 135.
- C. When DCDC notifies the OPD Front Desk between the hours of 1600 to 0800, Monday through Friday, or anytime during Weekends and Holidays:
 - 1. OPD Front Desk employees will attempt to contact the Victim every half-hour, for up to six (6) hours. Notification of, as well as attempts to notify, will be documented on the OPD Form 135.
 - a. If OPD Front Desk employees are successful in contacting the Victim within the six (6) hour period, the completed OPD Form 135 will be placed in the Omaha/Douglas County Victim Assistance Unit mail tray at the OPD Front Desk.
 - b. If OPD Front Desk employees are not successful in contacting the Victim, and the six (6) hour period has elapsed, the completed OPD Form 135 will be faxed to the Omaha/Douglas County Victim Assistance Unit (see [Appendix A](#) for the fax number).
 - c. If by 0800 hours, Monday - Friday, OPD Front Desk employees have not been successful in contacting the Victim, and the six (6) hour period has not elapsed, this information will be documented on the OPD Form 135 and faxed to the

Omaha/Douglas County Victim Assistance Unit immediately (see [Appendix A](#) for the fax number). It will become the responsibility of the Omaha/Douglas County Victim Assistance Unit to attempt to contact the Victim for the remainder of the six (6) hour period.

- D. If a victim does not have a phone, OPD Front Desk or Omaha/Douglas County Victim Assistance will request that a cruiser be dispatched to inform the victim of the suspect's release. OPD Front Desk employees will document the fact that they requested a cruiser be sent, along with the date and time of the request, on the OPD Form 135. The completed OPD Form 135 will be placed in the Omaha/Douglas County Victim Assistance Unit mail tray located at the OPD Front Desk.
1. The responding officer will telephone the OPD Front Desk at the time of the call prior to hitting back in service, and advise them whether or not the party was located (see [Appendix A](#) for the phone number).
 2. OPD Front Desk employees will document if the party was located on the OPD Form 135 and place it in the Omaha/Douglas County Victim Assistance Unit mail tray located at the OPD Front Desk.
 3. On Holidays, it will be the responsibility of the OPD Front Desk employees to make the contacts in the same manner as outlined above for the 1600-0800 hours, Monday - Friday period.
 4. The Omaha/Douglas County Victim Assistance Unit will retain all OPD Form 135's as a permanent part of the Victim's case file.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #28-08, 6-14, and 19-15.

II. Accreditation Standards

- A. CALEA Accreditation standards 55.1.1 and 55.2.5 are relevant to this policy.

BONDING TIME SCHEDULE (RESCINDED)

This policy is rescinded per GO#30-12.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD Orders include #50-89.

BOOKING – FUGITIVE WARRANT ARRESTS FOR DOUGLAS COUNTY (RESCINDED)

This policy is rescinded per GO#25-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD Orders include #36-89 and 12-05.

BOOKING – GENERAL PROCEDURE

POLICY:

It is the policy of the Omaha Police Department (OPD) to book all adult arrests that require booking at the Douglas County Department of Corrections (DCDC). OPD officers will obtain all necessary information from arrestees at the time of booking. Officers will book a suspect for all charges when any one charge requires booking.

In situations where continued proximity with arrestees may lead to disruption of booking operations, antagonism on the part of arrestees, or the arrestee is physically unruly, officers may immediately transfer arrestees into a temporary holding cell inside DCDC prior to the completion of the PortalOne Booking/Arrest Report (PortalOne/OPD Form 277).

PROCEDURE:

I. Arrival at DCDC

- A. Officers will pull up to the intercom outside the secured parking area at DCDC and announce that they are an OPD officer with an arrest.
- B. Officers will pull into the secure sally-port (garage) at DCDC.

NOTE: If the sally-port is full, officers may park their cruisers in the secure parking area and walk their arrests inside. Officers will take into consideration the demeanor and flight risk of the offender when deciding whether to wait for a parking spot inside the sally-port.

- C. Officers will secure ALL WEAPONS inside the lockboxes in the sally-port prior to removing the arrest from the cruiser.

NOTE: DCDC requires officers to remove all weapons (including batons, spray, firearms, knives, and so forth) prior to entering the Admissions/Pre-Booking area.

- D. Officers will secure their arrest from the cruiser and bring them into the Admissions/Pre-Booking area of DCDC.
 - 1. Officers will assess the need to continue face-to-face contact with arrestees. Where it is necessary to obtain additional information and the arrestee is cooperative and not disruptive, officers may continue the interview process in identified rooms in the Admissions/Pre-Booking area of DCDC.
 - a. Officers are permitted to remove restraints in the Admissions/Pre-Booking area.
 - b. Officers shall exercise due regard for officer safety as well as the safety of DCDC staff and inmates.

2. Officers WILL NOT leave arrestees unattended in the Admissions/Pre-Booking area.

II. Booking at DCDC

- A. Officers will complete the PortalOne Booking/Arrest Report (electronic version of OPD Form 277). This report, when printed, will replicate the DCDC Form 150 (Off- Street Full Booking Arrest Information).
 1. Officers will select the State Statute or City Ordinance that corresponds with the charge selected on the report.
 - a. PortalOne will automatically select the conversion code for the selected statute/ordinance.
 - b. If the appropriate charge/offense is not in the PortalOne system, the officer will:
 - (1) Print out the completed PortalOne Booking/Arrest Report and write the charge and conversion code by hand on the report prior to giving the form to DCDC.
 - (2) Email the OPD Information Technology Unit (See Appendix A for email) to notify them that the charge/offense should be added to the PortalOne system.
 2. Officers will include the serial number of the command officer authorizing the booking on the report. If officers are booking a suspect on a warrant only, it is sufficient to simply list their supervisor's serial number.
 3. Officers will complete DCDC Form 150B (Medical Questionnaire).
 - a. DCDC Form 150B is a Medical Questionnaire that is in checklist format.
 - b. If an officer's arrestee refuses medical treatment at a hospital, the officer must provide DCDC staff with the refusal paperwork from the hospital along with DCDC Form 150B.
 4. Officers will print the PortalOne Booking/Arrest Report.

NOTE: Officers will not submit the form electronically until they have received the "Booking Number" from the DCDC staff at the booking window.
 5. Officers will present both DCDC Form 150B and the PortalOne Booking/Arrest Report to DCDC staff at the booking window.
 - a. Officers will remain at the booking window to confirm information for the booking.
 6. Officers will receive copies of the Record of Arrest (i.e., "booking sheet") and will obtain the "Booking Number" from the DCDC staff at the booking window.
 7. Officers will enter the "Booking Number" into the PortalOne Booking/Arrest Report and submit the report electronically.
 8. After the officer receives copies of the Record of Arrest and submits the PortalOne Booking/Arrest Report electronically, the booking process is complete, and the officer is free to leave.

NOTE: Prior to leaving DCDC, officers will make certain DCDC staff receive all required reports/paperwork based on the type of charges (i.e., felony, misdemeanor, DV/non-DV, warrants etc.). Officers will also make certain that the PortalOne Incident Reports, PortalOne Booking/Arrest Report, and copies of the Record of Arrest (i.e., “booking sheet”) are submitted and distributed according to OPD policy.

- B. Officers will conduct an “inventory search” removing all personal property and items that will be considered evidence from the arrestee.
 - 1. Any item(s) in the arrestee’s possession considered evidence of criminal activity will be set aside and booked as evidence per OPD policy.
 - 2. Any item(s) in the arrestee’s possession considered personal property, not related to criminal activity, will be placed into the property bags provided by DCDC and sealed.
 - a. The personal property bag will be labeled according to DCDC policy and will indicate the name and date of birth of the arrestee, as well as any other information required by DCDC.
 - b. The personal property bag will be placed into the DCDC property pass through bin which is located below the booking window.

NOTE: DCDC will allow pocket knives under three inches (3”) in length to be placed in the arrestee’s personal property. Knives over three inches (3”) will be either booked as OPD evidence, if appropriate, or released to a responsible person.

III. Immediate Booking of Unruly/Combative Arrestees

- A. Situations occur where arrestees are uncooperative, disruptive, and oftentimes physically combative. When these situations occur, officers have the latitude to request assistance from DCDC staff and have the arrestee immediately transferred to a temporary holding cell within DCDC.
 - 1. Officers will complete the PortalOne Booking/Arrest Report as soon as practical after the arrestee has been secured inside a temporary holding cell.
 - 2. Procedures will be followed regarding the arrestee’s personal property and any evidence/contraband.
- B. Suspects who refuse to be fingerprinted and cannot otherwise be identified may be booked as a “John Doe” or “Jane Doe” per the “Identification of Suspects - Fingerprinting / Photographing Adults” policy.

IV. Misdemeanor Arrest Paperwork

- A. Misdemeanor Only Arrests (Non-Warrant): If the arrest is for misdemeanor charges only, officers will remain at DCDC to complete misdemeanor reports so DCDC staff may obtain their copy as soon as possible. Officers will complete all misdemeanor reports before leaving DCDC and present these reports to DCDC staff to make copies for the Misdemeanor packets that will be forwarded to the County Attorney/City Prosecutor’s office.
 - 1. The PortalOne Booking/Arrest Report is the Record of Arrest for society crimes.

2. Victim crimes require a PortalOne Incident Report to be completed.
 - a. When booking a suspect for a victim crime, both the PortalOne Incident Report and the PortalOne Booking/Arrest Report will be completed and presented to the DCDC staff.
 3. When booking on a Protection Order (DV or non-DV), a copy of the Protection Order must be included in the Misdemeanor packets for the County Attorney/City Prosecutor.
 - a. Officers will contact the Information Operator and have them fax a copy to DCDC or pick up a copy at OPD Central Headquarters (see [Appendix A](#) for the fax number).
 4. Officers will obtain a copy of the Record of Arrest (i.e., “booking sheet”) for the Data Center and turn it in with original reports at the precinct.
 5. Officers will submit all original reports to the proper command for review and forwarding to the Data Center (unless otherwise directed by a command officer of the Criminal Investigations Bureau).
- B. Misdemeanor Warrant Arrests: When officers bring a Misdemeanor Warrant arrest to DCDC for booking, officers will make certain the proper reports, warrants, and paperwork are given to DCDC to be forwarded to the County Attorney or City Prosecutor’s office for prosecution.
1. Contact the Data Center, the Information Operator, or the OPD Front Desk to verify there is an active warrant on file for the arrestee.

NOTE: Employees who retrieve the warrant must sign it out in the log book.
 2. Request a copy of the warrant be faxed to DCDC (see [Appendix A](#) for the fax number).
 3. While at DCDC, conduct an ID check to verify the arrestee in custody is the party named on the warrant.
 - a. If more than a local (Nebraska only) ID check needs to be completed, the officer will transport the arrestee to OPD Central Headquarters for fingerprinting.

EXCEPTION: Suspects who refuse to be fingerprinted will not be transported to OPD Central Headquarters without a command officer’s approval.
 4. Read the copy of the warrant to the arrestee.
 5. Signatures are required for Misdemeanor Warrants.
 - a. On “A”- and “C”-shifts, weekends, holidays, or if no Fugitive Squad officer is available: Front Desk officers will sign and place the warrant in the Misdemeanor Warrant Tray in the Information Operator area to be forwarded to the courts.
 - b. On weekday “B”-shifts: Fugitive Squad officers will sign and place the warrant in the Misdemeanor Warrant Tray in the Information Operator area to be forwarded to the courts.
 6. When booking on a Protection Order (DV or non-DV), a copy of the Protection Order shall be included in the Misdemeanor packets for the City Prosecutor.

- a. Officers will contact the Information Operator and have them fax a copy to DCDC or pick up a copy at OPD Central Headquarters (see [Appendix A](#) for the fax number).
7. Complete the Portal One Booking Arrest Report and DCDC Form 150B (Medical Questionnaire).
 - a. When booking for warrant(s) only, the warrant number(s) will be listed in the “Charges and Court Information” section of the paper OPD Form 277 or the “Warrant #” field of the PortalOne Booking/Arrest Report.
8. Print the Portal One Booking Arrest Report and present DCDC Form 150B and the PortalOne Booking/Arrest Report to DCDC staff.
9. Remain present during the booking to confirm information.
10. If the officer has new charges on the arrestee, reports and paperwork will be completed and distributed per current OPD policies and procedures for Misdemeanor charges only (non-warrant), Felony charges only, or for Felony/ Misdemeanor charges.
11. If the offense is a Domestic Violence offense, see the OPD “Booking – Domestic Violence” policy for additional paperwork required.
12. Submit all original reports, including a copy of the Record of Arrest (i.e., “booking sheet”) to the Data Center (unless otherwise directed by a command officer of the Criminal Investigation Bureau). This includes PortalOne reports as well as other reports completed outside of PortalOne.

V. Felony and Felony/Misdemeanor Arrest Paperwork

- A. Felony and Felony/Misdemeanor Arrests (Non-Warrant): If the arrest includes felony charges, officers are not required to complete reports while at DCDC. The reports may be completed at OPD Central Headquarters.
 1. DCDC will provide the officers with the following documents:
 - a. A copy of the Criminal History from the Douglas County mainframe.
 - b. A copy of the Driving Record if the charges involve driving offenses.
 - c. The following copies of the Record of Arrest (i.e., “booking sheet”):
 - (1) Two copies for the Felony Prosecutor Arrest Packets.
 - (2) One copy for the City Prosecutor Felony Arrest Packet if it is a Felony/Misdemeanor arrest.
 - (3) Two copies for CIB.
 - (4) One copy for the Data Center.
 2. At OPD Central Headquarters the officer will:
 - a. Place two copies of the Record of Arrest (i.e., “booking sheet”) and the completed Felony Arrest Packet Check-Off Sheet (OPD Form 4) in the CIB mail tray labeled “CIB Copy of Record of Arrest” at the CIB console.

b. Assemble Felony Arrest Packets.

- (1) Packets shall be made for each suspect that is booked.
- (2) If the suspect is being booked on felony charges ONLY, officers will assemble and distribute the two Felony Prosecutor Arrest Packets.
- (3) If the suspect is booked on Misdemeanor or Traffic charges in addition to Felony charges, officers will assemble and distribute the two Felony Prosecutor Arrest Packets and the City Prosecutor Felony Arrest Packet.
- (4) The two Felony Prosecutor Arrest Packets will be assembled and distributed as follows:

PACKET	PACKET CONTENTS	DISTRIBUTION
Felony Prosecutor Arrest Packet 1	<ul style="list-style-type: none"> • Copy of Record of Arrest (i.e., "booking sheet") • Printout from DCDC of arrestee's local history (i.e., Criminal History and Driving Record provided by DCDC if applicable) • Investigator's Synopsis (if applicable) • Copy of All Reports 	Place the packet in the "County Attorney Arrest Packet" Mail Tray.
Felony Prosecutor Arrest Packet 2	<ul style="list-style-type: none"> • Copy of Record of Arrest (i.e., "booking sheet") • Copy of All Reports 	Place the packet in the "County Attorney Arrest Packet" Mail Tray.

- (5) The City Prosecutor Felony Arrest Packet will be assembled and distributed as follows:

PACKET	PACKET CONTENTS	DISTRIBUTION
City Prosecutor Felony Arrest Packet (1 Packet)	<ul style="list-style-type: none"> • Copy of Record of Arrest (i.e., "booking sheet") • Printout from DCDC of arrestee's local history (i.e., Criminal History and Driving Record provided by DCDC if applicable) • Copy of All Reports 	Place the packet in the "City Prosecutor Arrest Packet" Mail Tray.

- (6) When booking on a Protection Order (DV or non-DV), a copy of the Protection Order shall be included in the Felony/Misdemeanor packets for the County Attorney/City Prosecutor. Contact the Information Operator and request a copy at OPD Central Headquarters.

- c. If a Supplementary Report is recorded for transcription, the officer will attach a note to the Felony Prosecutor Arrest Packets advising of the taped report. Officers will make certain that the written reports contain enough information for the County Attorney to make a filing decision in case the report does not get typed.
- d. Submit all original reports, including a copy of the Record of Arrest (i.e., "booking sheet") to the Data Center (unless otherwise directed by a command officer of

the Criminal Investigations Bureau). This includes PortalOne reports as well as other reports completed outside of PortalOne.

- B. Felony Warrant Arrests: When officers transport a Felony Warrant arrest to DCDC for booking, officers will make certain proper reports, warrants, and paperwork are given to DCDC to be forwarded to the County Attorney or City Prosecutor's office for prosecution and to CIB for follow-up investigation.
1. Contact the Data Center, the Information Operator, or the OPD Front Desk to verify there is an active warrant on file for the arrestee.
 - a. Request a copy of the warrant be faxed to DCDC (see [Appendix A](#) for the fax number).
NOTE: Employees who retrieve the warrant must sign it out in the log book.
 - b. After faxing the warrant to DCDC, the original will be put back in the Felony Warrant Folder, and the folder will be left at the OPD Front Desk to be picked up by the arresting officer.
 2. When booking on a Protection Order (DV or non-DV), a copy of the Protection Order shall be included in the Felony packets for the County Attorney.
 - a. Officers will contact the Information Operator and request a copy be made and included in the Felony Warrant Folder for pick up at the OPD Front Desk.
 3. While at DCDC, conduct an ID check to verify the arrestee in custody is the party named on the warrant.
 - a. If more than a local (Nebraska only) ID check needs to be completed, the officer will transport the arrestee to the Crime Lab at OPD Central Headquarters for fingerprinting.
EXCEPTION: Suspects who refuse to be fingerprinted will not be transported to OPD Central Headquarters without a command officer's approval.
 4. Read the copy of the warrant to the arrestee. DO NOT read the affidavit if it is faxed with the warrant.
 5. Complete the PortalOne Booking/Arrest Report and DCDC Form 150B (Medical Questionnaire).
 - a. When booking for warrant(s) only, the warrant number(s) will be listed in the "Charges and Court Information" section of the paper OPD Form 277 or the "Warrant #" field of the PortalOne Booking/Arrest Report.
 6. Print the PortalOne Booking/Arrest Report and present DCDC Form 150B and the PortalOne Booking/Arrest Report to DCDC staff.
 7. Remain present during the booking to confirm information.
 8. If the officer has new charges on the arrestee, reports and paperwork will be completed and distributed per current OPD policies and procedures for Misdemeanor charges only, Felony charges only, or for Felony/Misdemeanor charges.

- a. Officers are not required to complete reports for Felony or Felony/ Misdemeanor charges while at DCDC. The paperwork may be completed at OPD Central Headquarters.
9. DCDC will provide the officer with the following documents:
 - a. Local criminal history printout from the Douglas County mainframe.
 - b. A copy of the Driving Record if the charge(s) involve driving offenses.
 - c. The following copies of the Record of Arrest (i.e., "booking sheet"):
 - (1) Two copies for the Felony Prosecutor Arrest Packets.
 - (2) One copy for the City Prosecutor Felony Arrest Packet if it is a Felony/Misdemeanor arrest.
 - (3) Two copies for the Criminal Investigations Bureau (CIB).
 - (4) One copy for the Data Center.
10. Officers will complete the Felony Warrant Folder at OPD Central Headquarters.
 - a. Pick up the Felony Warrant Folder at the OPD Front Desk.
 - b. Sign the warrant.
 - c. Complete the Felony Wanted Cancellation (OPD Form 208) form included in the Felony Warrant Folder.
 - d. Deliver the original OPD Form 208 to the Data Center for processing.
 - e. Place a copy of the OPD Form 208 in the Felony Warrant Folder.
11. The Felony Warrant Folder will include the following:
 - a. The original signed warrant and the affidavit.
 - b. A copy of the Felony Wanted Cancellation form (OPD Form 208).
 - c. Two copies of the Record of Arrest (i.e., "booking sheet") for the Felony Prosecutor Arrest Packets and two copies for CIB.
 - d. A copy of the Wanted Bulletin.
 - e. Copies of all pertinent police reports, including a copy of the Protection Order, if applicable.
 - f. The completed Felony Warrant Arrest Check-off List form (OPD Form 210).
12. Deliver the Felony Warrant Folder to the Fugitive Squad mail tray located on the 4th floor next to the CIB console.
13. Turn in all original reports to the proper command for review and forwarding to the Data Center (unless otherwise directed by a command officer of the Criminal Investigations Bureau).

VI. Booking – Special Procedures

A. Fugitives from Justice.

1. Officers who arrest a fugitive from justice shall confirm the NCIC/NCIS hit and shall ask NCIC to fax a copy of the hit and confirmation to DCDC.
 - a. If the individual is an In-State fugitive, and there are no new charges, DCDC will hold for the fugitive for the other jurisdiction.
 - (1) Officers shall complete a PortalOne Booking/Arrest Report.
 - (a) Officers shall select “Warrant Only” and then enter “Hold For In State Warrant” in the “Warrant # Offense” Field.
 - b. If the individual is an Inter-State fugitive, and there are no new charges, the officer shall book the individual under NRS §29-742.
 - (1) Officers shall leave a copy of the Record of Arrest in the Fugitive Squad mail box at OPD Central Headquarters on the 4th floor.
 - c. If the individual is an Inter-State fugitive and there are new local charges DCDC will contact the OPD Fugitive Squad and the individual shall be paper-booked.
 - (1) Officers shall book the fugitive on the local charges only. The Fugitive Squad will be responsible for booking the fugitive on the out of state charges.
 - (2) DCDC will place a hold on the fugitive until the local charges have been satisfied.

B. Weapons Charges.

1. A suspect who is booked on any felony weapons charges will also be booked for all misdemeanor weapons charges when probable cause exists.
2. The County Attorney and City Prosecutor will file the appropriate felony or misdemeanor weapons charge(s).

C. Homicide.

1. Homicide suspects will be booked on a specific charge of Murder 1st Degree, Murder 2nd Degree, or Manslaughter, unless otherwise instructed by the Douglas County Attorney’s Office. The open charge of “Criminal Homicide” will only be used when requested by the Douglas County Attorney’s Office.

REFERENCES:

I. Laws

- A. Nebraska Revised Statute §29-742 is relevant to this policy.

II. Previous OPD Orders

- A. Previous General Orders include the following: General Orders #135-88, 5-09, 70-90, 3-10, 39-11, 23-13, 6-14, 32-15, 45-15, and 71-15.

III. Accreditation Standards

- A. Relevant CALEA Accreditation Standards include the following: CALEA Chapter 70.

BOOKING – HOMICIDE CHARGES (RESCINDED)

This policy is rescinded per GO#6-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #135-88 and 5-09.

BOOKING – REBOOKING (RESCINDED)

This policy is rescinded per GO#6-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #74-87, 31-10 and 15-11.

BOOKING SHEETS (RESCINDED)

This policy is rescinded per GO#16-12.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #23-94.

CANINE UNIT

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide professionally trained and maintained Canine Teams to assist in the daily operations of the department. Canine Teams assigned to the Canine Unit are commanded by a sergeant and report to the Northwest Precinct Captain.

PROCEDURE:

I. Deployment

- A. Canine Teams patrol in modified, specially-equipped, cruisers designated and clearly marked "Canine Unit."
- B. If a Canine Team is not on-duty and a serious incident justifies a call-in, command officers are requested to contact the Canine Unit Sergeant or Northwest Precinct Captain for authorization to call in a Canine Team.
- C. The following calls are designated for automatic Canine Team response while on routine patrol:
 1. Burglary in-progress calls, intrusion alarms, and/or robbery alarms when evidence of forced entry exists or a suspect is still believed to be in the area.
 2. All felony or serious misdemeanor crimes where the suspect has fled on foot and a possible tracking exercise could develop.
- D. The Canine Team may be used by Uniform Patrol Bureau (UPB) officers for searches, narcotics detection, criminal apprehensions, and tracking as described in this policy.

NOTE: The Canine Unit uses both dual-purpose canines (canines used for both narcotics detection and criminal apprehensions), as well as canines used only for narcotics detection.
- E. The final decision to apply a canine to a specific police operation will remain with the Canine Handler.
- F. A detailed description of the operations and administration of the Canine Unit is available in the Canine Unit's Standard Operating Procedure Manual.

II. General Guidelines for OPD Sworn Employees

- A. Officers shall not, under any circumstances, strike a Canine Handler or engage in any horseplay with a Canine Handler while the Handler's canine is present. All officers shall remember that the canine has been trained to protect the Canine Handler from any perceived threat.
- B. Any violations of the below-listed rules will immediately be reported through the Canine Unit's chain of command for possible disciplinary action. Officers will never:
 1. Strike or discipline the police canine.
 2. Tease or agitate the canine (inside or outside of the Canine Team's vehicle).
 3. Give the canine any commands.
 4. Feed the canine without the Canine Handler's permission.

5. Attempt to play with the canine without first obtaining the Canine Handler's permission and having the Canine Handler present.
6. Enter the Canine Team vehicle without the Canine Handler's knowledge or presence unless in an emergency situation.
7. Officers will never remove the canine from the Canine Team vehicle or other area of confinement without the Canine Handler's knowledge and presence.

III. Use of the Canine Unit

A. The Canine Team may be used by UPB officers for the following types of calls:

1. Building Searches.

- a. Officers will immediately request a Canine Team through the 911 Dispatch if they determine that a burglary has occurred to a structure and the possibility exists that suspects may still be inside the structure.
- b. Prior to the arrival of the Canine Team, the following steps will be taken:
 - (1) The outside perimeter will be secured.
 - (a) If a window has been broken or removed, officers will relay this information to the responding Canine Team.
 - (b) It may be necessary to obtain a key to enter the building safely.
 - (2) When possible, take up positions around the building, but not next to it. Officers will use cover and concealment to their full advantage.
 - (3) Attempt to close any opened doors or windows before the arrival of the Canine Team. This will help to contain available scent, as well as to contain the canine during the search.
 - (4) No one will enter the building before the Canine Team arrives.
 - (5) Advise the responding Canine Team of the perimeter positions and descriptions of any plain-clothes officers on the scene.
- c. After a tactical approach to the building is conducted, the Canine Handler will issue warnings to anyone in the structure advising them that the police are present, and that they need to sound off, or a canine will be sent into the structure to locate them.
- d. If the canine alerts to a suspect(s) or is involved in a bite situation within the building, officers will not leave the Canine Handler unless they are instructed to do so.
 - (1) Tactics shall be considered as officers work their way to the location of the alert or the apprehension.
 - (2) Officers shall not move ahead without first clearing each room.

- e. If an apprehension has taken place, officers will not interfere with the commands of the Canine Handler and will not come in contact with the suspect or canine until told to do so by the Canine Handler.
- f. The back-up officer's job is to assist the Canine Handler in making the area safe to approach.
 - (1) When searching a building, the Canine Handler is constantly watching their canine and is not watching the surrounding area.
 - (2) It is the back-up officer's responsibility to cover the Canine Handler during a search of this nature. The officer's attention **shall** be on the entire surrounding area and not focused on the canine and the suspect.

2. Tracking.

- a. Tracking of a suspect or suspects when physical presence has been recent may be a useful application of a Canine Team.
- b. When a Canine Team is requested for tracking, the below-listed procedures will be followed for the maximum effectiveness and safety of the canine tracking the suspect:
 - (1) Canines track on the principle of crushed or disturbed ground vegetation. It is imperative that officers do not disturb the search area before the Canine Team arrives.
 - (2) Officers will set up a perimeter, when possible. Officers will maintain visual contact of their assigned areas from vehicles or buildings.
 - (3) If persons are available who know the last location of the suspect(s), officers will have them stand by to speak with the arriving Canine Handler so that an accurate starting point may be established.
 - (4) One or more back-up officers may be used to assist in the search.
 - (a) Officers assigned as back-up officers will stay with the Canine Team as directed by the Canine Handler.
 - i. If the Canine Handler stops, back-up officers will stop and wait for the Canine Team to continue the track.
 - ii. If it becomes necessary for a back-up officer to stop while the Canine Team is tracking, they will advise the Canine Handler immediately.
 - (b) Back-up officers will be on the alert for movement and suspect(s) hidden in the area. It is not necessary for the back-up officers to watch the canine.
 - (5) Normally, a 15-foot tracking line will be attached to the canine during this type of deployment. The canine may actually be right on top of the suspect before an officer knows the suspect is there.

3. Area Searches.

- a. A Canine Team may be used in an area search mode, called the "patrol route," within a contained outside area.

- b. Criteria to be considered before requesting a Canine Team Area Search:
 - (1) During an area search, as in a building, the canine is using the nose to locate a human scent cone. Officers will consider weather and other environmental factors before requesting the Canine Team.
 - (2) The Canine Handler must know a suspected area in which to search.
- c. Area Search Procedures:
 - (1) A perimeter will be secured in the same manner as a tracking situation.
 - (2) The canine will be directed to search by the Canine Handler or will be escorted on a patrol route to assist in locating the scent cone of a suspect. The wind direction will be an important factor.
 - (3) As in a tracking situation, all back-up officers shall be aware of movement in and around the search area.
 - (4) The Canine Handler shall watch the canine to see if the canine makes an alert.
 - (a) Once the canine has alerted the presence of a human scent in the area, the Canine Handler will announce that the canine is about to be deployed unless circumstances make such announcements impractical or tactically unsafe.
 - (5) If the canine alerts to a suspect(s) or is involved in a bite situation, officers shall not leave the Canine Handler unless they are instructed to do so.
 - (a) Tactics shall be considered as officers work their way to the location of the alert or apprehension. During an area search with limited concealment and cover, officers may become very vulnerable.
 - (6) If an apprehension is taking place, officers shall not interfere with the commands of the Canine Handler and shall not come in contact with the suspect or canine until told to do so by the Canine Handler.

4. Criminal Apprehensions by Canine.

- a. The below-listed procedures will be followed for maximum effectiveness and safety during canine criminal apprehensions:
 - (1) When determining whether or not to deploy a canine for criminal apprehensions, the Canine Handler will take the totality of the circumstances into account. In particular, the Canine Handler will consider the following:
 - (a) The severity of the crime that the suspect is wanted for.
 - (b) Whether the suspect presents a potential threat to the safety of officers or others.
 - (c) Whether the suspect is actively resisting arrest or attempting to escape by fleeing or hiding from officers.

- (2) The Canine Handler will, if feasible and tactically safe to do so, verbally warn the suspect(s) that a police dog will be released if the suspect does not stop.
- (3) The Canine Handler will not send the canine to apprehend a suspect if it is known that the suspect is being directly pursued by a police officer on foot.
- (4) The Canine Handler, upon releasing the canine, will advise 911 Dispatch that the canine has been deployed on an apprehension.
- (5) All officers in the area, except the Canine Handler, shall STAND STILL WHEN THE CANINE HAS BEEN DEPLOYED ON AN APPREHENSION.
 - (a) Back-up officers in the area of a canine apprehension are very vulnerable. If an officer is moving, they shall STAND STILL and wait for instructions from the Canine Handler.
- (6) Contact by the canine may be unavoidable if an officer is moving. If an officer is bitten by a canine, the officer will stop moving, and the Canine Handler will immediately call off the canine.

NOTE: Officers will not attempt to fight the canine or pull away. After the canine has been released, officers will not make any sudden movements and will follow all instructions of the Canine Handler.

5. Evidence Searches.

- a. The below-listed procedures will be followed for maximum effectiveness and safety during evidence searches by the Canine Team:
 - (1) It is extremely important that the area to be searched is not disturbed.

NOTE: Officers shall not contaminate the area prior to the canine search.
 - (2) The decision to search on- or off-leash will be made by the Canine Handler.
 - (3) In order to locate evidence left or dropped from the crime scene and any personal items lost by the suspect, the Canine Handler must have a general idea where to search.
 - (4) Officers will follow the procedures for Canine Vehicle Searches or Canine Building Searches, as appropriate, described in this policy.

6. Narcotics Detection.

- a. The use of the Canine Team in narcotics detection is a valuable tool in drug enforcement. The canine's ability to alert on a narcotic is directly related to the availability of the scent. The below-listed procedures will be followed for maximum effectiveness and safety during narcotics detection or evidence searches by the Canine Team.
- b. Canines used to search for controlled substances in vehicles, residences, buildings, and suspected areas are available on an "on call" basis.

- c. Officers who require the assistance of a canine to search for controlled substances will:
 - (1) Possess a search warrant, consent to search form, or articulated reasonable suspicion prior to requesting a Canine Team.
 - (2) Contact 911 Dispatch and request the assistance of an on-duty, narcotics Canine Team.
 - (a) If an on-duty, narcotics Canine Team is not available, 911 Dispatch may contact outside law enforcement agencies for an on-duty narcotics canine.
 - (b) If no on-duty narcotics canines can be located, 911 Dispatch will contact the OPD Canine Unit Sergeant via phone to request a narcotics Canine Team.
 - i. The Canine Unit Sergeant will contact the requesting officer(s) to determine if the situation requires the call-out of an off-duty, narcotics Canine Team.
 - ii. The Canine Unit Sergeant will contact an off-duty, OPD narcotics Canine Team to respond when appropriate.
 - (3) When requesting the Canine Team for use in searching a vehicle that is suspected to contain illicit drugs, officers will follow the procedures for Canine Vehicle Searches as described in this policy.
 - (a) Searches of vehicles will normally only be conducted for large quantities of narcotics that are believed to be hidden in sealed compartments.
 - (4) When the canine is used for narcotics detection in a building or structure, officers will follow the procedures for Canine Building Searches described in this policy.
- d. Upon arrival at the scene, the requesting officer will brief the Canine Handler on the:
 - (1) Need for the canine.
 - (2) Search procedures conducted prior to the arrival of the Canine Handler.
 - (3) Areas they wish to have searched.
- e. The Canine Handler shall request that officers secure the area and remove all suspects, observers, and other officers from the immediate search area prior to searching the vehicle, residence, building, or property for suspected controlled substances.
- f. At the completion of the search, the Canine Handler will advise the requesting officer of any items located and return the scene over to the requesting officer.
- g. It is the responsibility of the requesting officer to determine if they will make an arrest based on the evidence that is recovered and to take persons and/or evidence into custody.

- h. Canine Handlers will NEVER be responsible for turning in evidence recovered from a requested search.
- 7. Canine Vehicle Searches.
 - a. The Canine Handler will be responsible for making certain that the narcotics detection is initiated at a safe location. No detection operations will occur when the Canine Handler has deemed the area unsafe.
 - b. It is the responsibility of the requesting officer and back-up officers to maintain observation of the operator or any occupants. The Canine Handler must pay a great deal of attention to the canine during a narcotics search.
 - c. If the interior will be entered by the canine, the requesting officer will first take custody of any narcotics or paraphernalia in plain view. All occupants and food will be removed.
- 8. Canine Building Searches.
 - a. The requesting officer will conduct a search of the area with the Canine Handler.
 - (1) This search will be conducted without the canine to take into custody any narcotics or paraphernalia in view.
 - b. The Canine Handler will make certain of a safe working environment for the canine.
 - (1) If the Canine Handler has deemed the area unsafe, the canine will not be used for a detection operation.
 - c. All persons on the premises shall be removed or placed in one area prior to beginning the narcotics search.

EXCEPTION: In the event of a consent search, the owner or the owner's representative will be permitted inside the structure.
 - d. It is the responsibility of the requesting officer or back-up officer to maintain observation of the owner or representative. The Canine Handler must pay a great deal of attention to the canine during a narcotics search.
- 9. Locating lost persons or searching for victims of natural disasters.

IV. Canine Use of Force Investigations

- A. Reporting Requirements.
 - 1. Canine use of force incidents will be documented in a narrative document, such as a Microsoft Word document or an Inter-Office Communication. A PortalONE Incident Report is not required for canine use of force incidents.
 - 2. When a request to investigate a canine use of force incident is received, the responding sergeant will:
 - a. Make certain the suspect is transported to the hospital for treatment, regardless of their wishes.

- b. Contact the Forensic Investigations Section and request photos of the bite wounds after medical attention has been provided.
 - (1) It is important to document not only the location of injuries or bites, but also the absence of injuries or bites.

EXAMPLE: If the suspect was bitten on the leg, have photos taken of the suspect's torso with shirt removed (if male), or both arms and abdomen (if female) to show the absence of injuries or bites in these areas.

NOTE: If the suspect refuses to cooperate, the refusal will be documented, and no photos will be taken.
 - (2) Document the name of the responding Forensic Investigations employee.
- c. Document the name of the treating physician and what treatment was given.

EXAMPLE: "The wound was cleaned and irrigated, and the suspect was given Tylenol."

 - (1) Document if x-rays were taken and the results of the x-rays.
- d. Make certain the originating officer books or cites the suspect for the proper charges and completes the appropriate PortalONE Incident Report.
- e. Retrieve copies of all originating officer's reports on scene, including Incident Reports, Supplemental Reports, Property Reports, and any other reports made.
- f. Make certain the canine officer completes the following reports:
 - (1) Supplementary Report (OPD Form 200).
 - (2) Chief's Report (OPD Form 214).
 - (3) Incident-Injury Report (OPD Form 189).
 - (4) External Wound Location Chart (OPD Form 3).
- g. Forward all reports to the Canine Unit Sergeant
 - (1) The Canine Unit Sergeant will be responsible for reviewing the use of force, completing the "Supervisor" section of the Chief's Report, and completing the overall synopsis determining whether the bite was a reasonable use of force.
 - (2) The Canine Unit Sergeant will forward the required reports to the Safety Review Committee via chain of command.

B. Interviewing Witnesses, Suspects, and Officers.

- 1. When interviewing witnesses to the canine use of force incident, the investigating sergeant will ask the following questions when appropriate:
 - a. What was the nature of the original call?
 - b. What was the suspect wanted for?

- c. What is the history of the suspect?
 - d. Did the suspect pose a danger to officers or to others?
 - e. Were announcements made prior to the canine deployment? If so, how many announcements were made?
 - f. If no announcements were made, was there a tactical or safety reason not to give them?
 - g. If announcements were made, could the suspect hear and understand them clearly?
 - h. Were there other witnesses in the vicinity of the announcements?
 - i. Were the announcements given in a location where the suspect should have heard them?
 - j. Did the officer appear to see the apprehension? If so, how long was the canine on the bite prior to being removed by the canine officer?
 - k. Did the suspect make any statements to the officer(s) acknowledging their failure to surrender or comply?
2. When interviewing suspects who were subjected to a canine use of force, inform them the intent of the questioning is only to investigate the use of the canine, and that nothing they say will be used in a criminal investigation.
- a. If the suspect will face felony charges, or it is anticipated that the Criminal Investigations Bureau (CIB) will question the suspect, DO NOT question the suspect.
 - b. If the suspect will face misdemeanor charges only, and/or CIB interviews are not anticipated, the investigating sergeant may question the suspect.
 - c. When interviewing the suspect/subject on the canine use of force incident, the investigating sergeant will ask the following questions:
 - (1) Is the suspect under the influence of any alcohol or drugs?
 - (2) Did the suspect hear any announcements to speak up or surrender, or a dog would be deployed?
 - (3) If the suspect did hear announcements, did they follow the instructions? If not, why not?
 - (4) Where on the body was the suspect bitten? Are there any other wounds?
NOTE: The investigating sergeant should observe the wound(s).
 - (5) Is the suspect in pain?
 - (6) What did the canine do when the suspect was found?
 - (7) Did the suspect attempt to flee, strike, kick, or make sudden movements to avoid being bitten?

(8) How long was the dog on the bite?

(9) Is there anything the suspect could have done to avoid being bitten?

V. PUBLIC APPEARANCES:

- A. The OPD has received requests from members of civic organizations requesting that canines be allowed to make public appearances and give demonstrations.
- B. These requests will be reviewed, and the decision to allow canines to be used during a presentation or public appearance will be at the discretion of the Canine Unit Sergeant.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #32-89, 34-90, 52-96, 30-03, 25-07, 31-11, 34-14, and 9-16.

II. CALEA Accreditation Standards

- A. Relevant CALEA Accreditation Standards include the following: 1.3.6 and 41.1.4.

III. Other

- A. PPM Monthly Update #6-2015.

CELLULAR TELEPHONES – RESCINDED/REMOVED

This policy is rescinded per General Order #35-15.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #77-02, 17-03, 16-09, 17-09, 18-09, 31-14, and 35-15.

CELLULAR TELEPHONE USAGE – RESCINDED/REMOVED

This policy is rescinded per General Order #31-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #16-09, 18-09, and 31-14.

CELLULAR TELEPHONE USAGE IN POLICE VEHICLES – RESCINDED/REMOVED

This policy is rescinded per General Order #31-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #17-09 and 31-14.

CELLULAR TELEPHONES – ISSUANCE AND REIMBURSEMENT – RESCINDED/REMOVED

This policy is rescinded per General Order #31-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #77-02, 17-03, 18-09, and 31-14.

CHAPLAIN PROGRAM

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide a volunteer Chaplaincy Program to minister to the needs of citizens and police officers. OPD Chaplains, representing different faiths, volunteer at least two 24-hour periods per month to this program.

PROCEDURE:

I. Requesting Chaplain Assistance

- A. Officers may request an OPD Chaplain by calling the OPD Front Desk. Front Desk personnel will contact the OPD Chaplain by cellular telephone (see [Appendix A](#) for the phone number).
- B. When the OPD Chaplain calls, Front Desk personnel will give the Chaplain the following information:
 - 1. Location of the call.
 - 2. Type of call.
 - 3. Name of the requesting officer.
 - 4. The officer's car number.
- C. If the OPD Chaplain does not answer the call within five minutes, Front Desk personnel will consult the current OPD Chaplain Duty Schedule and call the on-duty OPD Chaplain at home or work. If there is no answer at the chaplain's home or work number, Front Desk personnel will ask 911 Dispatch to attempt to call the chaplain on the police radio.

NOTE: If all attempts are unsuccessful, Front Desk personnel will call the Senior Chaplain at home or work, and the Senior Chaplain will accept responsibility for the assignment.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #45-92 and 19-09.

II. Accreditation Standards

- A. CALEA Accreditation standard 81.2.11 is relevant to this policy.

CHIEF'S REPORT

PREAMBLE:

The Omaha Police Department (OPD) reviews certain actions, incidents, or outcomes that have a higher risk of injury to the officer or subject(s) or have the potential to create financial or legal liability for the City of Omaha and the OPD. Once the review is completed, the entries are submitted into the IAPro system. This system is used to track and analyze certain actions, incidents or outcomes, citizen complaints, internal investigations, line investigations and inquiries to the Internal Affairs Unit as a normal function of risk management. Information and analysis of data stored within IAPro may be used for civil litigation proceedings, disciplinary cases, training outcomes and policy changes. IAPro is also used to identify officers for referral to the OPD Early Intervention Tracking System (see the OPD "Internal Affairs – Early Intervention Tracking System (EITS)" policy for more details).

POLICY:

It is the policy of the Omaha Police Department (OPD) that a Chief's Report (OPD Form 214) will be prepared in addition to any offense, incident, or administrative reports for certain police-related incidents that are not part of the basic incident reporting system. When necessary, OPD Form 214A, the Continuation/LEOKA Addendum, will be prepared in addition to the Chief's Report to record additional narrative information or to enter Law Enforcement Officers Killed or Assaulted (LEOKA) details.

PROCEDURE:

I. Incidents Reported on a Chief's Report

- A. The below list is intended as a guide and is not an all-inclusive list of incidents that may require a Chief's Report (OPD Form 214).
1. Vehicle pursuits or vehicle fled/non-pursuits. See the OPD "Police Vehicle Pursuit" policy for further details.
 2. Use of force incidents (UOF), including K-9 apprehensions. See the OPD "Use of Force Reporting Requirements" policy for further details. Employees will specifically describe the type and degree of force used.
 3. City-owned vehicle accident.
 4. Forced entry to any location with a physical address.
 5. Non-consensual warrantless entry or search of a structure or secured area. Examples include, but are not limited to, a residence, a gated area, etc.
 6. Firearm discharge. Examples include officer involved shootings, animal shootings, distress signals, accidental discharges, etc. See the OPD "Force – Use of Force Reporting Requirements" policy for further details.
 7. Damaged or lost citizen property by a police employee.

8. Administrative investigations – incident types that happen infrequently or any other incident that should be reported on a Chief’s Report that does not fit under any other category.
 - a. Prisoner escape.
 - b. A subject is injured or dies while in police custody, not as the result of an officer’s action(s) (for example, a subject slips and falls). In these cases the involved officer will:
 - (1) Complete an OPD Incident Report (OPD Form 189). The “Non-Criminal” box will be selected and the officer will note “Injury” in the “Offense” box.
 - (2) The following information must be included in the Chief’s Report narrative:
 - (a) A brief synopsis of the interaction.
 - (b) A description of the subject’s actual or claimed injury.
 - (c) A description of any professional medical attention offered and/or the first-aid measures taken, including the time(s) administered.
 - c. Assault on an officer incidents, when no other report documents the incident. For example, no use of force was required and/or the officer was not injured during the incident. Officers must also complete a Continuation/LEOKA Addendum (OPD Form 214A) in this case.

NOTE: Requests for Recognition will no longer be issued a Chief’s Report number for tracking and documentation purposes.

II. Chief’s Report Procedures

- A. Officers involved to the extent that their individual actions warrant a Chief’s Report, will complete and submit their own individual OPD Form 214.
- B. Officers present during an incident, but not directly involved to the extent a Chief’s Report is required for their own actions, should be briefly documented in the primary officer’s Chief’s Report, but are NOT required to submit their own individual OPD Form 214.
- C. Employees who require a Chief’s Report number will contact the OPD Front Desk.
- D. The Front Desk maintains the Chief’s Report Log (OPD Form 54) to make certain the Chief’s Report (CR) numbers are available on a 24-hour basis. The Front Desk documents the CR number, date, nature of the incident, the issuing officer’s/employee’s serial number, and the requesting officer’s/employee’s assignment and serial number on the Chief’s Report Log.

NOTE: A Chief’s Report does not necessarily need an RB number and may stand alone. The report does not go through regular RB procedures, (i.e. the Records Unit/Data Center and the RB record files), but is assigned a Chief’s Report (CR) Number. If an RB number for the incident is available, it should be noted on the Chief’s Report.

- E. Employees who complete a Chief’s Report will briefly describe details of the incident in the body of the report. The Continuation/LEOKA Addendum (OPD Form 214A) will be

completed only as needed. A copy of all other related Incident Reports shall be attached, and the RB Number(s) noted in the space provided on the Chief's Report.

- F. All Chief's Reports and Continuation/LEOKA Addendums will be forwarded in a timely manner, via chain of command, to the employee's immediate supervisor (i.e. unit/shift lieutenant or non-sworn manager/supervisor) for review. Following this review, the Chief's Reports and Continuation/LEOKA Addendums will be routed as follows:
1. Review of Chief's Reports involving Police Vehicle Pursuits.
 - a. Pursuit Packets will be forwarded to the precinct/section commander.
 - b. Following the review by the precinct/section commander, Pursuit Packets will be forwarded to the Pursuit Review Committee via the Uniform Patrol Bureau (UPB) Deputy Chief.
 - c. The UPB Deputy Chief's Administrative Assistant will prepare and forward review packets of each pursuit to the members of the Pursuit Review Committee.
 2. Review of all other, non-pursuit related, Chief's Reports.
 - a. All Chief's Reports will be forwarded to the precinct/section commander of the employee(s) involved, regardless of whether or not the initial findings indicate Policies and Procedures Manual (PPM) violations.
 - b. Following review by the precinct/section commander, the packets will be forwarded to the Executive Services Bureau (ESB).
 - c. The ESB Administrative Assistant will prepare Chief's Report packets for routing to the Safety Review Board members.

III. Maintenance of Chief's Report Records

- A. Chief's Reports are stored/maintained in the IA Pro system.

IV. LEOKA Information

- A. A copy of ALL Chief's Reports (OPD Form 214) and Chief's Report Continuation/LEOKA Addendums (OPD Form 214A) containing UCR/NIBRS data concerning Law Enforcement Officers Killed and Assaulted (LEOKA) information will be forwarded to the OPD Crime Analysis Unit via the Executive Services Bureau to be collected and reported to the Federal Bureau of Investigation.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #45-83 Amendment #1, 21-89, 36-91, 1-96, 57-97, 58-97, 36-98, 13-99, 60-99, 60-99 Supplement #1, 33-05, 23-09 and 22-14.
- B. Previous OPD Information Orders include #193-92.

II. Accreditation Standards

- A. CALEA Accreditation standards 1.3.7 and 82.2.4 are relevant to this policy.

CHILD PASSENGER PROTECTION LAW

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers will issue a Traffic Citation to drivers who violate Nebraska Revised Statute §60-6,267 by failing to use the appropriate restraint or protection system for children under eighteen years of age.

PROCEDURE:

I. Requirements of Nebraska Revised Statute (NRS) §60-6,267

A. Children up to Six Years of Age.

1. Nebraska law requires drivers to make certain that all children up to six years of age use a child passenger restraint system.
2. The child passenger restraint system must be correctly installed and meet Federal Motor Vehicle Safety Standard 213 as it existed on January 1, 2009.

B. Children Who Are Six or Older and Less Than Eighteen Years of Age.

1. Nebraska law requires drivers to make certain that all children who are six years of age or older and less than eighteen years of age use an occupant protection system.
2. This requirement does not apply to taxicabs, mopeds, motorcycles and any other motor vehicle designated by the manufacturer as a 1963 or earlier model which is not equipped with an occupant protection system.

C. Medical Exceptions.

1. The passenger restraint system requirement for children under age six may be waived by a licensed physician if using the system would be harmful because of the child's weight, a physical condition or another medical reason.
2. The driver must carry on their person or in the vehicle a copy of the physician's signed written statement identifying the child and stating the grounds for the waiver.

D. Additional Exceptions.

1. The requirements for child passenger restraint and occupant protection systems do not apply to:
 - a. Drivers of authorized emergency vehicles when operating such emergency vehicles pursuant to their employment.
 - b. Drivers of motor vehicles being operated in a parade or exhibition if the parade or exhibition is conducted in accordance with applicable state law and local ordinances and resolutions.

E. Drivers with a Provisional Operator's or School Permit.

1. All persons transported by the holder of a provisional operator's permit or a school permit must use the vehicle's occupant protection system.

II. Citations for Violation of NRS §60-6,267

- A. The requirements of child passenger restraint and occupant protection systems for children under age eighteen apply to every motor vehicle equipped with an occupant protection system or which is required to be equipped with restraint systems.
- B. Officers will issue a Traffic Citation for "Other Offense" and will document the violation as "No Child Restraint." Officers will advise the driver to obtain an approved safety seat as soon as possible from a safety seat loaner program or retail store.
- C. The failure to provide a child restraint system for more than one (1) child in the same vehicle at the same time is not to be treated as a separate offense.

III. Provisions in Nebraska's Child Passenger Protection Law

- A. The requirement of child passenger restraint systems for all children up to six years of age is one of primary enforcement. Drivers can be stopped and ticketed if child passengers are unrestrained.
- B. The following requirements will be enforced only as a secondary action when the motor vehicle operator has been cited or charged with a violation or other offense:
 - 1. Occupant protection systems for all children who are six years of age or older and less than eighteen years of age.
 - 2. Occupant protection systems for all persons transported by provisional operator's permits or school permits holders.

EXCEPTION: The violation involves a person under the age of eighteen years riding in or on any portion of the vehicle not designed or intended for the use of passengers while the vehicle is in motion.

- C. The law applies to all seating positions in the vehicle.
- D. The law applies to any person in Nebraska who drives any motor vehicle that has or is required to have an occupant protection system.

REFERENCES:

I. Nebraska Revised Statutes

- A. NRS §60-6,267 is referenced in this policy.

II. Federal Regulations

- A. Federal Motor Vehicle Safety Standard 213, 49 CFR §571.213.

III. Previous OPD Orders

- A. Previous OPD General Orders include the following: #41-90, 5-03, 1-11 and 38-14.

CITATIONS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers will take appropriate enforcement action in response to violations of City Ordinances and the Nebraska Revised Statutes (NRS). Per NRS §29-422, citations will be issued in lieu of booking for misdemeanors, infractions, and ordinance violations to the maximum extent consistent with the effective enforcement of the law and protection of the public. Officers will refer to the current Douglas County Court Waiver/Fine Schedule when they issue citations for offenses that can be waived.

Officers will issue Super Citations for both Criminal and Traffic Offenses, Courtesy Citations, Parking Citations, and/or make arrests as appropriate. Officers will issue electronic citations when possible. Paper citations will be used only when electronic citations are not available (i.e., the system is down).

PROCEDURE:

I. Citations – General

- A. The OPD has four (4) types of citations. Officers will issue electronic versions of citations when possible. Paper citations should be used only when electronic citations are not available.
 - 1. Super Citation (Citation for both traffic and criminal offenses).
 - a. The State of Nebraska Uniform Citation and Complaint form is the paper version of the Super Citation.
 - b. Super Citations can also be completed electronically.
 - 2. Parking Citations.
 - 3. Courtesy Citations (Fix It or Warning).
 - 4. Courtesy Vehicle Check – see the OPD “Tow - Dead Storage Vehicle” Policy.
- B. Officers will not give advice to violators regarding how to handle citations.
 - 1. Officers will advise the violator they must appear in court without exception when any one of the offenses does not appear on the Offenses Fine Waiver Schedule.
- C. Officers who are working off-duty and need to physically arrest, detain, or cite a suspect will contact 911 as soon as reasonably possible and will follow procedures described in the OPD “Off-Duty Employment” Policy.
- D. Shift assignment designation on all citations, both paper and electronic, is as follows:
 - 1. “A” to be used by “A”-Shift Officers.
 - 2. “B” to be used by “B”-Shift Officers.
 - 3. “C” to be used by “C”-Shift Officers.
- E. Court dates and times on Super Citations will be assigned as follows:
 - 1. Electronic Super Citations: Electronic Super Citations will automatically assign court dates and times.
 - 2. Paper Super Citations: When a paper Super Citation is issued that requires a court appearance, officers will schedule arraignments per the following:

- a. Court dates will be on the same day of the week that the citation was issued, with the exception of Thursday, Saturday, Sunday, and court holidays. The arraignment date will be set for no less than thirty (30) calendar days from the citation issue date.

EXAMPLE:

<u>Citation Issue Day</u>	<u>Arraignment Day</u>
Monday	Monday
Tuesday	Tuesday
Wednesday	Wednesday
Thursday	Wednesday
Friday	Friday
Saturday	Monday
Sunday	Tuesday

- b. Court Times.

- (1) If all criminal charges on the Super Citation are non-traffic offenses, the appearance time will be 1:30 p.m.
- (2) If all charges on the Super Citation are traffic offenses, the appearance time will be 9:00 a.m.
- (3) If both traffic and criminal charges are listed on the Super Citation, the arraignment time will be 9:00 a.m.
- (4) All traffic offenses listed on the Super Citation will have an arraignment time of 9:00 a.m.

- F. Court Costs for traffic and criminal offenses will be recorded on the Super Citation as follows:

1. Electronic Super Citations will automatically calculate court costs and fines for traffic and criminal offenses.
2. Officers will use the current Douglas County Court Waiver/Fine Schedule for paper Super Citations.
 - a. The Douglas County Court Waiver/Fine Schedule provides a list of traffic, criminal, and miscellaneous offenses that can be waived. Officers will reference this schedule when they enter the Statute/Ordinance number and fine amount(s) on a Super Citation.
 - b. Waiver/Fine Schedules are updated by the Nebraska Supreme Court on a regular basis. When changes are made to the schedule, new schedules are distributed to all OPD employees via an Information Order.
 - c. When multiple paper Super Citations are issued, court costs are to be shown on ONLY ONE of the Super Citations.
3. Court costs are not chargeable on Parking Citations.

G. Multiple Offenses

1. Electronic Super Citation: Officers are allowed to write up to nine (9) violations per Super Citation. If more than nine (9) charges are brought against a violator, a second electronic Super Citation must be issued.

2. Paper Super Citations: Officers are allowed to enter up to four (4) violations per paper Super Citation. If more than four (4) charges are brought against a violator (including traffic charges), additional Super Citations should be initiated, and all citations relating to the incident should be stapled together along with an accompanying Continuation/Supplementary Report (OPD Form 200A) or Incident Report. Officers may:
 - a. Check four (4) boxes and/or write in three (3) charges in the other boxes for different offenses.
 - b. When there are multiple counts of the same charge, up to four (4) charges may be included by checking one (1) box and writing three (3) additional charges in the "Other" boxes.

II. Paper Citations

A. Procedures for checking out paper citations are as follows:

1. Officers should fill out the Issue Card completely and correctly and turn the hard copy of the Issue Card in to their sergeant no later than the end of their shift.
2. The sergeant will make certain Issue Cards are turned in to the Records Unit for processing by the next shift.
3. All citations and citation books that have been checked out will be maintained in a secure, locked location when not in the immediate, personal custody of the officer.

B. The minimum issue of citations is as follows:

1. Super Citations: 20 each (for criminal and traffic offenses).
2. Parking Citations: 10 each.
3. Courtesy Citations: 25 each.
4. Officers will be issued all four (4) types of citations as needed.

C. Tracking Paper Citations.

1. If citations cannot be issued within a reasonable time period due to illness, transfer, termination, etc., officers will return them to the responsible supervisor for computer cancellation.
 - a. The supervisor will turn all unused citations in to the Records Unit so they can be cancelled.
 - b. A Verification Report can be prepared by the Records Unit to account for citations issued to employees. "Courtesy Vehicle Checks" have no inventory procedure.
 - c. Use citations in numerical order from the lowest number to the highest number.

D. Submission of Paper Citations.

1. Officers will submit all completed paper citations to their supervisor no later than the end of shift.

- a. The supervisor will promptly submit the citations into the appropriate box outside the Information Services Squad office.
- b. Parking citations are placed in the appropriate box outside the Information Services Squad office for transportation to the Violations Bureau.
- c. Super Citations for criminal offenses are attached to pertinent reports and turned in to the field supervisor.

III. Completion of Paper Super Citations for Traffic and Criminal Offenses – Specific Details

- A. RB numbers should be entered in the blank space above the “Case No” field of the paper Super Citations. When multiple RB numbers are required, for example, a subject is cited for multiple shoplifting incidents, the officer will write no more than four (4) RB numbers.
- B. Only four (4) counts/charges may be entered on a paper Super Citation. If more than four (4) counts/charges are required, a second paper Super Citation should be completed.
- C. When there is a delay between the date of the offense and the date the paper Super Citation is issued, officers will note this in the space above the “Case No” field.
- D. The pink copy of the paper Super Citation must be turned into the Records Unit along with the rest of the Super Citation.

IV. Voiding Citations

- A. Electronic Citations: Electronic citations may be deleted once they have been initiated and prior to issuance.
 1. The officer is required to provide an explanation in the comment field of the “Delete” dialogue box.
 2. Deleted citations are still saved within the system, but are not forwarded to the Court.
- B. Paper Citations: Officers may void a paper citation before issuing the ticket by doing the following:
 1. Print “VOID” across the citation and attach all copies, including the Violator’s Copy, to an Inter-Office via the chain of command to their Precinct/Section Captain. The Inter-Office Memorandum should include the reason the citation was voided.
 2. The captain will forward voided citations and the Inter-Office Memorandum to the Records Unit for processing.

V. Errors Found After a Citation Has Been Submitted

- A. If an error is found after a citation is issued to a violator, turned in, and sent to the Records Unit for processing, it shall not be returned to the officer. The Records Unit will prepare a notice, along with a copy of the citation, and send the notice to the officer’s captain. The captain will determine what action the officer will take. Possible actions include:
 1. Re-issue the citation to the offender.
 2. Contact the City Prosecutor’s Office to complete an affidavit for an arrest.
 3. Contact the City Prosecutor’s Office so the citation can be dismissed.
- B. The following list of errors will result in the citation being “Not Submitted for Prosecution”:

1. Date of Offense is blank, incomplete, or wrong.
2. Name of Violator is missing.
3. Location of Violation is missing.
4. Violation is missing or cannot be determined.
5. Officer Serial Number is missing or cannot be determined.
6. Court Appearance Date is missing or wrong.
7. Signature of Violator is missing.
8. To properly identify the person to whom the citation is issued, the following information is necessary:
 - a. Date of Birth.
 - b. Sex.
 - c. Race.

EXCEPTION: An exception to this is when the violation is Handicap Parking and the vehicle is registered to a business or institution.

C. Wrong Party Citations.

1. It is OPD policy to have all original arresting/citing officers respond to a Wrong Party Citation Notification. The OPD Court Liaison Officer will notify the issuing officer's Deputy Chief whenever an officer has issued a citation to the wrong party.
 - a. Upon receipt of a wrong party notification, the receiving Deputy Chief will determine what course of action the officer will take. Possible courses of action include:
 - (1) Attempting to locate the true offender to issue them the citation.
 - (2) Arresting the true offender for subsequent charges, such as "False Information."
 - (3) Contacting the City Prosecutor's Office during normal business hours. At that time, the officer will make arrangements to meet with the Prosecutor's Office to fill out an arrest affidavit on the true violator. The officer will make this appointment during their normal duty time or when they are subpoenaed into court on another traffic or criminal case.

VI. Aggravating Circumstances and Mitigating Factors – Traffic Super Citations and Courtesy Citations

- A. Officers will exercise individual discretion and will consider the elements of the violation, the severity of the violation, and the totality of the circumstances, as well as the below-listed Aggravating Circumstances and/or Mitigating Factors, when they determine whether a Courtesy Citation or Super Citation is issued to traffic law violators.
- B. The below-listed Aggravating Circumstances and Mitigating Factors are not intended to be all-inclusive.

- C. Aggravating Circumstances may include the following:
 - 1. The violator was involved in a traffic accident or near collision.
 - 2. Significant interference with traffic occurred or another motorist was forced to take evasive action.
 - 3. Considerable other traffic was present.
 - 4. The degree of the violation was great.
- D. Mitigating factors may include the following:
 - 1. Other traffic was light.
 - 2. There was no interference with other traffic.
 - 3. The degree of the violation was slight.

VII. Super Citation Procedures for Traffic Offenses

- A. Officers will determine the type of citation to be issued for moving violations.
 - 1. Officers will make certain the violator signs the paper Super Citation or the "Citation Signature/Fingerprint" page of the electronic Super Citation.
- B. Officers will make certain all applicable information is included on the Super Citation so that the Records Unit staff may enter the citation electronically. The program will NOT accept incomplete information.
 - 1. For example, officers must enter the color, make, model, VIN number, and license plate of the vehicle when issuing a Super Citation for a traffic offense. If a license plate number is not available, officers will note "no plate" on the citation.
- C. If any one of the violations on a Super Citation may NOT be waived, then none of the violations may be waived.
 - 1. Officers are not allowed to separate violations that may be waived and place them on a separate citation from violations that may not be waived. If one violation may not be waived, then the ENTIRE CASE shall NOT be waived.
- D. Individual fines for violations that may be waived are needed, but no space has been provided on the paper Super Citation to write them. Officers are to write the individual fines OVER the words: "*If the 'waiver allowed' box is checked, you are* .". The total of all fines is to be written in the space: "*You may pay a fine of \$_____ and costs of \$_____ for a total of \$_____.*"
- E. The order in which the individual fines are to be written is to follow the letters, then the "Other" violations.
 - 1. Officers should use the most current fine schedule and it is their responsibility to have the latest version.
- F. Citations Issued for Driving Without an Operator's License.
 - 1. If a person violates NRS §60-484, "Operating a motor vehicle without an operator's license" but has identification or can be identified by any other means, the driver is issued a citation (either a Super Citation or a Courtesy Citation).

2. If the violator has no operator's license, the officer will call the Information Operator and request a "driver's license check."

NOTE: A "driver's license check" is not the same as a "complete data check."

3. The Information Operator will:
 - a. Check the Nebraska driver's license file if the violator is a resident of Nebraska.
 - b. Check NCIS for license suspension.
 - c. Return an operator's license number to the officer if one is on file. In this case, the violator should be cited for NRS §60-489, "No Operator's License on Person."
 - d. If the violator can be identified through any of these checks, the violator WILL be issued a citation. The violator is booked ONLY if they cannot be identified.
 4. When officers issue Super Citations for an expired operator's license and/or no operator's license, they will use NRS §60-484.
- G. When officers issue a Super Citation for a traffic offense, they will briefly and carefully explain the procedures to the violator, including:
1. The court appearance time, date, and location.
 2. Eligibility for waiver and payment of fine.
 3. Officers will be sure to provide ALL cited violators with the National Safety Council's driver's education program information, and will explain to all cited violators that they may be eligible to dismiss their citation by completing one of the National Safety Council's driver's education programs.
 - a. This information is included in the electronic Super Citation that is printed out and/or the violator may be provided a traditional National Safety Council card.

VIII. Super Citation Procedures for Criminal Offenses

- A. The investigating officer will determine when and where to issue a Super Citation for criminal offenses. The investigating officer must evaluate all information, evidence, and other indicators to determine if issuing a Super Citation is appropriate in lieu of booking.
- B. A Super Citation for a criminal offense is a substitute for the booking and bonding process, and implies the accused is in custody when the citation is issued.
- C. Prior to issuing a Super Citation for a criminal offense, the officer will verify the subject is not presently "wanted" and does not have any prior convictions that may require booking.
- D. Super Citations for criminal offenses will not be issued in lieu of serving warrants for arrest. Warrants are to be served on persons. As a result, subjects of warrants are to be booked and released on the bond as stated on the warrant.
- E. Whenever possible, officers will issue Super Citations in lieu of booking unless the subject meets one of the following criteria:
 1. The subject fails to identify themselves satisfactorily.

NOTE: Subjects may be booked as a “John/Jane Doe” if they refuse to be fingerprinted. See the OPD “Identification of Suspects – Fingerprinting/Photographing Adults” policy for details.

2. The subject refuses to sign the Super Citation.
3. The officer has reasonable grounds to believe that:
 - a. The subject will refuse to respond to the Super Citation.
 - b. Such action is necessary to carry out legitimate investigative functions.
 - c. The subject has no ties to the jurisdiction reasonably sufficient to assure their appearance.
 - d. The subject has previously failed to appear in response to a citation, or has one or more outstanding warrants.
 - e. The offense was ineligible for citation release as described in OPD written policy.
 - f. There was a reasonable likelihood the offense(s) would continue or resume, or the safety of the subject or other persons or property would be imminently endangered by release of the subject.
 - g. The prosecution of the offense(s) for which the subject was arrested, or the prosecution of any other offense(s), would be jeopardized by the immediate release of the subject.

F. Booking in Lieu of Super Citations for Criminal Offenses.

1. If the arresting officer determines the subject must be physically booked in lieu of issuing the subject a Super Citation, the officer will include in the narrative section of the Incident Report all reasons and circumstances contributing to the decision to book the subject.

EXAMPLE: The subject has one or more Failures to Appear, refuses to sign the citation, or lives in another state, etc.

2. A command officer must approve the booking of arrestees under these circumstances. The arresting officer will include the name of the command officer who authorized the booking. Approval of the reports may be done by the authorizing command officer or through the arresting officer’s normal command practice.

G. When a suspect is not physically booked on misdemeanor charges, all criminal and traffic charges will be cited together on a single Super Citation.

1. This does not include parking charges where the driver of the vehicle is identified and present.
2. If narrative information is required to establish the elements of the charges these will be documented in the narrative section of:
 - a. The accompanying report, if issuing a paper Super Citation.

– OR –

- b. The Electronic Super Citation, when no accompanying Incident Report is required (crime victim is "Society"). Otherwise, the officer will use the accompanying Incident Report.
- H. When a Super Citation is issued for a criminal offense in which the victim is "Society" (i.e., crimes against Society), an OPD Incident Report (OPD Form 189) IS NOT REQUIRED.
NOTE: Narrative information should be documented on an OPD Continuation/ Supplemental Report (OPD Form 200A), rather than in the paper Super Citation narrative section. Officers should make certain the "Continuation" box is checked on the Continuation/Supplementary Report.
- I. When a Super Citation is issued for a criminal offense in which there is an identified victim (i.e., victim is not "Society"), an OPD Incident Report (OPD Form 189) IS REQUIRED.
NOTE: If an electronic Super Citation is issued, the narrative information should be documented in the Incident Report. The Super Citation narrative should state "See Incident Report."
- J. Super Citations are issued as a criminal offense for the following traffic-related misdemeanors:
 - 1. Operating Motor Vehicle During Period of Suspension.
 - 2. Driving Under the Influence (DUI).
 - 3. Leaving the Scene of a Property Damage Accident.
 - 4. Reckless Driving.
 - 5. Willful Reckless Driving.
 - 6. Operating a Motor Vehicle to Avoid Arrest.
 - 7. No Proof of Insurance or Financial Responsibility.
- K. If any one of the violations on a Super Citation may NOT be waived, then none of the violations may be waived.

IX. Courtesy Citations

- A. A Courtesy Citation (OPD Form 207) or its electronic equivalent may be issued to the driver of a motor vehicle who has committed certain traffic violations. Officers will use individual discretion, unless policy otherwise dictates, to determine which enforcement action will be taken.
- B. A Courtesy Citation may be issued for license/equipment violations including, but not limited to, the following:
 - 1. Motor vehicle registration expired ten (10) days or less.
 - 2. Operator's License has been expired ten (10) days or less.
 - 3. No operator's license.
 - 4. No proof of ownership.
 - 5. No license plate.

6. Non-compliance with wheel tax requirements.
 7. No red tail light.
 8. No head light.
 9. No turn signal.
 10. Defective muffler.
 11. Defective vehicle.
 12. Window tint.
 13. Obstructed vision.
- C. Courtesy Citations *may* be appropriate for minor moving violations such as:
1. Speeding.
 2. No turn signal.
 3. Following too closely.
 4. Improper lane change.
 5. Violating a traffic control device.
 6. Other violations where education will accomplish the same goal as enforcement.
- D. Courtesy Citations are NOT appropriate for violations which have caused accidents.
- E. Signatures may be required for a Courtesy Citation to be issued.
1. Electronic Courtesy Citation: Violators are required to sign the "Citation Signature/Fingerprinting" page only when the Courtesy Citation is issued as a "Fix It" Citation. A signature is NOT required when the Courtesy Citation is issued as a "Warning."
 2. Paper Courtesy Citation: The officer will complete the top portion. Both the motorist and the officer must sign the citation.
- F. Records will be kept of Courtesy Citations as follows:
1. Paper Courtesy Citations: The Information Services Squad will be responsible for the record-keeping of the paper Courtesy Citations, and will retain the original Courtesy Citation white copy.
 2. Electronic Courtesy Citations: Information obtained will be maintained in the computerized tracking system.

X. Parking Citation Procedures

- A. The Parking Citation is used to cite for traffic (parking) infractions. When the Parking Citation is issued, the officer or Parking Control Technician will charge the offender under the appropriate City Ordinance, instead of using the corresponding State Statute. The OPD cannot issue an electronic parking citation.

- B. Fees are required for parking in a metered space during the days and times posted on each meter.
- C. For all parking violations, the Parking Citation is placed under the windshield wiper of the driver's side of the vehicle when the vehicle is unoccupied.
- D. Violators who are issued Parking Citations have the following options:
 - 1. The violator may pay the Parking Citation by mail or in person, by credit card or by check. Instructions are listed on the back side of the violator's copy of the citation. Payment must be received within fifteen (15) days of the violation. Checks or money orders should be made payable to "The Public School Fund" not "The City of Omaha."
 - 2. To plead "not guilty," the violator must bring the Parking Citation to the Violations Bureau located in the City/County Building, and request a hearing.
- E. Common parking violations in City parks include the following:
 - 1. Many parks in the City of Omaha have signs posted that indicate gasoline powered vehicles must stay on the drive. When an officer determines that a citation should be issued for a vehicle that is parked off the designated drive, the officer will issue a Parking Citation and will charge the violator under the Omaha Municipal Code §36-156 (Stopping, Standing, or Parking Prohibited in Specified Places).
 - 2. If the officer actually observes the vehicle moving off the designated drive in a restricted area, the driver will be issued a Criminal Citation under the Omaha Municipal Code §21-2 (Traffic in Parks generally).
- F. Officers will issue a Parking Citation to violators whom they observe/witness obstructing traffic with their vehicles on city streets.
 - 1. Officers occasionally observe vehicles that are partially or totally blocking a street. Usually, the vehicles are either loading or unloading property adjacent to loading docks. Omaha Municipal Code §36-159 (Obstructing traffic), describes obstruction of traffic as when a vehicle is parked upon a street, other than an alley, in such a manner or under such conditions that result in less than ten (10) feet width of available roadway for free movement of traffic.
- G. State Senators have certain immunity from Parking Citations.
 - 1. Each year, Nebraska State Senators receive a State Senator Parking Sticker from the City of Lincoln prior to the legislative session. The City of Omaha will honor this sticker.
 - 2. As a member of the Legislature under the Nebraska Constitution, a Senator is immune from arrest fifteen (15) days before, during, and fifteen (15) days after the legislative session. The session usually occurs between January and early June of each year. These stickers, which are placed on the window of the driver's side of the vehicle, protect the Senators from receiving parking tickets.
 - 3. This privilege does not allow a vehicle to be parked illegally in a tow-in zone, e.g., 4-6 zones, etc.
- H. Fire lane parking violations may result in a Parking Citation and/or a tow.
 - 1. OPD officers who cite any parked vehicle for a fire lane violation will issue a Parking Citation for "Prohibited in Specific Places-Fire Lanes" Omaha Municipal Code §36-56.

2. In situations where the officer believes that the violation constitutes a substantial safety hazard, or the vehicle is found to have overdue tickets or warrants pending, the officer MAY TOW the violating vehicle as authorized by Omaha Municipal Code §36-231 (Unlawfully Parked Vehicles Declared Obstruction, Misdemeanor and Public Nuisance), and §36-232 (Summary Removal Authorized).
- I. The driver of a police vehicle who receives a Parking Citation will send an Inter-Office Memorandum via chain of command to the Prosecutor's Office. The memo requests the citation be voided. The memo will also include:
 1. The employee's assignment.
 2. The reason the employee was unable to move the vehicle, or insert additional money (court, on-going investigation).

XI. Handicapped Parking Citation Procedures

- A. Handicapped Parking violators will be issued Super Citations for violation of "Handicapped Parking," NRS §18-1741.01. Officers will use their discretion and will consider the totality of the circumstances when determining whether to issue the citation, as opposed to a verbal warning, etc.
- B. Officers will not use electronic citations for Handicap Parking. Only paper Super Citations will be used for this violation.
- C. Handicapped individuals and/or their designees are issued parking permits and/or specialty license plates which must be displayed in order to park in designated handicapped parking spaces/zones.
 1. Handicapped Parking enforcement action will be taken if an officer receives complaints of cars illegally parked in a Handicap Parking zone, or observes vehicles parked in Handicapped Zones, without one or more of the following:
 - a. The authorized State handicapped license plate.
 - b. An apparently valid handicapped license plate issued by another state.
 - c. A valid handicapped parking permit.

NOTE: In order to enforce handicapped parking regulations, the designated space/ zone must be identified by a handicapped parking sign that conforms to applicable state and federal regulations (as described in NRS §18-1737). The sign must be posted "above ground and immediately adjacent to and visible from each stall or space, including access aisles "

2. Handicapped parking permit applications and handicapped license plate applications may be obtained from the Nebraska Department of Motor Vehicles (DMV) web site.
 - a. The permanent handicapped parking permit indicates the permit holder has a permanent medical condition. The permanent handicapped parking permit is valid for a maximum of six (6) years.
 - b. The temporary handicapped parking permit is valid for six (6) months and can be renewed once for an additional six (6) months.
 - c. The permit must be hung from the rearview mirror while the vehicle is parked in a designated Handicapped Parking space.

- (1) If there is no rearview mirror in the vehicle, the permit may be displayed on the dashboard.
- d. Permits must remain in the condition they were issued. Permit holders must not alter the permits in any way. For example, a permit with the demographic code sticker removed is considered an altered permit.
- D. The holder of any current handicapped parking permit or handicapped license plate is entitled to free parking in areas designated as being reserved for handicapped persons, as well as free parking at City-owned metered parking stalls, for as long as the maximum time allowed on the meter.
- E. Nothing in this Section is construed to mean the granting of parking privileges or conveniences to able-bodied drivers of motor vehicles bearing paraplegic license plates or permit.
- F. Citations may be issued for vehicles parked on private or public property, and/or on a public or City-owned parking lot.
- G. Off-duty uniformed privately employed officers may issue citations for violations that occur in their presence, e.g., vehicles parked illegally in handicapped zones on the business property for which the officer is employed in an off-duty capacity.
- H. Officers, with the assistance of the Information Channel, will document the name, race, address, and date of birth of the registered owner of the vehicle on the citation. When there is more than one registered owner, officers should attempt to locate the driver of the vehicle when reasonable. For example, the vehicle is parked in a handicapped space of a smaller business lot versus a large department store.
- I. Volunteer Handicap Patrol members will document the license number of the vehicle and other required information on the citation. The citations will be forwarded to the Traffic Unit. The Traffic Unit will then document the name, race, address, and date of birth of the registered owner of the vehicle on the citation prior to forwarding the citations to the Data Center.
- J. Handicapped Parking Citation court dates will be set no less than thirty (30) calendar days from the date of the violation and will be scheduled on the same day of the week that the citation is issued, with the exception of Thursday, Saturday, and Sunday.
- K. A Handicapped Parking violation does not require a court appearance. It is an offense that can be waived. Court Fees are not required, as it is a parking violation.

XII. Refusal to Sign a Super or Courtesy Citation

- A. Refusal to Sign a Super Citation Issued for a Criminal Offense.
 1. Officers are authorized to take into custody and further detain a subject who refuses to sign a Super Citation issued for a criminal offense. Unlike a citation issued for a traffic offense, however, there is no separate charge for "Refusal to Sign" with which to additionally charge the subject.
 2. When an officer issues a Super Citation for a criminal offense to a subject who refuses to sign the citation, the officer will:
 - a. Inform the subject that their signature on the citation is not an admission of guilt, but only a promise to appear in court.
 - b. Further inform the subject that the citation is being issued in lieu of arrest and continued custody.

3. If the subject still refuses to sign the citation, the subject is taken into custody like any normal arrest and booked for the charge rather than cited.
4. The arresting officer will detail in the Incident Report the circumstances of the subject's refusal to sign the citation.
5. If the officer had completed a paper Super Citation, the officer will write "Refused to Sign – Booked" on the signature line of the Super Citation. The officer will attach all copies of the citation to the accompanying Continuation/Supplementary Report and/or Incident Report and submit to the Records Unit for processing.
6. If the officer completed an electronic Super Citation, the officer will select "Booked" and complete any other required fields as part of the Incident Report.

EXCEPTION: A subject who is cited for Possession of Marijuana (Less than 1 ounce) and refuses to sign the citation will not be charged with the additional offense of Refusal to Sign. In these cases, officers will issue the citation without the signature.

B. Refusal to Sign a Super Citation Issued for a Traffic Offense.

1. When a subject refuses to sign a Super Citation issued for a traffic offense, the violator is booked on a separate charge of "Refusal," per NRS §60-684.
2. When a violator states they do not want to sign the citation, the officer will:
 - a. Explain to the violator that the violator's signature on the ticket is not an admission of guilt.
 - b. The violator's signature is merely their promise to appear in court.
 - c. The violator's continued refusal will result in the separate and additional charge of "Refusal to Sign a Citation."
3. If the violator continues to refuse to sign the citation, the officer will:
 - a. Physically arrest and transport the violator to the Douglas County Detention Center for booking.
 - b. Book the violator for "Refusal to Sign a Citation," per NRS §60-684 and the original traffic violation(s).
 - c. If the officer completed a paper Super Citation, the officer will write "REFUSED-BOOKED" in the signature space of the citation and book the Court Copy (top page) of the citation into the Evidence/Property Unit as evidence to support the "Refusal to Sign a Citation" charge, attach the remaining copies of the citation to the accompanying Continuation/Supplementary Report, and submit to the Records Unit for processing.
 - d. If the officer completed an electronic Super Citation, the officer will select "Booked" and add the criminal charge of "Refusal to Sign a Citation" as well as complete any other required fields as part of the narrative. The "Defendant Copy" and the "Citation Signature/Fingerprint" copy of the electronic citation will be booked into the Evidence/Property Unit as evidence to support the "Refusal to Sign a Citation" charge.

- C. Refusal to Sign a Courtesy Citation.
 - 1. The officer will explain that this is a Courtesy Citation, with no direct penalty attached.
 - 2. Should the motorist still refuse to sign, the officer will issue a regular Traffic Citation following existing procedures.

XIII. Fingerprints and Identification – Super Citations Issued for Criminal and Traffic Offenses

- A. Officers will request subjects produce a driver's license or other government issued photo identification when issuing a Super Citation.
- B. Officers will leave the space provided for driver's license numbers blank when the violator is unable to produce a valid driver's license and the driver's identity cannot be verified through NCJIS, and will make a notation in the narrative or comments section.
- C. Suspects who are unable to produce a valid driver's license or other government issued photo identification will be required to place a fingerprint of their right index finger in the space provided on a Super Citation when issued for a traffic offense.
- D. Officers will make certain subjects sign and attach their fingerprint to the separate "Citation Signature/Fingerprint" page, as described in this policy.
- E. A fingerprint is required on all Super Citations issued for criminal offenses.
- F. Fingerprint Procedures.
 - 1. Officers will obtain a supply of self-adhesive "Identiprint" labels from Police Supply.
 - 2. Electronic Super Citations - One "Identiprint" label will be attached to the "Citation Signature/Fingerprint" page and will be used to record the required fingerprint.
 - 3. Paper Super Citations – The fingerprint must be affixed to the pink Records Copy of the paper Super Citation.
 - a. Officers will use an "Identiprint" sticker whenever possible to make certain that an adequate and usable fingerprint is obtained.
 - b. The cardboard sheet should be placed between the copies of the paper Super Citation once the fingerprint is obtained in order to protect the fingerprint from carbon copy marks.
 - 4. Both Paper and Electronic Super Citations - If the subject has no right index finger, the left index finger should be used. If the left index finger is used, the officer will write the word "left" on the citation under the fingerprint.
- G. Subjects who refuse to be fingerprinted will be advised that the fingerprint is only a method of establishing their identity. The officer will also explain that if the subject refuses to submit a fingerprint, they will be arrested and BOOKED for violating Omaha Municipal Code §20-21 "Obstructing Law Enforcement or Firefighter." There will be no exceptions.
 - 1. Officers will not forcibly fingerprint a subject who refuses to sign a citation. Subjects may be booked as a "John/Jane Doe" if they refuse to be fingerprinted. See the OPD "Identification of Suspects – Fingerprinting/Photographing Adults" Policy for details.

XIV. Electronic Citations – Citation Signature/Fingerprint Page

- A. The officer will issue the subject the “Defendant Copy” of the electronic citation.
- B. The officer will make certain the subject signs and attaches their fingerprint (as policy dictates) to the separate “Citation Signature/Fingerprint” page.

NOTE: Electronic Courtesy Citations only require a signature when they are issued as a “Fix It” Citation. Courtesy Citations that are issued as a “Warning” DO NOT require a signature.

- C. The officer will scan the Signature/Fingerprint Form into the electronic citation system prior to forwarding to their sergeant for approval.
- D. The original “Citation Signature/Fingerprint” page will be forwarded to the Records Unit for filing.

XV. Miscellaneous

- A. Reciprocity Agreements between the State of Nebraska and two other states indicate that persons moving to the State of Nebraska from those states are not required to re-register their non-commercial passenger vehicles until the out-of-state license expires. Nebraska has reciprocity with North Carolina and Wyoming.
- B. Non-resident students are exempt from re-registering their vehicles in Nebraska.
- C. Active military personnel assigned to duty in Nebraska are exempt from registering their vehicles in Nebraska if their primary residence is in another state. Those military personnel must keep their registration current in the state of their primary residence.
- D. Officers should honor all valid out-of-state driver’s and CDL (commercial) licenses.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes (NRS) §§18-1741.01, 18-1737, 29-422, 60-484, 60-684, 4,121, and 60-489 are referenced in this policy.
- B. Omaha Municipal Codes §§20-21, 21-2, 36-156, 36-159, 36-231, and 36-232 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #17-88, 75-90, 35-91, 9-92, 12-92, 77-94, 27-03, 11-09, 5-11, 6-12, 29-13, 19-14, and 19-14 Supplements #1 and #2.

III. Accreditation Standards

- A. CALEA Accreditation Chapter 61 is relevant to this policy.

CITATIONS – COURTESY TICKETS – RESCINDED/REMOVED

This policy is rescinded per General Order #29-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #43-82, 4-92, 16-97 and 5-11.

CITATIONS – FINGERPRINTS – RESCINDED/REMOVED

This policy is rescinded per General Order #29-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #75-90.

CITATIONS – PARKING – RESCINDED/REMOVED

This policy is rescinded per General Order #29-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #44-74, #25-80, #61-85 and #77-94.
- B. Previous OPD Information Orders include #242-86 and #276-92.

CITATIONS – PARKING – FIRE LANE ORDINANCE - RESCINDED/REMOVED

This policy is rescinded per General Order #29-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #12-92.

CITATIONS – PARKING – HANDICAPPED - RESCINDED/REMOVED

This policy is rescinded per General Order #29-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #117-76, #117-76 Supplement #1, #55-80, #45-86, #36-87, #37-93, #29-02, and #6-12.
- B. Previous OPD Information Orders include #51-93 and 122-95.

CITATIONS – TRAFFIC – RESCINDED/REMOVED

This policy is rescinded per General Order #29-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #37-93, #27-01, #34-01, #22-02, #27-03.

CITATIONS - WRONG PARTY CITATIONS – RESCINDED/REMOVED

This policy is rescinded per General Order #29-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #9-92.

CIVILIAN/OFFICER INTERACTIONS

PREAMBLE:

Omaha Police Department officers routinely question or interview the general public for a variety of reasons. It is essential that officers remain alert, businesslike and courteous in order to maintain officer safety and foster positive community relations. Officers should always have a reason for their actions and are encouraged to communicate these reasons to the general public as a means of alleviating possible misunderstandings and complaints.

POLICY:

It is the policy of the Omaha Police Department (OPD) to require officers to explain the reason and nature of any civilian interaction when requested by a member of the general public whenever it is safe and prudent to do so. This policy does not apply to officers conducting undercover operations, other investigations or emergency operations when disclosing certain information may impede the investigation/operation.

DEFINITIONS:

Civilian: Any member of the general public that is not a sworn law enforcement officer.

Contact: A brief discussion between an officer and civilian where the civilian is free to walk away or ignore the officer's questions.

Detention: The restriction of a suspect's free movement after a stop, for a reasonable period of time, while the officer investigates.

Stop: An interaction where an officer, by means of physical force or show of authority, restrains the freedom of a civilian.

PROCEDURE:

I. Considerations

- A. Officers will consider the extent to which they interrupt a civilian's freedom based upon the type of interaction the officer is conducting. Some types of officer/civilian interactions are defined above.
- B. Officers are reminded that interactions with the public will not violate other OPD policies.

II. Responsibilities

- A. Officers will inform the civilian they are interacting with as to the nature of the interaction. This information will be communicated as soon as immediately practical, on every civilian /officer interaction in which it is safe and prudent to do so, whether a 911 call assignment, traffic stop, officer-initiated observation, or other interaction.
- B. Officers will at all times be courteous, patient and respectful when dealing with the public.
- C. Officers will avoid asking or answering questions in a short and abrupt manner and will not use harsh, coarse, violent, profane, insolent, indecent, suggestive, sarcastic or insulting language.
- D. Officers will notify the parents or guardians of juveniles age fourteen (14) and younger when the juvenile is stopped for an investigation even if it is later determined the juvenile was not involved in criminal activity.
- E. If an officer determines that their initial response to a given situation may have been inappropriate, the officer is to explain thoroughly the reason for the interaction. In these situations, officers should indicate they regret any inconvenience that may have been caused.
- F. Officers should document on a Field Contact/Observation Card (OPD Form 150) or the electronic equivalent and/or a Supplementary (OPD Form 200) or Information Report (OPD Form 42) when they interact with civilians for investigatory purposes even if it is later determined the civilian was not involved in the criminal activity being investigated. This serves two purposes:
 - 1. It documents that the party was stopped and can be extremely important if the information leading to the party's release was incorrect and it is later determined the party was involved in the criminal activity.
 - 2. It assists in prosecution of the actual suspect, identified later, by defeating a potential argument made by defense attorneys that the police only considered their client as the suspect.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #3-93, 34-98, 42-99, 33-02, 24-11, and 35-14.

II. Accreditation Standards

- A. CALEA Accreditation standard 1.2.3 is relevant to this policy.

CIVIL PROTECTIVE CUSTODY (CPC)

PREAMBLE:

Civil Protective Custody (CPC) is an involuntary method of detainment used to preserve life or prevent injury to an intoxicated person or others. Officers will exercise sound judgment and balance the safety of the intoxicated person and the public against the involuntary detention of the intoxicated person(s).

POLICY:

It is the policy of the Omaha Police Department (OPD) to use Civil Protective Custody (CPC) to preserve life and prevent injury to intoxicated person(s). Persons who are taken into CPC by the OPD will be transported to the Campus for Hope Alcohol Treatment Center and detained for a period of no longer than twenty-four (24) hours or until the person's blood alcohol content (BAC) is 0.01 or below.

PROCEDURE:

I. Civil Protective Custody (CPC)

- A. Officers may take an intoxicated person into CPC from any public or quasi-public property if, in the officer's judgment, the intoxicated person is a danger to themselves or others, or the person is otherwise incapacitated, or both.
- B. Before placing any intoxicated person in CPC, officers will:
 - 1. Determine whether the person is in need of medical attention. If needed, officers will take necessary steps to make certain proper medical attention is provided.
 - 2. If the intoxicated person does not require medical attention, a reasonable effort will be made to turn the intoxicated person over to a responsible family member, responsible adult, or facility willing to accept responsibility for the intoxicated person.
 - 3. If an intoxicated person can be turned over to another individual or facility other than Campus for Hope, the Omaha Police Civil Protective Custody Release Form (To Another Individual) (OPD Form 157B) will be completed and signed by the initiating officer and the person to whom the intoxicated party is being released.
- C. If no other individual or facility is available or feasible, officers will contact the OPD Information Channel, provide the intoxicated person's name (if possible), and request a bed in the CPC Unit at Campus for Hope.
 - 1. The Information Channel Operator will contact Campus for Hope to determine if there is an available bed.
 - 2. If a bed is available, officers will transport the intoxicated person to Campus for Hope and turn them over to Campus for Hope staff.
 - 3. Campus for Hope will perform a medical screening of all intoxicated persons.

NOTE: If the intoxicated person is to be turned over to Campus for Hope, OPD Form 157B is not used.

- D. Officers may be called to a medical facility regarding a potential CPC candidate. Since medical staff may provide valuable information to officers regarding the intoxicated person's state of mind, officers should consider medical staffs' feedback when making the determination of whether to place the individual in CPC.
1. If there is a difference of opinion between officers and medical staff at a medical facility or Campus for Hope as to whether to place an individual into CPC, the Area Field Sergeant shall be consulted and/or called to the scene.
 - a. The Field Sergeant will respond to the location and attempt to resolve the situation.
 - b. If a decision is made to not place the individual into CPC, the Sergeant shall communicate that decision to all involved parties (including the Campus for Hope).
 2. If officers are called to a medical facility or Campus for Hope to place an individual into CPC, officers will not take custody of the individual until CPC criteria have been met.

NOTE: If the individual is at a medical facility, the individual will not be removed from the facility by officers if CPC criteria have not been met.

II. Intoxicated Persons Who Commit Misdemeanor Offenses

- A. If an intoxicated person commits a misdemeanor offense and meets criteria for CPC, officers may issue a Super Citation and place the person in the CPC Unit at Campus for Hope.

III. Disruptive or Violent Intoxicated Persons

- A. Intoxicated persons who become dangerously violent while confined in CPC at Campus for Hope will be transferred to Douglas County Department of Corrections (DCDC) and booked if there is evidence to support a felony or other violent criminal charge.
1. If DCDC determines that the individual is too incapacitated to be booked into the facility, officers will take the individual to a medical facility for medical care.
 2. Once the medical facility clears the individual, officers will transfer the individual back to DCDC to be booked in.
- B. Individuals undergoing detoxification require periodic medical evaluation. If Campus for Hope employees feel that an individual poses a safety risk to their staff, officers may be called to provide security for staff members as they perform their medical evaluation.

NOTE: When called to assist with an intoxicated individual at Campus for Hope or another facility, officers will assess the situation and, if necessary, utilize the appropriate amount of force required in accordance with NRS §28-1412 and current OPD policies and procedures.

IV. Problems Concerning CPC

- A. The OPD Mental Health Liaison will address problems concerning the CPC Program. The Mental Health Liaison's mission is to maintain the integrity of the CPC Program and to resolve conflicts as they arise.

- B. An officer who perceives problems with the CPC Program will direct an Inter-Office Communication, via chain of command, to the Internal Affairs Unit.
 - 1. The Inter-Office Communication will state the problem and when the incident occurred.
 - 2. The Internal Affairs Unit Lieutenant will make certain the problem is brought to the attention of the Mental Health Liaison for review.
 - 3. The Mental Health Liaison will act on the problem and respond to the Internal Affairs Unit Lieutenant with any recommendations for improvements or changes to the program.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #11-91, 7-09, 38-14 and 7-15.

CLOSED PROPERTY ORDINANCE

POLICY:

It is the policy of the Omaha Police Department (OPD) to strictly enforce the City of Omaha closed property ordinances for those businesses that have complied with all provisions of the ordinances. No enforcement is taken for those businesses that have not complied with all provisions of the ordinances.

PROCEDURE:

I. General

- A. Omaha City Ordinance §20-156.01, an extension of the City of Omaha's "Remaining After Closing" Ordinance, and known as "Registration of Closed Property - Generally," was designed to create a partnership between police and private property owners to assist in orderly law enforcement upon registered private property. Under this section of law, when business owners register property with the OPD's Business Watch Squad, they authorize OPD officers to remove or arrest all unauthorized persons found on business properties after business hours.

II. Closed Property Registration Process

- A. Solicitation of businesses for Closed Property Registration will primarily rest with officers in the field. Once a business has been identified as having a need to be involved in the Closed Property Program, officers will either deliver a Closed Property Registration packet to the business owner/representative or request the Business Watch Squad send a registration packet to the business owner/representative by mail.
- B. The Business Watch Squad will process and administer all Closed Property Registrations and agreements to maintain enforceability.

III. Enforcement Procedures

- A. Officers who observe possible closed property violations will first make certain that property has been conspicuously posted with proper signs declaring it as closed property and indicating days and the times the property is closed.

- B. Officers will then contact the Information Channel Operator to confirm that the property is in compliance with closed property registration requirements.
- C. Persons found on the registered private property during posted closed hours must produce identification showing valid permission to be there at that time. Anyone who is unable to produce authorization is in violation and may be issued a criminal citation for violation of Ordinance §20-156.01.
- D. If confusion exists in determining authorization, officers may consider utilizing the business emergency contact number on file with the 911 Center. Contact numbers are provided as part of the registration process.

NOTE: If signs are posted but officers find either the registration guidelines have not been met or the registration is expired, no enforcement action is taken. Officers will direct an Inter-Office Communication to the Business Watch Squad for follow-up.

REFERENCES:

I. City of Omaha Ordinances

- A. City of Omaha Ordinances §20-156 through 20-156.07 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #57-90 and 38-14.
- B. Previous OPD Information Orders include the following: #106-92.

COLLECTION OF DNA SAMPLES

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.

COMMAND NOTIFICATION

POLICY:

It is the policy of the Omaha Police Department (OPD) to notify respective Bureau Commanders and the Chief of Police of unusual occurrences, injuries or deaths.

PROCEDURE:

I. Command Notification Requirements

- A. The Precinct/Section Commander or Unit Commander will contact their Deputy Chief immediately when an incident listed below in the Immediate Notification section occurs.
- B. When an incident listed below in the Delayed Notification section occurs between 2200-0600 hours, the Precinct/Section Commander or Unit Commander may delay contacting their Deputy Chief until 0600 to 0730 hours. During all other hours of the day, the Deputy Chief will be contacted as soon as possible or practical.
- C. In both Immediate and Delayed Notification incidents, the contacted Deputy Chief will determine whether or not to contact the Chief of Police.

II. Immediate Notification Incidents

- A. Serious injury (hospitalization) to an officer or civilian, resulting from police action.
- B. Juvenile missing under suspicious circumstances.
- C. Officer-involved shooting or firearms discharge (excluding destruction of animals or non-injury discharge).
- D. Barricaded person, hostage or other ERU situation.
- E. Incident serious enough for an officer to be relieved of duty.
- F. Major disturbances or disasters.
- G. Detonation of bomb or explosive device, resulting in significant damage or injury.
- H. Pursuit resulting in serious injuries (hospitalization) or significant property damage.
- I. Multiple deaths.

J. Death on city property.

III. Delayed Notification Incidents

A. Injuries resulting from a drive-by shooting.

B. Homicide or traffic fatality.

C. Adult missing under suspicious circumstances; or if foul play is suspected.

D. Any incident which is significant due to unusual circumstances. Examples (not all inclusive):

1. Prominent citizen's suicide.

2. Mass destruction of property.

3. Incident which receives significant news media coverage.

E. Arrests made in Police buildings or on Police property that are not related to a criminal investigation.

Example: An individual causes a disturbance at the front desk which results in their arrest.

III. Coordination When Planning Enforcement Operations

A. The Deputy Chiefs of the appropriate bureaus will be notified during the initial planning stages of enforcement operations that are being coordinated between bureaus. Examples:

1. Operations with potential for a large number of arrests (more than ten people).

2. Operations which may attract significant media attention.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #55-96 and 37-14.

II. Accreditation Standards

A. CALEA Accreditation standards 11.4.5 and 43.1.1 are relevant to this policy.

CONFIDENTIAL SOURCE GUIDELINES

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.

COUNTY CORONER NOTIFICATION PROCEDURES

POLICY:

It is the policy of the Omaha Police Department (OPD) to notify the Douglas County Coroner's Office in the event of suspicious deaths, criminal homicides, and all deaths which occur outside the presence of attending medical personnel.

PROCEDURE:

I. Deaths Without Medical Personnel in Attendance

- A. The OPD investigates criminal homicides, suspicious deaths, and all deaths which occur outside the presence of attending medical personnel.

NOTE: For detailed information regarding homicide and suspicious death investigations refer to the OPD "Crime Scenes" policy.

- B. It will be the responsibility of the lead investigator in these cases to contact the Douglas County Coroner's Office. In the event of a criminal homicide or suspicious death, the County Coroner will make a determination concerning the disposition of the body. Most generally, an autopsy will be ordered and officers will cooperate fully with the Coroner.
- C. In the event of an unattended death, the officer will carefully note the circumstances surrounding the death. Particular attention should be paid to apparent marks of violence

upon the body, physical evidence such as footprints, blood, or weapons and the condition of the area surrounding the body.

- D. Many times persons die outside the presence of medical personnel and there are no suspicious circumstances surrounding the death. The officer should determine the family's wishes with respect to disposition of the body before the Coroner is contacted. The Coroner will make a determination regarding disposition of the body based upon information provided by the officer. The officer will render all possible aid to the Coroner's Office in this circumstance.
- E. If a person dies outside the presence of medical personnel, no suspicious circumstances exist, and a family member cannot be reached immediately, or if family members are uncertain as to disposition, the Coroner should be contacted immediately. The officer may complete the necessary reports and summon the OPD Chaplain. The Chaplain can assist the family members with necessary arrangements.
 - 1. The officer(s) may go back into service only after next of kin have been notified and the deceased has been transported to the morgue or mortuary.
- F. The Coroner's office may be contacted (24) hours a day (see [PPM Appendix A](#) for the phone number). The officer will leave a telephone number with the operator at that extension. The Coroner will return the call as soon as possible.
- G. An Incident Report (OPD Form 189) or Supplementary Report (OPD Form 200) will be completed. The narrative should include the time of the call to the Coroner's Office and the name of the individual to whom the officer spoke. The officer will also document any instructions received from the Coroner in their narrative of the report.

II. Hospice Care Deaths

- A. Police are normally not notified of hospice care deaths. The deceased's attending physician or a registered nurse from a recognized hospice care agency would be at the residence and would notify the Coroner. In the event that an officer is dispatched and it is determined that the deceased was a hospice care patient, the Coroner will be contacted for instructions. The Coroner will decide if an OPD report is required.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #31-95 and 38-14.

COURT PROCEDURES

PREAMBLE:

Appearance in court and testimony in criminal matters is an essential part of Omaha Police Department (OPD) employees' duties. It is critical to the function of the court process that OPD employees are present on time and ready to testify, whether in court or at a deposition. Communication between court personnel and OPD employees is imperative to this process. To facilitate the orderly function of the court and testimonial process, rules and procedures are established and must be followed.

POLICY:

It is the policy of the Omaha Police Department (OPD) to establish procedures that employees will follow when they accept and acknowledge hearing notices, make any court appearances, or testify in a duty status.

PROCEDURE:

I. Processing of Subpoenas, Notices to Appear, and ALR Hearing Notices

- A. All subpoenas, notices to appear and administrative license revocation (ALR) hearing notices will be received in triplicate by the OPD Customer Services Unit, Information Services Squad. The Information Services Squad will process subpoenas/notices as follows:
1. The Information Services Squad will stamp the original subpoena with "Hold for Court." One copy will be stamped "Sign and Return" and time stamped to reflect when it was received.
 2. The Information Services Squad will forward all subpoenas/notices received for Uniform Patrol Bureau (UPB) personnel to the appropriate area sergeant. Subpoenas/notices received for employees assigned to other bureaus will be forwarded to the employee's direct supervisor.
 3. When supervisors receive subpoenas/notices for employees, they will remove the unstamped copy and place it in the unit/precinct files, where it will be maintained for at least 60 days.
 4. The subpoenas/notices stamped "Hold for Court" and "Sign and Return" will be forwarded to the appropriate employees. Employees will:
 - a. Date and sign subpoenas/notices stamped "Sign and Return" with their complete signature including their serial number.
 - b. Send subpoenas/notices stamped "Sign and Return" back to the Information Services Squad for filing.
 - c. Keep subpoenas/notices stamped "Hold for Court" until the hearing appearance or cancellation. At the appearance date and time, this copy will be either time-stamped, both start and end, or attached to a Court Appearance form (OPD Form 158A).
 - d. Submit subpoenas/notices stamped "Hold for Court" to the Court Liaison Squad along with the required Court Appearance Forms.
 5. The Information Services Squad is responsible for filing the "Sign and Return" copies of the subpoenas/notices. The Information Services Squad will maintain these files for two months beyond the scheduled court date so that the files are available to command officers and/or supervisors for reference and/or verification purposes.
 6. The Information Services Squad will forward all subpoenas for reports to the Records Unit Administrative Information Manager.
 7. From time to time, employees may receive a subpoena mailed directly to them. In this case, employees will notify their immediate supervisor of the receipt of the subpoena.
 - a. It is the supervisor's responsibility to provide the employee with direction and facilitate appropriate response to the subpoena which may include contacting the City of Omaha Law Department for advice.

B. Supervisory Responsibilities.

1. The ultimate responsibility for delivering subpoenas/notices rests with the employee's unit/area sergeant or supervisor.
 - a. If the employee is absent, the sergeant or supervisor will make the necessary arrangements to notify the employee.
 - b. The date and time of the notification should be documented on the subpoena by the sergeant or supervisor.
2. If a sergeant or supervisor receives a subpoena/notice for an employee who will be unavailable for a court appearance due to annual leave or Injured on Duty status (IOD), the sergeant or supervisor will make a notation on the subpoena/notice and return it to the Information Services Squad. The Information Services Squad will then forward this information to the issuing agency.
3. If a check is attached to the subpoena, the sergeant or supervisor will have the employee endorse the check and will then send the check to the City Finance Accountant assigned to OPD.
4. If the subpoena requests the employee's presence, the employee will complete a Court Appearance form (OPD Form 158A), and send the completed form to the OPD Human Resources Unit.
 - a. Employees will document the start and end time on OPD Form 158A.
 - b. If the appearance coincides with an employee's regular duty shift, the employee will note "On-Duty" in the "Remarks" section of OPD Form 158A.
 - c. If the appearance starts while the employee is on-duty but continues past the regular duty shift, the employee will note the time the duty shift ended in the "Remarks" section of OPD Form 158A.

II. Court Cancellations and Continuations

- A. Douglas County Court personnel are responsible for notifying employees of cancellations or continuances of court proceedings. The Nebraska Department of Motor Vehicles will contact employees regarding ALR cancellations and continuances.
- B. The OPD Court Liaison Squad, with the assistance of the City Prosecutor's office, will input court cancellations into the Small Business Assistant system. The Small Business Assistant system is a Windows based turnkey application software that maintains a voice mailbox for every employee.
- C. Employees shall use the Small Business Assistant system to check for court appearance cancellations not more than 16 hours prior to a scheduled court appearance.
 1. Although cancellations may be entered into the system any time prior to a scheduled court appearance, employees are required to call and check their voice mail not more than 16 hours in advance.
 2. If applicable, a voice mail message will notify them that their court appearance for a specific defendant and time has been canceled.
- D. If an employee's scheduled off-duty court appearance is canceled less than 16 hours prior to the scheduled court appearance, the employee will not be required to appear and will be compensated for a court appearance. This applies to appearances during off-duty periods only.

1. The employee must complete a Court Appearance form, OPD Form 158A, and attach it to the notice to appear.
- E. Employees will forward the OPD Form 158A to the OPD Court Liaison Sergeant to review and make sure the cancellations occurred within the 16 hour time frame and to keep track of overtime for the month. The OPD Form 158A will then be forward to the OPD Human Resources Unit for follow-up and processing for payment.
- F. If employees receive at least sixteen (16) hours' notice of a court cancellation, they will not be compensated for their court appearance.
- G. Employees with questions concerning the setup or use of the Small Business Assistant system may contact the Dot.Comm Help Desk, leave a voice mail message for the Voice Mail Administrator at voice mailbox #0010, or call the Lieutenant of the Customer Services Unit.
- H. Procedures for using the Small Business Assistant voice mailboxes are as follows:
 1. To setup voicemail: The first time employees access the voicemail they will need to setup their mailbox, greeting (name), and password.
 2. The telephone number for the Small Business Assistant voicemail is listed in [PPM Appendix A](#).
 3. Employees will be asked to enter "their mailbox number or enter the pound sign (#) for a list of mailboxes." They should do neither. Instead, they should push the star sign (*).
 4. Employees will be asked again to "enter their mailbox number." They should enter their serial number.
 - a. Non-sworn employees are to enter zero in place of the "C" at the beginning of their serial number.
 5. Employees will then be asked to "enter their password."
 - a. Sworn employees should enter their serial number + "9" (for example, the serial number "1000" would be entered as "10009").
 - b. Non-sworn employees should enter "zero" in place of "C" at the beginning of their serial number + "9" (for example, the serial number "C888" would be entered as "08889").
 6. The voice mail system will say "you have no messages," and employees will then be given several options.
 - a. Press #1 to listen to messages.
 - b. Press #2 to change mailbox settings.
 - c. Press #3 to send a message.
 - d. Press #4 to change extension settings.
 - e. Press star (*) to cancel.
 7. Employees should press #2 to change their mailbox settings.

8. The voicemail system will then give 4 more options.
 - a. Press #1 to record greeting.
 - b. Press #2 to record name.
 - c. Press #3 to change your password.
 - d. Press star (*) to cancel.
 9. Employees should press #1 to record their greeting. All employees using this system WILL record their name so that callers can be certain the correct mailbox is being accessed. Employees should follow the directions to record a greeting (employee's name) and then the star (*) key to exit.
 10. Next, employees should press "#3" to change their password.
 11. Employees will enter a new, personal password. Employees should make their password at least 5 characters long.
 12. The voicemail system will repeat the password.
 13. The voicemail system will then ask employees to "press "#1" to accept, star (*) to cancel." Employees should press "#1" to accept their new password.
 14. The voicemail system will confirm that the password has been changed.
 15. The voicemail system will then return to step #8. If no other options are needed, simply hang up to exit the system.
- I. To check voicemail messages:
1. Employees should call the Small Business Assistant voicemail (the number is listed in the [PPM Appendix A](#)).
 2. Employees will be asked to enter "their mailbox number or enter the pound sign for a list of mailboxes." They should do neither. Instead, they should press the star (*) sign.
 3. Employees will then be asked to "enter their mailbox number." They should enter their serial number.
 4. Employees will then be asked to "enter a password." They should enter their password.
 5. If the voicemail system states "you have no messages," the following options are available:
 - a. Press #1 to listen to messages.
 - b. Press #2 to change mailbox settings.
 - c. Press #3 to send a message.
 - d. Press #4 to change extension settings.
 - e. Press star (*) to cancel.

6. If the voicemail system states “you have ____ (#) new messages and ____ (#) saved messages,” the following options are available:
 - a. Press #1 to listen to messages.
 - b. Press #2 to change mailbox settings.
 - c. Press #3 to send a message.
 - d. Press #4 to change extension settings.
 - e. Press star (*) to cancel.
 7. Employees should press “#1” to listen, otherwise press star (*) to cancel.
- J. To leave a message for another employee:
1. Employees who wish to leave a message for another employee must know the serial number of the employee.
 2. Employees should call the Small Business Assistant voicemail (the number is listed in the [PPM Appendix A](#)).
 3. Employees should enter the other employee’s serial number.
 4. The system will then prompt the employee to “press #1 to leave a message,” or “press star (*) to cancel.”
 5. Once a message is left, the employee has the following options:
 - a. Press #1 to review the message.
 - b. Press #2 to erase and re-record the message.
 - c. Press #3 to send the message.
 - d. Press star (*) to erase the message.

III. Court and Hearing Appearances

- A. If an employee will be unavailable for a court or hearing appearance, or an ALR hearing, the employee will complete OPD Form 158B (Law Enforcement Notice of Unavailability for Court Hearings). The employee will completely fill out OPD Form 158B, including the reason(s) for being unavailable for the hearing/appearance.
 - a. The OPD Form 158B will be faxed to the appropriate prosecuting agency without delay. Command approval may be obtained after the fact if necessary to meet timelines. Fax numbers for the appropriate agencies are listed in the [PPM Appendix A](#).
 - b. Command approval will be documented by a supervisor’s signature on OPD Form 158B if an employee will be unavailable for a court appearance. Command officers/Supervisors will verify that cancellation of the court appearance is the most appropriate remedy and is justified by the circumstances.
 - c. After command/supervisory approval is obtained, the original OPD Form 158B will be archived in the Court Liaison Sergeant files.

- d. Monthly, the Court Liaison Sergeant will review court cancellation messages, and prepare a report which includes the number of court cancellations, the amount spent on court overtime, and/or other information requested for the appropriate command.
- B. Any employee who is scheduled for more than one case in separate court rooms on the same date and time will contact the issuing authorities to explain the scheduling conflict and request a continuance in one of the cases.
1. If a continuance is not granted, the employee will decide which court notice to honor based on the severity of the case. The employee will inform the Prosecutor or County Attorney assigned to the lower severity case of the courtroom location where the employee will be in case the prosecutor should need to contact the employee.
- C. The City Law Department may be contacted with regard to any subpoena and will be contacted if a subpoena is received in any case in which any City employee is a party or in which any City activity is at issue. After consultation with the City Law Department, the subpoena or appearance notice will be returned to the Information Services Squad.

IV. Telephonic Administrative License Revocations (ALR) Hearings

- A. Nebraska Revised Statute §60-498.01, allows ALR hearings to be conducted via telephone. Employees will receive “Notice of Hearing” packets from the Department of Motor Vehicles via email.
1. An instruction sheet for the employee’s participation in the telephonic hearing will be included in the packet. The employee’s name and serial number will be at the top of the notice, which will also say “Teleconference Hearing.”
 2. The employee must contact the Department of Motor Vehicles at the number listed in the [PPM Appendix A](#) with the telephone number where the hearing officer can reach them at the time of the hearing.
 3. The Department of Motor Vehicles will initiate the conference call with the motorist, the motorist’s attorney, and the arresting officer at the time the hearing is to begin. The hearing officer will record the hearing.
 4. Telephonic hearings may be continued, and the employee will save the exhibits that they have been mailed in Department of Motor Vehicle packets for use at the rescheduled hearing. Employees are responsible for obtaining the RB file of the arrest and reviewing it prior to the hearing.
 5. Employees will submit a completed Court Appearance Form (OPD Form 158A) for all ALR telephonic hearings.
 - a. Employees will attach the original subpoena to the OPD Form 158A and indicate “ALR Telephonic Hearing” in the “Remarks” section. The completed OPD Form 158A will be sent to the OPD Human Resources Unit.
 - b. If employees are “on-duty” they will not receive additional compensation for the ALR telephonic hearing, however the OPD Form 158A must still be completed and sent to the OPD Human Resources Unit.

V. Parking Restrictions at the Douglas County Courthouse and Civic Center

- A. OPD employees will adhere to the following parking restrictions around the Hall of Justice/Civic Center.
1. The parking areas currently restricted around the Hall of Justice/Civic Center will remain in effect until further notice.

2. Current metered parking on the inner perimeter around both facilities will be limited to passenger vehicles only. This applies only to those areas that currently have parking meters used by the public (i.e., north side of the facility).
3. Parking will be prohibited between 8:00 P.M. and 6:00 A.M. in those areas that currently allow public parking.

NOTE: Any violations of the parking restrictions around the Hall of Justice/Civic Center are subject to immediate tow, once safety concerns have been addressed.

VI. Court Registration

- A. Communication between the Court Liaison Sergeant and OPD employees who must appear in court is essential. OPD employees are required to check in with the Court Liaison Sergeant prior to appearing in County, District, or Juvenile Court.
 1. Depending on their shift assignments, employees will either complete a Court Appearance form (OPD Form 158A) or have their subpoena time stamped.
- B. Employees will turn in all OPD Form 158A's and subpoenas for appearances in the Douglas County Courthouse to the Court Liaison Sergeant.
 1. All OPD Form 158A's will be sent directly to the OPD Human Resources Unit. Employees will not turn in an OPD Form 158A to their regular timekeeper.

VII. County Court Appearance Times

- A. Off-duty employees who are subpoenaed for county court will appear at 0850 hours for morning court and 1320 hours for afternoon court unless otherwise directed by the county court prosecutor.

NOTE: Overtime will be assigned at 0850 hours and/or 1320 hours respectively.
- B. On-duty employees will not report out of service prior to 0840 hours and 1310 hours unless otherwise directed by the county court prosecutor.

VIII. County Court Law Enforcement Lounge and Overtime Sign-In Area

- A. OPD employees are provided access to the County Court Law Enforcement lounge and overtime sign-in area. These rooms serve several purposes:
 1. They allow employees a place to validate overtime for court.
 2. They provide a place for employees to confer with prosecutors regarding upcoming testimony.
 3. They provide an area for employees to relax before proceeding to court.
- B. Only law enforcement employees are allowed access to this area. Family members of employees will not be allowed.
 1. Employees are reminded that they are on City time while they are in these areas and while testifying in court and that allowing family members' access is inconsistent with this duty status.

2. This procedure is not intended to discourage employee's family members from viewing the criminal justice system and from gaining a better understanding of the responsibilities of OPD employees.

IX. Depositions in Criminal Cases

- A. OPD employees may receive letters or telephone calls from private attorneys and/or public defenders requesting interviews regarding cases that are undergoing prosecution. Employees will not dispense information or allow themselves to be interviewed while cases are in the trial stage without having been served with a court order and without full knowledge of, and probable presence of, the prosecuting attorney.
 1. There are discovery laws in the State of Nebraska which require depositions of all people in cases under the authority of the Judges of the District Court in the form of a court order.
 2. An attorney representing the County Attorney's Office of Douglas County will be present at all depositions that are taken in criminal matters of a felony nature.
- B. Depositions by Subpoena.
 1. When a subpoena for a deposition is issued to an OPD employee the employee should comply with the request.
 2. However, in the event the subpoena is connected with a criminal matter or a case pending in criminal court, the employee will contact the prosecutor and inform them of the subpoena to give a deposition.
- C. Subpoena of Records.
 1. Subpoenas of records must be handled by a direct subpoena through the Office of the Chief of Police.
 2. Subpoenas for OPD records CANNOT be honored by any OPD employee other than the Chief of Police.
 3. Any employee who receives a subpoena to bring OPD records to a court hearing will advise the person that they are not the custodian of the records and cannot present them.

X. Overtime for Court and Telephonic Hearings

- A. Meals during court appearances do not qualify for overtime compensation.
 1. When an employee is summoned to court and the court appearance time lasts beyond the ordinary lunch hour, it will be assumed that the employee had one hour "free time" for the meal period. This hour does not qualify for overtime compensation.
 2. If the court or prosecutorial authority requires the employee's presence and service during this unpaid meal period, the employee will document the actual time taken for the meal period and report that actual time on the Court Appearance form (OPD Form 158A). In this event, only the time actually taken for the meal period will be deducted from the overtime hours.
 3. Employees who are on-duty and not in an overtime status during court appearances are entitled to their normal compensation for their meal period.

- B. Payment for telephonic ALR hearing attendance by OPD sworn employees will be in accordance with the agreement between the Omaha Police Officers Association (aka, the Omaha Police Union) and the City of Omaha. Per the agreement:
 - 1. Payment for telephonic ALR hearings that occur during off-duty hours will be paid as two hours of straight time, or at one and one-half (1½) times the number of hours for actual time, whichever is greater.
 - 2. If there are two telephonic hearings in one day within the same two hour block of time, officers will be compensated as if they attended only one hearing.
 - 3. If there are two telephonic hearings scheduled on the same day, but not within the same two hours, officers will be compensated for each hearing separately.
- C. If employees are scheduled for a telephonic ALR hearing during the same block of time they are appearing at a court hearing, they will only be compensated for the one court appearance.
- D. Any preparation or review of reports will be completed by employees during their regular duty shift.
- E. Employees will submit a completed Court Appearance Form (OPD Form 158A) for all ALR Telephonic Hearings.
 - 1. Employees will attach the original subpoena to OPD Form 158A and indicate “ALR Telephonic Hearing” in the “Remarks” section. The completed form will be sent to the OPD Human Resources Unit.
 - 2. If an employee is on-duty, no additional compensation is authorized. However, to verify the employee’s appearance at the telephonic hearing, OPD Form 158A will be completed and sent to the OPD Human Resources Unit with the original subpoena attached.

REFERENCES:

I. Nebraska Revised Statutes (NRS)

- A. NRS §60-498.01 is referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #2-72, 49-74, 28-86, 53-86, 94-88, 22-91, 35-91, 46-95, 30-96 and 30-96 Supplement #1, 60-96, 20-97, 11-98 and 11-98 Supplement #1 and #2, 16-99, 24-99, 58-99, 40-02, 42-02, 52-02, 31-04, 13-05, 18-05, 19-05 and 19-05 Supplement #1, 30-06, and 32-14.

COURT - ACCESS TO COUNTY COURT OFFICERS’ LOUNGE – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #53-86 and 32-14.

COURT - APPEARANCE TIME FOR OFFICERS ATTENDING COUNTY COURT – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #22-91 and 32-14.

COURT - CANCELLATION PROCEDURES – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #11-98 and 11-98 Supplements #1 and 2, 52-02, 13-05, and 32-14.

COURT - DOUGLAS COUNTY COURT WAIVER / FINE SCHEDULE – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #35-91 and 32-14.

COURT - OFFICER DEPOSITIONS IN CRIMINAL CASES – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #02-72, 49-74, 28-86 and 32-14.

COURT – OVERTIME – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #20-97, 18-05, and 32-14.

COURT - PARKING / HALL OF JUSTICE / CIVIC CENTER – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #94-88, 30-96 and 30-96 Supplement #1, 16-99, 40-02, and 32-14.

COURT – REGISTER WITH COURT LIAISON SERGEANT – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #42-02 and 32-14.

COURT - SUBPOENAS / NOTICE TO APPEAR / ALR NOTICES – RESCINDED/REMOVED

This policy is rescinded per General Order #32-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #46-95, 60-96, 24-99, 58-99, 31-04, 19-05 and 19-05 Supplement #1, and 32-14.

CREDIT CARDS - SEIZURE OF STOLEN CREDIT CARDS

POLICY:

It is the policy of the Omaha Police Department (OPD) that whenever a store merchant is in possession of a stolen credit card, whether the suspect is in custody or not, the credit card will be seized by the responding OPD officer.

PROCEDURE:

I. Seizure of Stolen Credit Cards

- A. When an OPD officer responds to a call in which a suspect may have attempted to use a stolen credit card to purchase merchandise or services, the following procedures will be followed:
 - 1. If the stolen credit cards has been left in the possession of the merchant, either because the suspect has fled the scene and is not in custody, or because the merchant receives a reward for the recovered card, the credit card will be seized by the responding OPD officer.
 - 2. The stolen credit card will then be turned in to the OPD Evidence and Property Unit after the completion of necessary Incident Report (OPD Form 189) and entry into the Tracker system.
 - 3. Upon request, the Criminal Investigations Bureau (CIB) Fraud Squad will be responsible for providing the merchant a copy of the credit card and a copy of the original Incident Report filed by the merchant so that the reward may be collected.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #24-87 and 38-14.

CRIME LAB - GUN RESIDUE TESTS – RESCINDED/REMOVED

This policy is rescinded per General Order #26-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #94-75, 24-86 and 26-14.

CRIME LAB - LABORATORY EXAMINATION REQUESTS – RESCINDED/REMOVED

This policy is rescinded per General Order #28-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #32-95 and 28-14.

CRIME LAB - OMNIPRINT 1000 FINGERPRINT DETECTOR LIGHT SOURCE (LASER) – RESCINDED/REMOVED

This policy is rescinded per General Order #26-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #75-91 and 26-14.

CRIME LAB - PHOTOGRAPHY FOR FIRE DEPARTMENT – RESCINDED/REMOVED

This policy is rescinded per General Order #26-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #26-14.

CRIME LAB – SAFETY AND SECURITY – RESCINDED/REMOVED

This policy is rescinded per General Order #26-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #37-03 and 26-14.

CRIME SCENES

PREAMBLE:

The Omaha Police Department recognizes the importance of proper protection and processing of crime scenes and the evidence which can be gathered from them. Evidence from crime scenes can contribute materially to the apprehension and prosecution of suspects and is a fundamental duty of police work. Anything that leads to the identification of a perpetrator of a crime, or to the manner in which a crime was committed, is evidence and must be treated accordingly. The manner in which evidence was obtained, handled, and recorded often determines the success or failure of an investigation and subsequent

prosecution of a criminal suspect. From the time evidence is discovered until its use in court, evidence shall be protected, handled as little as possible, and recorded. Crime scenes and potential evidence must be properly protected from the time the first officer arrives.

POLICY:

It is the policy of the Omaha Police Department (OPD) to secure and process crime scenes as efficiently and carefully as possible. OPD officers will closely coordinate with OPD Forensic Investigations Section employees, employees of outside agencies, and other OPD or non-OPD employees as required to accomplish this task. The first officer to arrive at a crime scene is responsible for protecting the scene. When officers find items at a crime scene that have potential evidentiary value, the items will not be moved until the Forensic Investigations employee(s) or Criminal Investigations Bureau officer arrives; however, officer safety will be considered at all times. Periodically, a Forensic Investigations employee will be unable to respond to a crime scene due to a higher priority investigation, workload/pending calls, etc. When this occurs, it is investigating officers' responsibility to collect items of evidentiary value in a manner consistent with their training and to protect any microscopic evidence. If investigating officers have questions regarding what evidence to collect or protect, they will consult with their field supervisor.

DEFINITIONS:

Direct Evidence: Direct evidence is one that tends to show the existence of the fact in question which a witness has first-hand knowledge of, derived through one or more of the witness's five senses. That is, what the witness saw, heard, touched, tasted, or smelled.

Circumstantial Evidence: Circumstantial evidence is one that does not establish a fact directly, but offers other circumstances from which the truth may be inferred.

Real Evidence: Real evidence is furnished by objects which speak for themselves and require no explanation, only identification (e.g., bloody shirt, handgun, etc.).

PROCEDURE:

I. Types of Evidence

A. Testimonial Evidence

1. Testimonial evidence is evidence provided verbally or in writing by a witness or suspect. This evidence can be direct, circumstantial, or real.
2. However, in keeping with a person's rights under the U.S. Constitution, officers shall be aware that no person can be compelled to make statements which would incriminate the person. Statements may be used as evidence only when a person's constitutional right against self-incrimination is waived knowingly, intelligently, and voluntarily (*Miranda v. Arizona*, 384 U.S. 436, 1966).

B. Non-Testimonial Evidence

1. Unlike testimonial evidence, non-testimonial evidence is physical evidence which may be taken, even from a suspect's person, without permission.
2. Some examples of non-testimonial evidence include the following:
 - a. Fingerprints.
 - b. Tire tracks.
 - c. Shoe prints.
 - d. Blood.

- e. Soil.
 - f. Seminal stains.
 - g. Hair.
 - h. Fibers.
 - i. Clothing.
 - j. Toothmarks on discarded foodstuffs.
 - k. Photographs.
 - l. Handwriting.
 - m. Weapons, shells, and/or bullets.
 - n. Broken glass.
 - o. Controlled substances.
- C. An officer will consider the possible presence of latent or microscopic evidence when handling non-testimonial items. For example, a latent fingerprint on a weapon sometimes is more important than the weapon itself.
- D. Items of non-testimonial evidence that have the potential for further analysis by a crime laboratory will be booked into the OPD Evidence and Property Unit as individual items of evidence, in order to prevent cross-contamination or damage to microscopic evidence (i.e., clothing with blood or other bodily fluids on it, firearms, and shell casings).
- 1. Each casing at a shooting scene shall be booked into the OPD Evidence and Property Unit as an individual item of evidence in order to make certain the ballistic analysis can be tied to a specific shell casing.
 - a. The analysis for each shell casing will then be entered into the Integrated Ballistics Identification System (IBIS) for that individual shell casing.
- NOTE:** IBIS allows analysts to determine if the firearm used to discharge casings found at one scene was used to fire casings found at another scene. Officers will be cognizant that multiple firearms may be used at one scene even if all of the casings found are of the same brand and caliber and appear to be from the same weapon.
- E. In some cases, an officer who wants to acquire non-testimonial evidence should contact either the City Prosecutor or County Attorney regarding whether or not a court order is needed.

II. Preservation of Crime Scenes - General

- A. When officers are dispatched to a crime scene, they will:
- 1. Plan the best route to the scene, and proceed safely and quickly.
 - 2. Shut off the emergency equipment prior to their arrival at the scene if they are dispatched on an "Expedite" status. This will minimize attention drawn to officers' arrival.

3. Stop their cruiser a short distance away when the crime scene is a type where officers should have some additional visual information prior to arrival. Officers will then be able to approach the scene unobserved and conduct a quick observation of the scene.
 4. Position their cruisers carefully, whenever possible, in a manner that allows the flow of traffic to continue in a normal manner.
 5. Position their cruisers to help protect the scene from other vehicle traffic, if the street is part of the scene. The rotating and flashing lights on the cruiser may be used to alert other traffic. When the scene requires illumination, officers will use the cruiser headlights and/or spotlights.
- B. When officers initially arrive on the scene they will:
1. Quickly evaluate the scene. If there is a need for additional emergency equipment or officers, the responding officers will advise the 911 Dispatcher immediately, prior to leaving the cruiser.
 2. Provide care and protection to the injured, as needed.
 3. Take charge of the scene.
 4. Apprehend any suspects who may still be at the scene.
 5. Identify any witnesses and detain them at the scene for subsequent interviewing, whenever possible.
 6. Position themselves and other officers so they can observe all entrances and exits and/or points of ingress and egress.
 7. Immediately notify the Criminal Investigations Bureau (CIB) personnel through the officer's sergeant or precinct lieutenant.
 - a. Uniform Patrol Bureau (UPB) officers should be prepared to handle the investigation themselves if CIB detectives are not available.
 - b. If UPB officers conduct the investigation, they will advise their sergeant or precinct lieutenant of the results of their investigation.
- C. Officers who initially arrive on the scene will not:
1. Allow any person to leave the scene without first establishing reliable identification, e.g., driver's license, birth certificate, etc. Officers will document the name, date of birth, and contact information of all persons on the scene.
 2. Allow unauthorized persons, including law enforcement personnel, into the crime scene if they are not involved in the investigation.
- D. All officers at the scene will complete a Supplementary Report (OPD Form 200) to document their activities.
- E. Only one officer (the ranking officer) is in charge of the scene.
1. In cases where there is no ranking officer at the scene, the most senior officer is in charge. When a CIB detective arrives, they will take charge of the crime scene.
- F. When the officer in charge of the scene is not a CIB detective, it is important that this officer closely supports the CIB detective(s). The officer will coordinate with the other officers at the

scene in a manner that will assist the CIB detective in the speedy and thorough completion of a proper investigation.

- G. In order to handle the crime scene, officers should look, listen, and think. They should evaluate the situation and proceed carefully.
 - 1. Officers will remain alert to gather whatever information may be available by talking to persons at the scene. Officers should be tactful and persuasive to attempt to get the cooperation of witnesses.
- H. OPD Forensic Investigations Section employees are called to all crime scenes when there is a possibility of obtaining latent fingerprints or where photographs or other evidence collection is required. The OPD Forensic Investigations Section employees are responsible for taking measurements and documenting all physical evidence found at the scene.
- I. When victims of violent crimes are taken to the hospital, an officer will accompany them to protect and/or gather any evidence which may be available (i.e. clothes, knife, bullet, etc.), and to document attending medical personnel's comments and findings, and so forth.
- J. When officers record the facts of the crime scene they will:
 - 1. Continually study the scene and keep the total scene in perspective.
 - 2. Be patient and thorough. Officers should record even the most minute detail, because often this will be the only opportunity they will have to obtain the information from the scene firsthand, in its original condition.
 - 3. Turn in all information to the CIB detective and/or officer in command of the crime scene.
- K. Searches of crime scenes must be well organized and conducted systematically with only one officer in command.

NOTE: All searches must be conducted in a legal and reasonable manner so that evidence can be used in the presentation of the case.

III. Homicide and Suspicious Death Crime Scenes

- A. Responding officers will check victims to determine if they are deceased and attempt to render aid if doubt exists.
- B. Responding officers will request that the area UPB sergeant be dispatched to the location. The sergeant will make the decision whether the Homicide Unit detectives or Field Investigation Squad detectives should be contacted.
- C. Officers will secure the crime scene. This includes but is not limited to the following tasks:
 - 1. Erect "Police Line" tape around the crime scene at a sufficient distance to make certain that the entire crime scene area is secured.
 - 2. Maintain/Protect the perimeter. No one will be allowed inside the crime scene perimeter other than authorized CIB and Forensic Investigations Section employees.
 - 3. Request any witnesses at the crime scene accompany officers to a secure location to be interviewed by CIB detectives.
 - 4. Secure any suspects officers have probable cause to detain and transport them to a secure location to be interviewed by CIB detectives.

- a. Absent probable cause to arrest, suspects may not be forcibly detained and may be interviewed ONLY if they voluntarily consent.
 5. All officers at the scene of a death investigation will complete a Supplementary Report (OPD Form 200) to detail their actions.
- D. Officers will complete an OPD Supplementary Homicide Report (OPD Form 200F).
1. Officers will immediately document the names of all personnel present at the scene (including OPD, OFD, non-sworn employees, etc.) in the report.
- E. Officers will make certain the crime scene is not contaminated. Officers will respect the integrity of the crime scene and WILL NOT:
1. Smoke within the perimeter.
 2. Bring food or drink into the perimeter.
 3. Touch anything.
 4. Move anything – officers shall leave everything as found.
 - a. If an item has to be moved in order to treat a victim or for safety reasons, the location of the item will be marked from where it was moved, and officers will advise the CIB detective(s).
 5. Use any telephones or other electronic device(s) at the crime scene until they have been processed by the OPD Forensic Investigations Section employees.
- F. Firearms at a crime scene should not be moved unless necessary. General guidelines include but are not limited to the following:
1. Officers will leave the firearm exactly where it is found, unless the firearm poses a threat to officers or others at the scene (by either being accessible to people at the scene or the firearm is in such a position that it might accidentally discharge).
 2. If the firearm must be moved, the officer who moves it will first mark the position of the firearm by an acceptable method and will be certain to handle the firearm in a manner that will avoid contamination.
 3. Immediately after the officer picks up the firearm it should be placed in a secure location, with extreme care being taken not to eradicate any possible fingerprints, blood, hair, or other fibers.
 4. Officers will not tamper with or unload the firearm.
- G. Knives and/or other weapons/instruments at a crime scene should not be moved unless necessary. General guidelines include but are not limited to the following:
1. Officers will leave the knife and/or other weapon/instrument exactly where it is found unless it poses an immediate threat to the officers or others at the scene.
 2. If the weapon must be moved, the officer who moves it will first mark the position of the weapon by an acceptable method and will be certain to handle the weapon in a manner that will avoid contamination.
 3. Immediately after the officer picks up the weapon it should be placed in a secure location, with extreme care being taken not to eradicate any possible fingerprints, blood, hair, or other fibers.

- H. Officers will secure all witnesses.
 - 1. Officers will separate all witnesses. Witnesses' names, dates of birth (DOB), addresses and telephone numbers will be documented. Officers will complete an OPD Supplementary Report (OPD Form 200) to document what each witness observed.
 - 2. Officers will advise CIB detectives of witnesses and their statements.
- I. Officers will arrest suspects if probable cause exists and suspects are in the area.
 - 1. If suspects are not in the area officers will attempt to obtain a consistent suspect description and initiate a broadcast for the suspect and/or vehicle.
- J. CIB responsibilities include but are not limited to the following:
 - 1. A visual inspection of the scene to confirm homicide and/or suspicious death.
 - 2. Locate and interview all witnesses.
 - 3. Canvass the area for additional witnesses.
 - 4. Attempt to identify suspect(s).
 - 5. Maintain crime scene security and preservation.
 - a. No one will be allowed to enter the crime scene that does not have a legitimate need to be there.
 - b. If Homicide Unit detectives are en route, do not remove anything from the scene unless authorized by a Homicide Unit command officer.
 - 6. If the Homicide Unit command officer elects to send homicide detectives to handle the homicide/suspicious death investigation, other officers at the scene will not begin processing the crime scene unless directed by the Homicide Unit command officer.
- K. Homicide Unit command officer responsibilities include but are not limited to the following:
 - 1. Dispatch Homicide Unit detectives to the scene to take charge of the investigation.
 - 2. Direct and coordinate the investigation, including assignment of duties to UPB officers.
 - 3. Coordinate efforts with OPD Forensic Investigations Section employees.
 - 4. The Homicide Unit detectives will dictate a report describing the crime scene. Areas of special concern will be pointed out to OPD Forensic Investigations Section employees for processing.
 - 5. Make certain the body of the victim is not moved until all other evidence at the crime scene has been processed.
 - 6. Homicide Unit detectives will interview suspects, when possible.
 - a. UPB officers will not question suspects unless directed by a Homicide Unit command officer.

- L. OPD Forensic Investigations Section employees' responsibilities include but are not limited to the following:
1. At a minimum, an OPD Forensic Investigations Section Supervisor and two Forensic Investigations Technicians will respond to the scene, when possible.
 2. The Forensic Investigations Section will coordinate with the Homicide Unit command officer regarding arrival at the crime scene.
 3. The Forensic Investigations Section Supervisor will coordinate with the Homicide Unit detectives.
 4. The Forensic Investigations Section Supervisor will direct Forensic Investigations Section employees in processing the scene.
 5. As soon as possible, the Forensic Investigations Section Supervisor will brief the Homicide command officer regarding all recovered evidence.
 6. The Forensic Investigations Section is responsible for photos, diagrams, dusting for prints, collecting and securing evidence, arranging for "EV" numbers, and other forensic tasks, as needed.
 7. If an autopsy is requested, an OPD Forensic Investigations Section employee will attend and collect additional photos, prints, and other documentation and forensic evidence as appropriate.
 8. The Forensic Investigations Section employees will document the crime scene via video and/or digital recordings and other methods (i.e. scene mapping, etc.) at the request of a Homicide Unit command officer.

IV. Handling, Maintaining, and Marking of Evidence

- A. When a situation dictates that non-testimonial evidence must be moved and/or recorded for its protection, OPD employees will employ the following methods as warranted:

1. Use of plastic or rubber gloves.
2. Use of sticks, pencils, or tweezers.
3. Use of cellophane tape, rubber tire patches, paper, cotton, etc.
4. Record the name of the person who found the evidence, who was with the person, and the date and time the evidence was found.
5. Attach a tag or label to the evidence indicating Who, What, When, Where, RB Number, the officer's name or initials and serial number.
6. Place individual items of evidence into appropriate containers.

NOTE: Non-testimonial items of evidence will not be booked together when there is the potential that additional analysis will be done by a crime laboratory. This is especially important when there is a risk of cross-contamination or damage to microscopic evidence.

7. Draw a rough sketch or diagram of the crime scene recording all appropriate information such as the exact location where the evidence was found for later reference in completing reports. If possible, photograph the item prior to moving it.

8. When the situation warrants, officers will check for the possibility of latent fingerprints at the scene before moving any evidence and prior to requesting Forensic Investigations Section services.

V. Crime Scenes with No Physical Evidence or Photos

- A. On rare occasions, CIB detectives and UPB officers may encounter serious crimes against person or property cases where no crime scene can be found or where no evidence can be collected.
- B. There will be very few cases where photographs will not be taken at the crime scene or of injuries sustained by the victim. In such cases, officers will document in their reports an explanation of why no physical evidence could be collected and/or why no photographs were requested.

REFERENCES:

I. Case Law

- A. Miranda v. Arizona, 384 U.S. 436 (1966) is relevant to this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #60-97, 15-89, 54-89, 55-89, 93-89, 27-14, 38-14, 62-14, and 16-15.

II. Accreditation Standards

- A. CALEA Accreditation standards 1.2.4, 41.2.1, 83.2.1, 83.2.2, 83.2.6, and 83.2.7 are relevant to this policy.

CRIME SCENES - HOMICIDE AND SUSPICIOUS DEATH – RESCINDED/REMOVED

This policy is rescinded per General Order #27-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #54-89, 60-97 and #27-14.

CRIME SCENES - NO PHYSICAL EVIDENCE OR PHOTOS – RESCINDED/REMOVED

This policy is rescinded per General Order #27-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #15-89 and #27-14.

CRIME SCENES – PRESERVATION – RESCINDED/REMOVED

This policy is rescinded per General Order #27-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #55-89 and #27-14.

CRIMINAL INVESTIGATIONS

PREAMBLE:

Criminal investigations require a systematic approach to make certain that all possible appropriate actions are taken and that specific expertise is employed when needed. Individual tasks are routinely assigned to appropriate personnel and exceptions are made when particular circumstances dictate.

POLICY:

It is the policy of the Omaha Police Department (OPD) to conduct efficient and effective criminal investigations. Criminal investigations are managed via a case management system. OPD Criminal Investigations Bureau (CIB) and Uniform Patrol Bureau (UPB) employees will coordinate efforts as needed during the Investigative Process.

DEFINITIONS:

Active: The case has been assigned to a detective and an active investigation is ongoing.

Cleared by Arrest: One or more suspects have been arrested (i.e. booked, issued a criminal citation, or issued a juvenile street release).

Closed: The investigation is no longer active.

Exceptionally Cleared: A suspect has been identified and a location is known, but the suspect has not been arrested due to outside circumstances, such as the suspect's death, extradition has been denied, the victim has refused to cooperate in the prosecution, or other such circumstances.

Follow-up Investigation: The Follow-up Investigation is a continuation of the Preliminary Investigation and may be conducted at the crime scene or at another location at a later time. Follow-up Investigations are frequently the responsibility of the Criminal Investigations Bureau (CIB).

Investigative Process: The Investigative Process consists of the Preliminary Investigation and the Follow-up Investigation. Uniform Patrol Bureau (UPB) officers generally conduct the Preliminary Investigation while CIB detectives or specialists generally conduct the Follow-up Investigation. However, any one officer or group may conduct the entire investigation as appropriate under the circumstances.

Open Filed: The case has been assigned to a unit but is not currently classified as an Active case because of the lack of evidence or witnesses. An Open Filed case may be reopened at a later date if circumstances dictate.

Preliminary Investigation: The Preliminary Investigation involves the arrest of suspects at or fleeing from the scene (if any are present), the initial information gathering, and crime-scene processing and documentation of information. The Preliminary Investigation is conducted at the crime scene and is generally the responsibility of Uniform Patrol Bureau (UPB) officers, although in some instances Criminal Investigation Bureau (CIB) detectives may be assigned this function.

Unfounded: The investigation has determined that no crime occurred.

PROCEDURE:

I. Case Management

- A. All cases will be classified as Active, Open Filed or Closed.
- B. Cases will only be closed after the case has been classified as Cleared by Arrest, Unfounded, or Exceptionally Cleared.
- C. It is the detective's responsibility to notify the appropriate supervisor when a case changes classification.
- D. All Follow-up Investigations will be entered into the Case Management System utilized by the Criminal Investigations Bureau (CIB). Information recorded in this system for each case includes:
 - 1. The detective to whom the case is assigned.
 - 2. The date the case is assigned.
 - 3. The case number.
 - 4. The victim's name and address.
 - 5. The type of offense.
 - 6. The final report, when applicable.
 - 7. The disposition of the case.
- E. The CIB has functional control and authority over all continuing investigations.

II. Case Screening

- A. Upon receipt of the Incident Reports, Crime Analysis Unit employees will review and evaluate the facts of the case for solvability and will assign it to a CIB unit as an Active or Open Filed case.
- B. Once the case has been assigned to a CIB unit, the unit's command officer will assign the case to a specific detective. That detective will remain the coordinator for the Follow-up Investigation.
- C. When an Open Filed case is assigned to a CIB unit, the detective is not required to make any further investigative effort unless additional information or evidence becomes known.

- D. When an Active case is assigned to a detective, the detective will exhaust all investigative leads throughout the Investigative Process. If during the course of the investigation sufficient probable cause is developed to prosecute a suspect, the detective has the following options:
1. Make an arrest.
 2. Apply for a warrant for the suspect.
 3. Where appropriate, advise the victim to obtain a warrant for the suspect.
 4. If necessary, consult with the County Attorney or City Prosecutor.
 5. Classify the case as Exceptionally Cleared.
- E. Active cases will be reviewed by a supervisor every 30 days to determine if the case should remain classified as Active or be re-classified as Open Filed. The below-listed factors may be considered in the decision to determine the status of the case:
1. Lack of further leads.
EXCEPTION: All homicide cases will remain Active until the case is either Exceptionally Cleared or identified as a Cold Case.
 2. Prioritization of cases requires investigative effort be applied to more serious offenses.

III. Case File Management

- A. Each case file will be assigned a case number. The CIB case number should be the same as the original complaint number assigned by the OPD Data Center.
- B. Each completed case file will include at a minimum:
1. A copy of the original Offense/Incident Report.
 2. Copies of all Supplementary Reports.
 3. Copies of all Information Reports.
 4. Copies of all affidavits and search or arrest warrants.
 5. Copies of any other reports deemed pertinent to the case, including those from outside agencies.
 6. The detective's synopsis of the case.
- C. The detective's copies of case files will remain secured.
- D. When the follow-up investigation is completed, all original reports will be forwarded to the Records Unit for processing.
- E. Copies of criminal follow-up cases are kept in CIB files for up to 90 days at which time they are purged and destroyed by CIB detectives, CIB administrative employees, or CIB clerical employees.

IV. Preliminary Investigation

- A. UPB officers are usually the first responders to arrive at crime scenes. Their initial actions at the scene of a crime often determine the outcome of the overall investigation.

- B. A Preliminary Investigation will include but is not limited to the following:
 - 1. The observation of all conditions, events and remarks by persons at the scene.
 - 2. The location and identification of witnesses.
 - 3. The maintenance and protection of the crime scene (see the OPD "Crime Scenes" policy for details).
 - 4. Interviews of the complainant, witnesses, and suspects.
- C. UPB officers may be dispatched to collect crime scene evidence collected by third parties.
 - 1. Officers will collect the evidence and transport it to the Evidence and Property Unit, complete the appropriate Tracker entries and place the evidence in the appropriate locker.

Example: A UPB officer is dispatched to a hospital to collect a Sexual Assault Kit for booking into property.

V. Command of the Crime Scene

- A. The first officer who arrives at the crime scene is in command until relieved by:
 - 1. A higher ranking command officer.
 - 2. The officer specifically assigned to the call. - OR -
 - 3. Employees from the appropriate investigative unit.
- B. If appropriate, the first responding officer will implement an Incident Management System in accordance with OPD policies and procedures.

VI. Felony Follow-Up Investigations by UPB Officers

- A. UPB officers may conduct a Follow-up Investigation with approval from CIB command.
- B. When UPB officers continue the investigation beyond the Preliminary Investigation stage, they will coordinate with employees of the appropriate CIB unit.
- C. The officer will inform the assigned CIB detective of the details of the Follow-up Investigation when the investigation is completed, including but not limited to:
 - 1. Details about witnesses who were detained.
 - 2. Evidence that was found.
 - 3. All other available information regarding the case.

VII. Follow-Up Investigations Conducted by CIB Detectives

- A. When a complete investigation by UPB officers is not possible or practical, a Follow-up Investigation may be completed by CIB detectives.
- B. Follow-up Investigations by CIB detectives should include, but are not limited to, the following:

1. A review and analysis of all previous reports prepared in the Preliminary Investigation, departmental records, and results from laboratory examinations.
 2. Additional interviews and interrogations.
 3. Attempts to seek additional information from officers, witnesses, and informants.
 4. Planning, organizing, and conducting searches, and collecting physical evidence.
 5. Surveillance to locate and apprehend suspects.
 6. The use of Crime Stoppers, if warranted.
 7. The use of a photo or physical lineup may be necessary to form a positive identification.
 8. A request for information to be included in the OPD Daily Bulletin, if warranted.
 9. The identification and apprehension of suspects.
 10. The determination of whether or not suspects are involved in other crimes.
 11. A check of suspects' criminal histories.
 12. Preparation of cases for court presentation.
- C. Victims should be contacted and advised that a Follow-up Investigation is being conducted. The detective may refer the victim to the Douglas County Victim/Witness Assistance Unit.
1. At the conclusion of the investigation, the victim should be contacted and advised of the case status.
- D. During the course of a criminal investigation, detectives may use any or all of the items noted on the Criminal Investigations Checklist to assist them in conducting the investigation.
- E. Background investigations for information development should be conducted as part of all criminal investigations.
1. All criminal background investigations and interviews will be conducted with discretion and remain confidential.
 2. Background information will be used only for the purposes of a valid criminal investigation. Information that has no investigative value will be purged.
 3. Detectives may use multiple sources of information including but not limited to information/reports from other law enforcement agencies, (including state and federal), municipal records, schools, utility companies, etc.

VIII. Notification of CIB

- A. CIB employees will be notified of serious crimes as soon as possible as follows:

1. "A" and "C" Shifts. On all original felonies, the Criminal Investigations Unit employees should be the primary point of contact (see [PPM Appendix A](#) for the phone number).
 - a. The Criminal Investigations Unit will be responsible for case assignments, facilitation of investigation support, and the notification of appropriate units and command officers. Officers may call a Field Investigator cell phone directly.
 2. "B" Shift. Monday through Friday, officers should contact employees of the appropriate CIB unit.
 - a. If there is no answer, officers may call the CIB console operator (see [PPM Appendix A](#) for the phone number). The CIB console operator will connect them with a unit detective.
 - b. On Saturdays, Sundays, and holidays detectives may be contacted directly (see [PPM Appendix A](#) for the phone number).
 3. Other Options. Other options on any shift include the following:
 - a. Call the 911 Dispatcher (CIB detectives work off primary channels).
 - b. As a last resort, a unit lieutenant may be called at home. For a homicide notification, the Homicide Unit lieutenant may be called immediately.
- B. Notification of CIB employees is MANDATORY 24 hours a day, seven (7) days a week, on:
1. All FELONY incidents.
 2. Any information obtained in reference to an unsolved homicide or other serious incident.
 3. Any incident that receives intensive news media coverage or involves a public official.
 4. Any serious incident or injury that occurs at a city park or city facility.
 5. Any other incidents as determined by OPD field supervisors.
- C. Responding officers must document the CIB notification, or attempted notification, on their original Incident Report. If officers are unable to notify CIB employees, they will advise their field supervisor.
- D. Officers are required to forward copies of all Incident Reports, Information Reports, and Field Contact Observation (FO) Cards (OPD Form 150) regarding firearms violations to the OPD Firearms Squad. Original reports will be submitted per normal procedures.
1. Any questions related to weapons violations may be referred to the Firearms Squad employees during "B"-Shift, or to the Criminal Investigations Unit employees during "A"- or "C"-Shift.
- E. It is critical that a copy of all felony reports and high profile Information Reports be delivered to CIB as soon as possible.
1. Depending on the circumstances, the CIB detective will direct that the copy either be hand-carried or faxed to CIB by the reporting officer. The fax number is listed in the [PPM Appendix A](#).

2. If the report involves a missing person or an auto theft, a copy must also be either scanned and emailed to the Data Center or faxed to the Data Center so it can be immediately entered into NCIC. The email address and fax number are listed in [PPM Appendix A](#).

- a. It is preferred employees scan and email reports to the Data Center, as this provides an accurate time stamp and a scanned copy is typically easier to read than a faxed copy.

NOTE: Missing persons reporting is time-sensitive. See the OPD “Missing Persons – Adults” and OPD “Juveniles – Missing Persons” policies for details.

3. If directed, copies of reports related to child abuse or neglect or any sexual assault will be faxed to the Child Victim/Sexual Assault Squad. The fax number is listed in [PPM Appendix A](#).
4. In all cases where CIB has not been directly involved in an investigation, a copy of the report must be faxed or hand-carried to the appropriate unit’s mailbox on the 4th floor of OPD Central Headquarters.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #32-99, 24-00, 76-00, 11-11, 29-14 and 62-14.

II. CALEA Accreditation Standards

- A. Relevant CALEA Accreditation standards include the following: 42.1.3, 42.1.4, 42.2.1, 42.2.2, and 82.3.5.

CRIMINAL INVESTIGATIONS - CASE MANAGEMENT – RESCINDED/REMOVED

This policy is rescinded per General Order #29-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #24-00 and 29-14.

CRIMINAL INVESTIGATIONS – INVESTIGATIVE PROCESS – RESCINDED/REMOVED

This policy is rescinded per General Order #29-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #76-00 and 29-14.

CRIMINAL INVESTIGATION BUREAU - NOTIFICATION PROCEDURES – RESCINDED/REMOVED

This policy is rescinded per General Order #29-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #32-99, 11-11, and 29-14.

CRIMINAL INVESTIGATIONS – VOLUNTARY CONSENT TO PROVIDE DNA SAMPLE – RESCINDED/REMOVED

This policy is rescinded per General Order #33-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #19-06, 23-12, and 33-14.

CRIME STOPPERS PROGRAM

PREAMBLE:

Omaha Crime Stoppers is a community program, operated by the citizens, which involves the public, the media, and area law enforcement agencies in the fight against crime. It offers cash rewards and anonymity to persons who furnish information leading to the arrest of criminal offenders. Crime Stoppers also accepts tips and offers enhanced rewards for information leading to arrests related to the following crimes, in an effort to reduce violent crime: homicides, felony assaults/shootings, gun crimes, bank robberies, and pharmaceutical robberies (the robbery of scheduled drugs).

POLICY:

It is the policy of the Omaha Police Department (OPD) to participate in and promote the Crime Stoppers Program, in an effort to reduce crime in the City of Omaha. The Omaha Crime Stoppers Coordinator (OCSC) within the OPD Public Information Office (PIO) facilitates the program within the Department.

PROCEDURE:

I. Crime Stoppers Program - General

- A. Persons with information about criminal activity and/or the identity or location of suspects who have committed a crime and wish to remain anonymous are encouraged to contact Crime Stoppers. Tips can be submitted one of four ways:
 - 1. By phone at 402-444-7867 (402-444-STOP).
 - 2. By texting "OPD" and their message to "CRIMES" (274637).
 - 3. Online at www.omahacrimestoppers.org.
 - 4. Via mobile app "TipSubmit" available at www.omahacrimestoppers.org.
- B. Persons with information should be advised they will never be identified to Crime Stoppers personnel.
- C. All reward payments are approved by the Crime Stoppers Board. After tips have been approved for payment, tipsters are given a password and instructions on how to pick up their cash reward anonymously.
- D. The Omaha Crime Stoppers program uses a specially wrapped/painted vehicle as a public relations and advertising tool.
 - 1. The City of Omaha maintains the vehicle.
 - 2. The Omaha Crime Stoppers Board is responsible for maintaining donations for the vehicle's wrap.
 - 3. The OCSC is responsible for scheduling appearances for the vehicle.

II. Crime Stoppers Enhanced Rewards

- A. The Omaha Crime Stoppers program offers enhanced rewards for information leading to the arrest of suspects for the following crimes:
 - 1. Homicides. A \$25,000 reward is offered for information leading to the arrest of homicide suspects.
 - 2. Felony assaults/Shootings. A \$10,000 reward is offered for information leading to the arrest of felony assault and/or shooting suspects.
 - 3. Pharmacy robberies in which pharmaceuticals (i.e. scheduled drugs) are stolen.
 - 4. Bank robberies.
 - 5. Possession of illegal firearms (referred to as the Gun Bounty Program).
 - a. The Gun Bounty Program awards apply to information about the following categories of firearms:
 - (1) Stolen firearms.

- (2) Altered firearms.
- (3) Firearms in the hands of convicted felons.
- (4) Firearms used in violent crimes.
- (5) Firearms in the possession of gang members.
- (6) Firearms in the possession of persons convicted of domestic violence.

III. Crime Stoppers Coordination

- A. The PIO command officer will designate an OPD officer as the OCSC. The OCSC will:
 1. Coordinate and disseminate information within the OPD.
 2. Maintain the Crime Stoppers TipSoft Account. This includes making certain the account users/recipients are up to date and accurate, protecting participants' anonymity, documenting and maintaining tips and information, etc.
 3. Coordinate information with the Crime Stoppers Board.
 4. Work as a liaison with the media to encourage participation in the Crime Stoppers Program.
 5. Coordinate speaking engagements and events with various community organizations.

IV. Crime Stoppers Tip Procedures

- A. Time-Sensitive tips regarding gun possession are routed expeditiously. These types of tips will be forwarded by the OCSC to the appropriate investigative or Uniform Patrol Bureau (UPB) patrol unit as quickly as possible.
- B. The OCSC or the operator who receives the tip will assign the caller a code number. This must be done even if callers indicate that they do not want a code number.
 1. If callers indicate they would prefer to call back with additional details, they must still be assigned a code number to use when they call back.
- C. Tips to the Crime Stoppers line will be forwarded to an appropriate investigative or UPB patrol unit as quickly as possible.
 1. The Crime Stoppers line is staffed 24 hours per day, seven days per week. Upon receiving a call and interviewing the tipster, the Crime Stoppers operator will evaluate the tipster's information and enter the information into the TipSoft Account.
 2. The OCSC will assign the tip to a command officer who will make certain the tip is followed-up on.
- D. The investigative unit/officer to whom the tip is assigned has thirty (30) days from the date the tip was taken to respond to the information.
 1. If more time is needed to investigate the tip, the person to whom the tip is assigned will advise the OCSC or will make a notation in the TipSoft Account so that tipsters can be updated on the status of the tip if they call back and inquire about their reward.

2. If a response is not received within 30 days, the OCSC will advise the unit commander that a disposition is needed to make certain the tip was followed-up on.

V. Tip Disposition Procedures

- A. Tips that have led to the arrest of a suspect will be documented as "Cleared by Arrest" in the TipSoft Account for the disposition.
- B. Officers/Detectives may log into the TipSubmit program and update the tip disposition, if assigned by the OCSC, or they can email the response disposition form back to the OCSC to close out the tip.
- C. Tip dispositions must include the following details: the detective's name, the RB number, a list of any property, narcotics or money recovered from the arrest, if a weapon was recovered, if the tip is eligible for an enhanced reward, the suspect's/suspects' name(s), date(s) of birth, and listed charges.
- D. Command officers should track assigned tips and the disposition of each tip.
- E. In cases where multiple tips were received and led to an arrest, detectives will notify the OCSC of which tip was received first and which tip they felt was the most helpful in solving the case for tips that qualify for payment.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #29-89, 39-89, 1-02 and 1-02 Supplement #1, and 36-14.

DAY CARE CENTERS - OFFICERS RESPONDING TO CALLS – RESCINDED/REMOVED

This policy is rescinded per General Order #51-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #35-88 and 51-14.

DEATH MESSAGES

POLICY:

It is the policy of the Omaha Police Department (OPD) to contact survivors regarding the death of individuals in the most compassionate and professional manner possible.

PROCEDURE:

I. Criminal Homicides

- A. The Homicide Unit is responsible for notifying immediate survivor(s) of criminal homicides.
- B. The Homicide Unit Detective(s) will determine whether a UPB officer will accompany them when notifying immediate survivor(s) of criminal homicides.

II. Natural Deaths, Suicides, and Traffic Fatalities

- A. In the event of a natural death or suicide, the original responding officer will make every attempt to notify the immediate survivor(s) and document those efforts.
- B. In the event of a traffic fatality, the Traffic Unit is responsible for notifying immediate survivor(s) and documenting those efforts.
- C. If the notifying officer is unable to notify the immediate survivor(s) or to identify the deceased party, the officer will include this information in the original report and advise the Douglas County Coroner who will then be responsible for notifying the survivors.
- D. If requested, the Homicide Unit will assist the Douglas County Coroner in locating survivors and identifying the deceased.

III. Requested Notifications

- A. Death notifications requested by other jurisdictions or persons are the responsibility of an on-duty UPB lieutenant or their designee.
- B. OPD employees will follow the procedures outlined in the Emergency Messages policy when they receive a request from another agency or person to deliver a death notification.

IV. Recommended Notification Procedures

- A. Notification of survivors should be made in person by a UPB officer and another person, preferably a police chaplain, family doctor, clergy person, or a close friend.

- B. Chaplains are available to assist with the delivery of death messages.
1. Chaplain assistance may be requested as described in the Chaplain Program policy.
- C. The following guidelines should be considered during the notification process:
1. Persons making notifications should each drive separate vehicles. This provides for the unknown. For example, an officer may rush a caretaker to the hospital, while the chaplain stays with children until someone else arrives.
 2. Whenever the health of immediate survivors is a concern, emergency medical services employees will be requested to stand by. Officers should remember that shock is a medical emergency.
 3. Officers will not take a victim's personal items with them when notifying survivors.
 4. During notification, the survivor should be seated in the privacy of the home. If survivors are at work, officers will prearrange with their supervisor to talk in a private area.
 5. Compassion should be used when making notifications. Survivors will remember the words of the notification for the rest of their lives.
 6. Officers performing notifications should begin by stating, "I have some very bad news to tell you." This gives the survivor an important moment to prepare for the shock.
 7. Family members should be informed slowly and the information regarding the incident should be made clear. The victim's name should be used during the notification. Officers will not refer to the victim as "the body."
 8. Examples of proper notification statements include the following:
 - a. "Your daughter was in a car crash and she was killed."
 - b. "Your husband was shot today and he died."
 - c. "Your father had a heart attack at work and he died."
 - d. "I am sorry this happened."
 9. The following types of statements should be avoided:
 - a. "Sally was lost."
 - b. "Your son passed away."
 - c. "It was God's will."
 - d. "She led a full life."
 - e. "I understand what you are going through."
 10. All questions must be patiently answered. For example: Cause of death, location of deceased's body, how it will be released and transported to the funeral home, whether an autopsy will be performed, etc.
 - a. When survivors ask a question that OPD officers cannot answer, officers will get back to the survivor when information is available.

11. Officers will offer to call a friend or family member who can come to support the survivor. Officers will stay with the survivor until the support person arrives.
 12. Officers will inform the survivor of any chance to view the deceased's body.
 13. Officers will arrange for immediate child-care needs if necessary. Child-care resources may include survivors' family, friends, or church.
 - a. If child-care is needed and the survivor does not have family members or friends with whom they are comfortable leaving their child, officers will contact the Child/Victim Sexual Assault Squad (CVSA) to arrange for child-care.
 14. Officers will drive the family to the hospital if necessary. If the family insists on driving, an officer or the chaplain will accompany and/or follow them to the hospital.
- D. If a survivor cannot be located, officers will leave a message at their residence and/or place of business to request that they contact the appropriate on-duty UPB lieutenant as soon as possible.
1. After the survivor has been located, the UPB lieutenant with a UPB officer or another person (i.e. a police chaplain, family doctor, clergy person or close friend) will make arrangements to notify the survivor in person.
 2. The UPB lieutenant must notify the original caller of the circumstances.
- E. Officers will complete an OPD Supplementary Report (OPD Form 200A) to document their role in the notification, time of the notification, and other relevant details.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #23-03 and 45-14.

II. Accreditation Standards

- A. CALEA Accreditation standards 55.2.6 and 81.2.11 are relevant to this policy.

DEATH OR SERIOUS INJURY OF AN ON-DUTY OMAHA POLICE OFFICER

POLICY:

It is the policy of the Omaha Police Department (OPD) to honor and show respect for officers who have been killed or seriously injured in the line-of-duty. The OPD will provide assistance and emotional support to the immediate family (survivors) of an officer killed or seriously injured in the line-of-duty during the traumatic readjustment period. The needs of the family will be foremost in every consideration. Assistance and emotional support for co-workers of the officer will also be provided.

PROCEDURE:

I. Notification of OPD Employees

- A. The following persons will be immediately notified and asked to respond to the officer's location:
 - 1. Chief of Police.
 - 2. The Public Information Office.
 - 3. The OPD Police Chaplain (of the same faith as the officer, if possible.)

II. Assistance at the Hospital

- A. The first arriving command officer at the hospital should arrange with hospital employees for appropriate waiting facilities for family and a separate area for co-workers.
- B. The ranking command officer present at the hospital will:
 - 1. Arrange whatever immediate assistance the family needs.
 - 2. Arrange for a command officer or supervisor to be present the entire time the family is at the hospital.
 - 3. Update the family upon their arrival at the hospital.
 - 4. If at all possible, allow the family every opportunity to visit the officer before death occurs. Too often, the family is discouraged and sometimes barred from visitation. It is their right to visit their loved one. Command officers should prepare the family for what they might see in the emergency room and, if requested, accompany them into the room for the visit. Officers should not be overly protective of the family. It is comforting to have family present when death occurs.
 - 5. Arrange for transportation of the family as needed.
 - 6. If needed, arrange for out-of-state family members to be personally notified by a law enforcement agency of that state.

III. Family Notification

- A. Notification of family members will always be prompt and will always be made in person.
 - 1. The officer's Deputy Chief and another OPD officer (who is close to the family, if possible) will notify the immediate family of the officer's condition or death in person as soon as possible.
 - 2. If the Deputy Chief is not immediately available, a command officer will be designated to notify the family.
- B. The same guidelines in the OPD "Death Messages" policy should be considered during the notification process.
 - 1. All questions must be patiently answered.
 - a. When family members ask a question that OPD officers cannot answer, officers will notify the OPD liaison officer who will follow up when information is available.
 - 2. Officers will arrange for immediate child-care needs if necessary. Child-care resources may include survivors' family, friends, or church. Fellow officers may also be a temporary option.

3. Officers will drive the family to the hospital if necessary. If the family insists on driving, an officer will accompany and/or follow them to the hospital.
- C. Officers will complete an OPD Continuation/Supplementary Report (OPD Form 200A) to document their role in the notification, time of the notification, and other relevant details.

IV. Distribution of Major Responsibilities

- A. The OPD Public Information Office will coordinate the release of the deceased officer's name to the media. The deceased officer's name shall not be released until local area family members have been notified.
- B. The officer's Deputy Chief will appoint a liaison officer to serve as a facilitator between the family and the OPD. The purpose of the liaison officer is to make certain the family's needs are met.
1. This is a critical assignment and should be initiated as soon as possible.
 2. The liaison officer should be one who is acquainted with the officer and family, but should not be so emotionally involved as to risk being ineffective.
 - a. Officers may designate a liaison officer as part of their emergency contact information. Designated liaison officers will be located in the OPD Phone Directory database.
 3. The Human Resources Sergeant will assist the liaison officer in carrying out their duties.
 4. The liaison officer will:
 - a. Meet with the family and inform them of the liaison officer's responsibilities.
 - b. Make certain the needs of the family take precedence over the wishes of the Department or City.
 - c. Offer the family the various services provided by the OPD. These services may include:
 - (1) Traffic escort officers.
 - (2) Ladies Auxiliary Fraternal Order of Police.
 - (3) Pallbearers.
 - (4) Use of the deceased officer's cruiser in the funeral/memorial procession.
 - (5) Arrange for security of the family's home during funeral/memorial services.
 - (6) Coordination of the OPD Honor Guard and the deceased officer's mortuary/funeral home.
 - d. Serve as a point of contact for any out-of-town relatives who seek information from the OPD.
 - e. Inform the family of any criminal violations surrounding the incident.

- f. Inform the family of all new developments prior to any press release by the investigating agency.
- g. Keep the family briefed of any continuing investigation or related activity.
- h. If necessary, inform the family of alternate venues with seating capacities large enough to accommodate attendance at a funeral/memorial service. Alternate venues must be informed that the family has the right to choose who will officiate at the service.

NOTE: The OPD should only make the family aware of the alternatives. It is the family's choice where the funeral/memorial service will be held.

- i. Make certain death benefits, etc. are received and, if additional documents need to be filed, coordinate with Human Resources (City and/or OPD as needed).
- j. Seek assistance for the family from other organizations as needed (for example, Concerns of Police Survivors).

C. OPD employees' responsibilities:

- 1. All employees will:
 - a. Respect the deceased officer's family and their needs and assist with arrangement of the funeral/memorial service when applicable.
- 2. The Honor Guard will:
 - a. Arrange for out-of-town law enforcement agencies' attendance at the funeral/memorial service and in the procession.
 - b. Arrange the funeral/memorial service procession.
 - c. Coordinate the issuance of an OPD Information Order to inform attending OPD officers to wear their Formal Duty Uniforms (Class A) per the OPD "Ceremonies – Academy Graduation, Funerals, Memorial Services, and Promotions" policy.
 - d. Make certain the Honor Guard's ceremonial officer issues white gloves to officers as they enter the funeral/memorial services, when applicable.
 - e. Issue Black Mourning Bands for attending officers' badges to be worn per the OPD "Ceremonies – Academy Graduation, Funerals, Memorial Services, and Promotions" policy.
- 3. The Deputy Chief of the Bureau to which the deceased officer was assigned will:
 - a. Make certain the deceased officer's name is added to the OPD Police Memorial Monument and to the Memorial Plaque.
 - b. Provide for placement of the deceased officer's picture with the other honored officers killed in the line-of-duty.
 - c. Have the deceased officer's badge number retired.

D. Co-workers are encouraged to keep in touch with the family through regular phone calls, emails, visits, etc.

- E. OPD employees may utilize the OPD Peer Support Program and/or the City of Omaha Employee Assistance Program (EAP) as needed.
 - 1. The EAP is a confidential service. OPD Peer Support officers also agree to confidentiality as part of their role in that program.
 - 2. Bottling-up emotions surrounding a co-worker's death can be harmful to employees and their families. Employees should be encouraged to utilize EAP and Peer Support services and/or be referred to these services by co-workers and supervisors as appropriate.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #46-14.

II. Accreditation Standards

- A. CALEA Accreditation Standard 22.2.4 is relevant to this policy.

DECONFLICTION

POLICY:

It is the policy of the Omaha Police Department (OPD) to use the process of deconfliction at the beginning of an investigation in order to enhance officer safety, prevent duplication of investigative efforts, and develop case linkages. The OPD uses the Midwest High Intensity Drug Trafficking Area (HIDTA) Secure Automated Fast Event Tracking Network (SAFETNet) System to deconflict investigations by seeking similar targets and events.

DEFINITIONS:

Deconfliction: A process that allows law enforcement personnel to determine if a target or event is currently being, or has ever been, investigated by another member law enforcement agency.

Event: A location defined by an address, intersection, or latitude/longitude coordinates that is the subject of a law enforcement investigation.

SAFETNet: An automated deconfliction system that provides non-communicating agencies in local, state, and federal law enforcement a common gateway to identify conflict with their events and targets.

Target: A person, business, vehicle, weapon, or email address that is the subject of a law enforcement investigation.

PROCEDURES:

I. SAFETNet Guidelines

- A. OPD employees will use the Midwest HIDTA's SAFETNet System, when appropriate, to deconflict targets and/or events.
 - 1. Information obtained through SAFETNet is confidential and law enforcement sensitive.

2. Officers will not refer to SAFETNet in any case documentation.
3. Officers will make certain submissions contain accurate information and are related to an active investigation.
4. All submissions to the SAFETNet System require a case report number (RB Number).

B. Accessing the SAFETNet System.

1. To access the SAFETNet system, enter deconfliction information using remote access via the Intranet "Applications Page" internal web link.
2. Field officers and employees without remote access to SAFETNet will call the Midwest HIDTA Watch Center (see Appendix A for the phone number).
 - a. Officers may call the Midwest HIDTA Watch Center phone number 24 hours a day, 7 days a week. Calls received outside the Watch Center's regular business hours (Monday – Friday from 0800 to 1700 hours; closed on holidays) will automatically be forwarded to the Missouri Information Analysis Center (MIAC) for access to the system.
3. All users will be required to complete Midwest HIDTA security control forms to gain access to the system. Officers can obtain these forms by contacting the OPD HIDTA Analyst or the Midwest HIDTA Watch Center.
 - a. Once the form is completed, the unit lieutenant will review and approve the form. The approved security form will then be faxed to the Midwest HIDTA Watch Center for final processing (see Appendix A for the fax number).

II. Investigative Employees

- A. Prior to executing a search warrant, all listed persons and locations will be deconflicted.
- B. All suspects and investigative targets involved in a criminal investigation will be deconflicted.
- C. All locations and identified addresses that are subject to an on-going investigation will be deconflicted. This includes investigations involving search warrants, "knock and talks" pursuant to an existing case file, long-term surveillance, Title III – Federal Wiretap Act cases, etc.
- D. Supervisors are responsible for making certain their assigned employees deconflict targets and events at the onset of investigations. Post-investigation entries into the system are counter intuitive to the system's purpose.

III. Uniform Patrol Bureau Employees

- A. Uniform Patrol Bureau (UPB) officers are encouraged to use the SAFETNet System when investigating persons and/or locations that are not related to routine calls for service or other regular patrol activities. These situations may include, but are not limited to:
 1. Proactive problem solving projects (subjects and locations).
 2. Patrol initiated surveillance.
 3. Proactive enforcement operations.

IV. All Employees

- A. When possible, deconfliction should occur at the outset of an investigation. If an investigative conflict is discovered, the inquiring employee will contact the listed investigator or agency to discuss the conflict.
- B. Training is provided by the Midwest HIDTA Watch Center. Any employee who requires training or access to the system should contact the OPD HIDTA Analyst or the Narcotics Unit Lieutenant.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #44-12 and 51-14.

DESTRUCTION OF PROPERTY - NON-CRIMINAL

POLICY:

It is the policy of the Omaha Police Department (OPD) to report Non-criminal Destruction of Property incidents which are not solely an Act of God/nature, as these have the potential to create liabilities for the City of Omaha.

DEFINITIONS:

Non-criminal Destruction of Property: These types of incidents include, but are not limited to, Acts of God/nature, or a Destruction of Property which is the result of officers or other emergency employees performing necessary duties. Examples include, but are not limited to, damage from kicking in a door to serve a search warrant, police or fire employees forcing entry into a residence, building, or vehicle to rescue or assist an injured person, etc.

PROCEDURE:

I. Reporting

- A. When the actions of an OPD officer cause non-criminal damage to property, the officer will complete an Incident Report (OPD form 189).
 - 1. This report will also be completed whenever an officer determines there is a possibility of a damage-related lawsuit against the City of Omaha (not involving a traffic accident, as reported on a State Accident Report).
 - 2. Officers will document the "Non-Criminal Destruction of Property" incident as well as the non-criminal nature of the incident.
 - a. Officers will indicate that the incident is a "Non-criminal Destruction of Property" on the Incident Report.
 - b. Officers will make every reasonable effort to thoroughly document all Non-criminal Destruction of Property.
 - c. Photographs will be taken unless circumstances reasonably prohibit the taking of photographs.

d. Information Reports alone shall not be used to document Non-criminal Destruction of Property incidents.

B. A Chief's Report (OPD Form 214) will also be completed regarding police-initiated, Non-criminal Destruction of Property incidents. Officers will attach a copy of the Incident Report to the Chief's Report.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #24-84, 21-89, 14-09 and 48-14.

DIPLOMATS, CONSULAR OFFICIALS, AND FOREIGN NATIONALS

PREAMBLE:

Under international treaties and customary international law, the United States is required to notify certain foreign authorities when their Foreign Nationals are detained, arrested, seriously injured, or deceased. In addition, the United States Department of State (DOS) designates some Foreign Nationals as Diplomats or Consular Officials with varying degrees of immunity against detention, arrest, search, seizure, and prosecution. These protections may also extend to members of their household and/or staff. The purpose of these privileges and immunities is not to benefit individuals but to make certain that foreign governments can extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments.

POLICY:

It is the policy of the Omaha Police Department (OPD) to respect the special provisions accredited to Diplomats and Consular Officials, members of their family, and their staff by the United States DOS and to comply with the mandatory notification agreements between the United States and specific foreign countries when Foreign Nationals of those countries are arrested or detained.

DEFINITIONS:

Consular Official (Consul/Consular Officer): A foreign official authorized by the DOS to provide assistance to the foreign government's citizens in the United States. Some classes of Consular Officials enjoy Diplomatic Immunity.

Consulate: The place or buildings in which Consular Officials' duties are carried out.

Diplomat (Diplomatic Officers): A foreign official at the country's embassy in Washington, D.C., assigned to represent the country.

Diplomatic Immunity: A principle of international law in which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

Foreign National: Any person who is not a United States citizen. This includes permanent resident aliens (these individuals carry a resident alien registration card), non-citizens who may or may not be in the country legally, foreign Diplomats, and/or Consular Officials.

Mandatory Notification: Consular notification procedures that apply when you arrest or detain a Foreign National from any of the countries that have agreed to special rules with the United States.

Upon Request Notification: Consular notification procedures that apply when a Foreign National from any country that has not agreed to special rules with the United States and is not on the mandatory list of countries is arrested or detained and requests consular notification.

PROCEDURE:

I. Identifying/Verifying Foreign Nationals' Status

- A. When making an arrest or detention, officers will determine the nationality of Foreign Nationals.
 - 1. Officers will ask the arrestee/detainee if they were born outside of the United States.
 - a. Most but not all persons born outside of the U.S. are Foreign Nationals.
 - b. If the arrestee/detainee states that they were born outside of the U.S., or if the arrestee/detainee's identification, passport, and/or travel documents identify a birthplace outside of the U.S., then they should be considered a Foreign National who's Consulate may require notification of the arrest/detention.
 - 2. If an officer believes that indicators (such as unfamiliarity with the English language) suggest a foreign nationality, the officer will attempt to determine the arrestee/detainee's nationality by reviewing available documentation or information.
 - a. In the absence of other information, the officer may assume that the Foreign National's country is the country of their passport or other travel documents.
 - b. If no documentation is available officers will accept the statement of the individual, absent other evidence to the contrary, as to their nationality.

II. Diplomats and Consular Officials

- A. Employees of foreign countries may enjoy various levels of privileges and immunities. If a Foreign National claims to be an employee of a foreign country, officers shall request documentation indicating the individual's DOS status.
 - 1. Diplomats and Consular Officials are issued DOS driver's licenses and/or identification cards. These individuals may also have DOS issued license plates.
 - 2. Officers will contact their supervisor who will confirm the individuals' status as well as any privileges and/or immunities with the DOS.
 - a. Supervisors may use the [DOS Website](#) or contact the DOS directly for confirmation (see Appendix A for phone numbers).
- B. Individuals with immunity status, including full immunity, will be cited as appropriate for traffic offenses.
 - 1. Officers WILL NOT compel the subject to sign the citation.
 - a. Officers will write "REFUSED TO SIGN" in the signature block if the subject refuses to sign the citation.
 - 2. Officers will fax a copy of the citation and any related reports to the DOS Office of Foreign Missions (see Appendix A for the fax number). The fax confirmation sheet will be will be submitted with all other reports.

- C. In the case of Driving Under the Influence (DUI), individuals with Diplomatic Immunity will receive differential treatment.
1. Officers may request that the individual complete field sobriety tests, however, Diplomats and Consular Officials WILL NOT be forced to comply with sobriety testing.
 2. If the officer(s) believes the individual is impaired and cannot drive safely, the individual WILL NOT be allowed to continue driving.
 - a. Officers shall notify their supervisor who will determine an appropriate manner to transport the individual to their destination.
 3. Officers will document the incident in an Incident Report (OPD Form 189) and promptly fax a copy of the Incident Report to the DOS Office of Foreign Missions (see Appendix A for the fax number).
- D. Additional information regarding Diplomats and Consular Officials can be found on the [DOS Website](#).

III. Consular Notification Procedures

- A. If a Foreign National is detained by an officer, the officer shall determine whether their country requires consular notification.
- B. All Foreign Nationals are entitled to consular notification if they are under confinement or restraint.
- C. Foreign Nationals are NOT entitled to consular notification if they are detained only momentarily (i.e. a brief traffic stop, citation for a misdemeanor or similar event in which a Foreign National is questioned and then allowed to resume their activities).
- D. The Douglas County Department of Corrections (DCDC) is responsible for conducting appropriate consular notification for all Foreign Nationals who are arrested and booked into DCDC facilities.
- E. A link to the complete list of countries or jurisdictions that have entered into agreements with the U.S. that require notification of Consular Officials upon the arrest or detention of their citizens can be found on the DOS website.
- F. When an agreement with the Foreign National's country requires consular notification, officers will:
1. Present the Foreign National with Page 1 of the Statement to Arrested or Detained Foreign Nationals form (OPD Form 170A) as soon as reasonably possible after detention.
 - a. Page 1 contains the paragraph entitled "When Consular Notification Is Mandatory" written in English and Spanish.
 - b. Translations other than Spanish are available in the Consular Notification and Access Manual on the [DOS website](#).
 2. Officers will list the Foreign National's name, country and RB number on the Statement to Arrested or Detained Foreign Nationals form (OPD Form 170A).
 3. Officers shall notify their supervisor without delay when they have detained a Foreign National whose country requires consular notification. The officer's supervisor will then notify the Consulate.

- G. When the Foreign National's country does not appear on the list for Mandatory Notification, officers will:
1. Present the Foreign National with Page 2 of the Statement to Arrested or Detained Foreign Nationals form (OPD Form 170A) as soon as reasonably possible after detention.
 - a. Page 2 contains the paragraph entitled "When Consular Notification Is at the Foreign National's Option" written in English and Spanish.
 - b. Translations other than Spanish are available in the Consular Notification and Access Manual on the [DOS website](#).
 2. List the Foreign National's name, country and RB number on the Statement to Arrested or Detained Foreign Nationals form (OPD Form 170A).
 3. Request that the Foreign National complete the form by circling "yes" or "no" to indicate whether or not consular notification is requested.
 4. If the Foreign National indicates that they would like for Consular Officials to be notified, officers shall notify their supervisor who will then notify the Consulate.
 5. If the Foreign National indicates that they do not wish to have their Consulate notified:
 - a. Officers will document that the Foreign National declined consular notification.
 - b. The original Statement to Arrested or Detained Foreign Nationals form (OPD Form 170A) will be submitted with all other reports.
- H. When a supervisor is notified of a Foreign National being detained by officers, and either the Foreign National's country requires Mandatory Notification or the Foreign National requests consular notification, the supervisor will:
1. Notify the Consulate as soon as possible but no later than the end of the shift in which the Foreign National was detained.
 2. Use the Fax Sheet for Notifying Consular Officers of Arrests/Detentions (OPD Form 170) to contact the nearest Consulate. A list of Consulate addresses, telephone numbers and fax numbers is available on the [DOS website](#).
 - a. The confirmation of receipt of the fax will be submitted with all other reports.
 3. The original Fax Sheet for Notifying Consular Officers of Arrests/Detentions (OPD Form 170) and the original Statement to Arrested or Detained Foreign Nationals form (OPD Form 170A) will be submitted with the original incident reports.
- I. Additional information regarding Consular Notification can be found on the [DOS website](#).

IV. Death or Serious Injury of a Foreign National

- A. In the event of the death or serious injury of a Foreign National, the Foreign National's Consulate must be notified via fax or email without delay.
1. Officers will notify their supervisor who will notify the Consulate.
 2. There is no specific format for the notification.

- a. Email notifications may be in a narrative format and will include the contact information for the appropriate unit. Emails will be sent with a confirmation request.
 - b. Fax notifications may be in a narrative format and will include the contact information for the appropriate unit. Faxes may be on any appropriate form, letterhead or sheet of paper.
3. Regardless of the format, a record of the notification (i.e. fax confirmation, copy of the email, etc.) will be submitted with all other reports.

V. Consular Officials' Access to Detained Foreign Nationals.

- A. OPD employees will not interfere with Consular Officials who seek to communicate with Foreign Nationals of their country.
 1. DCDC is responsible for providing Consular Officials access to Foreign Nationals detained in any of their facilities. Consular Officials seeking access to such Foreign Nationals will be referred to DCDC.
 2. Consular Officials and Diplomats visiting a Foreign National detained by OPD officers will be given the same access privileges as attorneys visiting a client.
 3. In all cases, detainees may communicate with Consular Officials and may request consular access at any time (whether previously declined or not).

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #17-06 and 47-14.

II. CALEA Accreditation Standards

- A. Relevant CALEA Accreditation Standards include the following: 1.2.5 and 61.1.3.

III. Other References

- A. United States Department of State (2014). Consular Notification and Access (4th ed.).
- B. United States Department of State (2011). Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities (3rd ed.).

DOMESTIC VIOLENCE

POLICY:

It is the policy of the Omaha Police Department (OPD) that when a criminal act of Domestic Violence has occurred or been threatened, the primary responsibility of the responding officer is to conduct a thorough and complete investigation of the crime irrespective of the victims'/witness' wishes. If probable cause exists, the physical arrest of the person responsible will take place.

DEFINITIONS:

Applicant (Plaintiff): The person who sought the protection order or initiated the court case.

Dating Relationship: A relationship that involves frequent, intimate associations and is primarily characterized by the expectation of affection or sexual involvement. Dating relationships do NOT include casual relationships or ordinary associations between persons in a business or social context.

Domestic Violence (DV): Any act of violence (threat of or actual) including but not limited to: 1) bodily injury or threat of imminent bodily injury with or without a dangerous instrument, 2) sexual battery, 3) physical restraint, 4) property crime directed at the victim, 5) violation of a court order of protection, or similar injunction, and/or 6) death perpetrated by an individual upon his or her intimate partner.

Exclusionary Order: A restraining order or protection order that contains a provision excluding the respondent from the premises occupied by the applicant.

Ex parte: A legal term meaning "on one side." Most court orders are issued only after hearing where both the plaintiff and the respondent have an opportunity to be heard, however, protection orders are often issued ex parte.

Harassment: To knowingly and willfully engage in a course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose (NRS §28-311.02).

Intimate Partner: A spouse, former spouse, persons who have a child in common whether or not they have been married or lived together at any time, and persons who are or were involved in a dating relationship.

Protection Order: A court order issued to provide protection to a victim of domestic violence or a victim of stalking, pursuant to N.R.S 42-924, et seq. Protection orders prohibit the respondent from imposing any restraint upon the applicant, and from threatening, assaulting, molesting, attacking, or disturbing the peace of the applicant. A protection order may also include a provision that excludes the respondent from the premises occupied by the applicant.

Respondent (Defendant): The adverse party against whom a protection or restraining order is issued.

Restraining Order: A term broadly applied to many kinds of court orders that forbid the respondent from doing some act. This term is most often used to refer to orders issued in divorce cases, pursuant to Nebraska Revised Statutes (NRS) §42-357.

Stalking: Willfully harassing another person or family or household member with the intent to injure, terrify, threaten or intimidate (NRS §28-311.03).

PROCEDURE:

I. Investigation of Domestic Violence (DV) Cases

- A. Officers will conduct a thorough investigation and submit reports for all actual or alleged incidents of violence and crimes related to Domestic Violence (DV). As a part of their investigation, officers will:
 1. Determine the location and condition of victims and suspects.
 2. Obtain or offer medical treatment for any injured persons.
 3. Determine if any weapons are involved or in the home.
 4. Interview victims, suspects, and any witnesses to the incident. Interviews should be conducted separately.
 5. The following questions should be evaluated:
 - a. Is there a history of violence by one of the parties against the other?

- b. Is there a history of violence by one of the parties against other people?
- c. Was there an escalation of violence on one person's part?

Example: Did one party react to being slapped by beating the other person?

- d. Do any injuries appear to be defense wounds?
 - e. Is one party in actual fear of the other?
6. The policy of the OPD and the Douglas County Attorney's Office is to pursue prosecution where probable cause exists, including cases where the cooperation of the victim is either unavailable or not forthcoming.
- a. If victims indicate they do not wish to prosecute, they will be informed that the decision to prosecute is made by the Domestic Violence Prosecution Unit. The victim does not decide whether to "press charges" or "drop charges."

B. Reporting Requirements.

1. Documentation of DV incidents will include all necessary Incident Reports and completion of the Domestic Violence Supplementary Report (OPD Form 200E).
 - a. Officers will complete and submit a Domestic Violence Supplementary Report for ALL DV incidents even when an arrest is not made.
2. The Domestic Violence Supplementary Report, where an arrest is made, will be faxed to the Omaha/Douglas County Victim Assistance Division (See Appendix A for the fax number). Officers will make certain that this is faxed to the Omaha/Douglas County Victim Assistance Division no later than the end of the shift in which the incident occurred.
3. For charges to be pursued against a suspect in a DV case, documentation of the incident is of the utmost importance.
 - a. Officers will maintain objectivity in reporting and avoid any personal opinions regarding comments made by the victim or suspect.
4. Officers will make certain all elements of all crimes involved in a DV incident are documented in reports, including but not limited to the following:
 - a. All statements of victims, suspects, and all witnesses, including children present.
 - (1) Officers will record, exactly as stated (to the greatest extent possible), any comments made by victims, suspects, or witnesses.
 - b. Name, sex, and ages of all children present.
 - c. Victim and suspect condition and demeanor. This includes any evidence of torn clothing, smeared make-up, visible or alleged injury, etc.
 - (1) Photographs of all injuries or damage to property will be obtained by officers in accordance with the "Photographing Domestic Violence Incidents" section of this policy. Reports will specifically indicate if photographs were taken and the type of photograph taken.
 - d. Any disarray to the house or damage to furniture.

- e. Whether alcohol or drugs were involved by alleged abusers.
 - f. Symptoms of use of alcohol or controlled substance(s) by suspects.
 - g. The probation/parole status of suspects.
 - h. The relationship between victims and suspects.
 - i. The size of victims and suspects.
 - j. Any past history of violence, as reported by the victim.
 - k. Any prior DV incidents at the address (available through 911 computer-aided dispatch).
 - l. Physical evidence that was obtained (i.e., photographs, weapons recovered and/or impounded, etc.)
5. All cases of DV require a Domestic Violence Supplementary Report (OPD Form 200E).

C. Photographing DV Incidents

1. Officers will document and photograph any actual or alleged injuries the victim or suspect may have sustained.
 - a. The first photo taken will be an overall shot to provide reference.
Example: A full body shot, picture of the house, etc.
 - b. The second photo will be a closer shot that still shows designation.
Example: For a cut on the elbow, include the elbow and part of the arm in the photo.
 - c. The third photo will be a close up of the injury or damage.
2. DV incident photos will be sent to the Domestic Violence Squad either by:
 - a. Inter-Office Mail.
 - (1) Officers should place the memory chips and copies of all applicable reports into a Property Envelope and send the envelope to the Domestic Violence Squad.
 - (2) The Domestic Violence Squad will email applicable photos to the prosecutor.
 - (3) Photos will be downloaded by the Domestic Violence Squad onto dedicated storage.
 - (4) The Domestic Violence Squad will wipe memory chips clean.
 - (5) The Domestic Violence Squad will send memory chips back to OPD assemblies.

- OR -

- b. Email.
 - (1) Officers will follow the instructions provided in the document "How to Download and E-Mail DV Photos to the DV Unit."
 - (2) This document is saved in the [OPD Public Folders on Google Sites](#).
- 3. Officers will adhere to the following guidelines when they use DV cameras:
 - a. Do not take more photos than necessary.
 - b. DO NOT use the DV cameras on other calls, such as burglaries in lieu of calling the Forensic Investigations Section. The Forensic Investigations Section will still be called on ALL FELONIES including felony DV incidents.
 - c. The DV camera memory chips are sent to the Domestic Violence Squad to be processed. The Domestic Violence Squad only processes crime photos from DV incidents.
 - (1) Officers MAY take gang or intelligence gathering photos with these cameras. If so, the OFFICER is responsible for getting the photo to the proper unit via email or on a disc. Officers will NOT turn in memory chips with photos from any incident other than a DV incident to the Domestic Violence Squad and expect them to be processed.
 - d. In case of an emergency, officers may take DV photos with an unofficial digital camera or cell phone (this is not desirable, but is preferable to losing all evidence). If this occurs, the officer will burn the photos to a disc and send the disc to the Domestic Violence Squad. Non-OPD memory chips cannot be guaranteed to be returned to the owner.
 - e. In EXTREMELY important non-DV cases, DV cameras or personal cameras can be used to collect evidence that would otherwise be lost (i.e. homicide scene being covered with falling snow, injuries to a victim being rushed to surgery, etc.). In these cases, the memory cards should be hand-carried to the Forensic Investigations Section by the officer who took the pictures.
 - f. Only take pictures of one case (RB#) per memory chip.
 - g. Officers shall NOT DELETE PICTURES.
 - (1) Each photo is numbered sequentially by the camera. Therefore, each RB# should have a complete series of pictures with no missing photos.
 - (2) A missing photo could create legal defense issues.
 - (3) Prosecutors will decide which pictures will be used.
 - (4) A bad photo explains itself.
 - h. All pictures taken at a crime scene are property of the OPD regardless of the media used (department-owned cameras, cell phones, personal cameras, etc.). Therefore, all photos taken with these cameras are the property of the OPD and are not to be sent, kept, saved, or downloaded for personal purposes.

II. Determination of the Primary Aggressor

- A. If an officer receives complaints where there is an alleged mutual combat situation, the officer will evaluate each complaint separately to determine who the primary aggressor was. If the officer determines one person was the primary aggressor, the officer need not arrest the other person believed to have committed an offense. In determining whether a person is the primary aggressor, the officer will consider:
1. Prior complaints.
 2. The relative severity of the injuries inflicted on each person.
 3. The likelihood of future injury to each person.
 4. Whether one of the persons acted with a justified use of force.
- B. In addition to any other required reports, officers who arrest two or more persons with respect to such a complaint will submit a separate Domestic Violence Supplementary Report (OPD Form 200E) which includes a detailed narrative setting forth the grounds for arresting multiple parties.

III. Arrest

- A. When officers have established probable cause to believe a crime has been committed and that the suspect is responsible, the investigating officer will arrest the person responsible EVEN IF THE VICTIM DOES NOT WISH TO PURSUE THE MATTER.
1. Officers SHALL NOT issue criminal citations in Domestic Violence situations.
- B. If the suspect is not present at the scene, follow-up will be conducted to complete the arrest. This follow-up will consist of broadcasting a description of the suspect and of any known vehicles as well as physically checking possible locations where the offender might be located.
- C. Following the arrest of suspects, officers will:
1. Document any spontaneous statements.
 2. Prevent communications between suspects and victims or witnesses.
 3. Advise suspects of their Miranda rights.
 4. Obtain a formal statement from suspects if the Miranda warning has been waived.
 5. Inform victims of the disposition of suspects (i.e. physically booked).
 - a. Victims MUST be informed that suspects have a constitutional right to bond. If suspects are able to make bond, they will be released and may return.
 - b. Victims and any family members should prepare a safety and contingency plan for this possibility.
 6. Offer transportation or emergency housing to victims if needed.
 7. Officers may request an OPD Chaplain by calling the Front Desk, who will contact the Omaha Police Chaplain. When the Duty Chaplain calls, the Front Desk will give the Chaplain the following information:
 - a. Location of the call.
 - b. Type of call.

- c. Name of the requesting officer.
 - d. The officer's car number.
8. Officers will call the Women's Center for Advancement (WCA) 24-hour crisis line for law enforcement (see Appendix A for the phone number) and provide the following information:
- a. Victim name.
 - b. Victim address.
 - c. Victim telephone number (if applicable).
 - d. Status of the suspect.

NOTE: Victim and officer safety are paramount, therefore, referral calls will not be made in front of suspects.

D. When there is not enough probable cause for an arrest officers will:

1. Inform victims the evidence is not sufficient to make an arrest.
2. Offer transportation or emergency housing to victims as described above.
3. Use any other appropriate intervention strategy to calm or resolve conflicts/disputes such as mediation, referral, or persuading one party to leave the home temporarily.
4. Provide victims with the telephone numbers for the following referral resources (see [Appendix A](#) for the telephone numbers):
 - a. The Omaha/Douglas County Victim/Witness Assistance Division.
 - b. The WCA Domestic Violence Advocate.
 - c. The OPD Domestic Violence Squad.
5. Inform victims that reports will be forwarded to the Domestic Violence Squad for additional follow-up investigation and that an investigator, the Omaha/Douglas County Victim/Witness Squad, and the WCA's Advocate Program, will contact them within the next 24 to 72 hours.
6. Provide victims with information about obtaining a Protection Order.
7. Make certain victims sign an OPD Signature Supplementary Form for Missing Persons/Domestic Violence (OPD Form 171). Officers should also note victims' refusal to sign in the signature block if applicable.
8. Officers will document the incident is DV related by selecting the appropriate check box in the "Incident Type" field.
9. Officers will note the "Domestic Violence Squad" in the "CIB Unit Assigned" field of the Incident Report.

IV. Arrest without a Warrant in DV Cases

- A. An officer may arrest a person without a warrant if the officer has probable cause to believe that such person has committed one or more of the following acts to one or more household members, WHETHER OR NOT COMMITTED IN THE PRESENCE OF THE OFFICER:
1. Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument.
 2. Placing, by credible threat, another in fear of bodily injury.
 3. Engaging in sexual contact or sexual penetration without consent.

V. Disposition of Arrested Person

- A. In all cases where a physical arrest has occurred, officers will make certain that, in misdemeanor offenses, copies of all reports are attached to arrest sheets (booking sheets).
- B. For felony offenses, the procedures for compiling a felony arrest packet will be followed.

VI. Seizure of Weapons

- A. Officers who make an arrest for Domestic Assault (NRS §28-323) shall seize all weapons that are alleged to have been involved or threatened to be used during the criminal act.
1. Officers will also seize any firearms or ammunition in plain view or discovered during a legal search as necessary for the protection of the officer or any other person.
- B. If the offender used or threatened to use the weapon during the criminal act, the “Held As Evidence” box will be marked on the Property Report (OPD Form 203)/Tracker System entry when booking the weapon into the Evidence and Property Unit.
- C. If a weapon is found in plain view or during a legal search but was not used or threatened during the criminal act, the “Held As DV Weapon, §29-440” box will be marked on the Property Report (OPD Form 203)/Tracker System entry when booking the weapon into the Evidence and Property Unit.

NOTE: The (06/96) version of the Property Report does not contain a “Held As DV Weapon, 29-440” check box. When completing an (06/96) version, the words “DV Weapon, 29-440” will be printed prominently in the “Remarks” area of the form to indicate to the Evidence and Property Unit employees that a court order is required to release the weapon.

- D. The disposition of the seized weapons will be determined by court order.

VII. NRS Related to DV

- A. The following is a list of common criminal statutes applicable in DV cases. This list is not meant to be all-inclusive. Officers will be familiar with the below statutes and elements of each as they apply to DV.
- B. In incidents of DV, officers will specifically include the elements of the crime and the offense type in their reports.

28-201	Criminal Attempt
28-302	Homicide
28-308	Assault 1 st Degree
28-309	Assault 2 nd Degree
28-310	Assault 3 rd Degree
28-310.01	Offense of Strangulation
28-311.01	Terroristic Threats

28-311.02-.05	Stalking
28-313	Kidnapping
28-314	False Imprisonment 1 st Degree
28-319	Sexual Assault 1 st Degree
28-320	Sexual Assault 2 nd and 3 rd Degree
28-323	Domestic Assault
28-507	Burglary
28-511	Theft
28-519	Criminal Mischief
28-520	Criminal Trespass 1 st Degree
28-707	Child Abuse
28-901	Obstructing Government Operations
28-904	Resisting Arrest
28-906	Obstructing a Peace Officer
28-907	False Reporting
28-919	Tampering with a Witness
28-929 (1 st), 28-930 (2 nd), and 28-931 (3 rd)	Assaulting an Officer or a Health Care Professional
28-1202	Carrying a Concealed Weapon
28-1310	Intimidation by Phone Call
28-1322	Disturbing the Peace
28-1335	Discharging a Firearm
29-404.01-.03	Arrest Without a Warrant
29-439	Determining the Predominant Aggressor
29-440	Seizure of Weapons Incident to an Arrest in Domestic Assault Cases

VIII. Address Confidentiality Program

- A. The State of Nebraska provides an Address Confidentiality Program for victims of DV, sexual assault, and stalking. The program provides a substitute mailing address to be used by participants when interacting with state and local agencies. Confidentiality is maintained because the public records contain only the substitute mailing address.
- B. Participants of the program are issued authorization cards by the state.
- C. OPD employees are required to accept and document the Address Confidentiality Program's substitute address as the actual residential, work, or school address of program participants, if requested.
 1. Officers will not enter the victim's address in reports but will instead enter, "See Supp" in the "Location Occurred" and/or narrative section of reports.
 2. The true location/address will be documented ONLY in the Supplementary Report(s).

IX. Protection Orders

- A. Officers who respond to calls that may involve a violation of a Protection Order must establish probable cause for arrest and verify the violator was served with the Protection Order. Probable Cause exists if officers can establish any of the following:
 1. The violator is imposing restraint on the personal liberty of the victim.
 2. The violator is threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the victim.

3. The violator is threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the minor child or children.
 4. The violator is upon the premises of the victim's residence. The address listed on the Protection Order is NOT the only address where the order applies and does NOT restrict the officer from arresting the suspect if the suspect is violating any of the restrictions listed on the Protection Order.
 5. The violator is harassing the victim either by telephone, in person, or by stalking the victim.
- B. Officers can verify that the suspect has been served with a copy of the Protection Order by contacting the OPD Information Channel.
1. The Information Channel Operator will verify the existence of a Protection Order. There may be a case where the Protection Order was issued and served, but copies have not yet reached the OPD.
 - a. The computer search will display the day, date, and time the order was served, and a screen printout of that information may be used in lieu of a formal signed copy for arrest and booking purposes.
 - b. The screen printout information will be included with all original reports of the incident.
 2. The Information Channel Operator may also verify the existence of a Protection Order, proof of service, and make certain that the one-year expiration date has not expired by physically checking the hard copy of the Protection Order.
 3. Once verification is made that a Protection Order is active and proof of service is on file, the officer will physically arrest and book the violator.
- C. If an officer is unable to contact the Information Channel to verify that the suspect has been served with a copy of the Protection Order (i.e. it is after hours), the officer will use their best judgment to determine whether the Protection Order is valid.
1. If the officer is uncertain whether the Protection Order is valid the officer should enforce the order.
 2. The officer may inspect the copy of the Protection Order issued to the victim to determine the restrictions placed on the violator.
 3. If the violator is present and committed a listed violation, then the officer will initiate an arrest and take the violator into custody.
- D. If an officer does not enforce a Protection Order for any reason (i.e. it is clearly fraudulent, etc.), the officer will complete an Information Report explaining why the Protection Order was not enforced and forward the report to the Domestic Violence Squad.
- E. Any person who knowingly violates a Protection Order will be charged with a Class I Misdemeanor.
- F. Any person who knowingly violates a Protection Order and has a prior conviction of Violating a Protection Order will be charged with a Class IV Felony.
- G. Officers who book individuals for Violation of a Protection Order will complete an Incident Report.

1. Officers will notify the Domestic Violence Squad (DVS) of the Incident Report via an email that includes the PortalOne report number, RB number, and victim name and date of birth so that the DVS can look up the report (see [PPM Appendix A](#) for the email address).
 2. Officers will advise victims that the reports will be forwarded to the Domestic Violence Squad for follow-up investigation.
- H. At the time of booking, the arresting officer(s) will leave a copy of the completed Incident Report and a copy of the Protection Order, or a computer printout verifying service of the order with Douglas County Detention Center personnel.
1. The copy of the Incident Report, Protection Order, or computer printout will be forwarded to the court.
 2. The Prosecutor's Office will be responsible for obtaining a copy of the Protection Order and proof of service from the Clerk of the District Court for those individuals booked per a computer printout.
- I. All completed Incident Reports pertaining to violations of Protection Orders will be assigned to the Domestic Violence Squad for investigative purposes and to the Omaha/Douglas County Victim/ Witness Assistance Division for follow-up contact with the victim.
1. In all instances where a physical arrest has been made and the party has been booked, officers will notify the Domestic Violence Squad of the Incident Report via an email that includes the PortalOne report number, RB number, and victim name and date of birth so that the DVS can look up the report (see [PPM Appendix A](#) for the email address). Copies of all related reports will be hand carried to the Criminal Investigations Bureau and placed in the Domestic Violence Squad mail tray.
 2. Where a physical arrest is not made, Incident Reports will be submitted through the normal channels.

X. Foreign Protection Orders

- A. A valid foreign harassment protection order, or order similar to a harassment protection order issued by a court of another state, tribe, or territory, will be enforced as if it were issued by the State of Nebraska as described in the Protection Orders section of this policy.
- B. Violations of Foreign Protection Orders will be documented on an Incident Report.
1. Officers will notify the Domestic Violence Squad (DVS) of the Incident Report via an email that includes the PortalOne report number, RB number, and victim name and date of birth so that the DVS can look up the report (see [PPM Appendix A](#) for the email address).
 2. An investigator will forward all reports related to Foreign Protection Orders or orders which have been filed in outside jurisdictions to the Douglas County Attorney's Office. Foreign Protection Orders can be verified at the Douglas County Protection Order Office.
- C. Officers should inform victims that Foreign Protection Orders need to be registered at the Douglas County Protection Order Office (see [PPM Appendix A](#) for the phone number).

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes (NRS) §42-357, 28-311.02, 42-924, and 28-311.03 are referenced in this order.
- B. 18 US Code §925(a)(1) and 922(g) are relevant to this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #24-92, 18-96, 18-97, 18-97 Supplement #1, 7-99, 27-04, 19-07, 37-12, and 19-15.

DOMESTIC VIOLENCE -- AWARE PROGRAM – RESCINDED/REMOVED

This policy is rescinded per General Order #51-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #74-00 and #51-14.

DOMESTIC VIOLENCE - EMPLOYEE INVOLVED

POLICY:

The Omaha Police Department (OPD) shall adhere to a zero-tolerance policy toward employees involved in domestic violence. It is the policy of the OPD to act quickly to protect the victim, conduct both an administrative and a criminal investigation, and arrest the perpetrator if appropriate.

DEFINITIONS:

Applicant (Plaintiff): The person who sought the Protection Order or initiated the court case.

Dating Relationship: A relationship that involves frequent, intimate associations and is primarily characterized by the expectation of affection or sexual involvement. Dating relationships do NOT include casual relationships or ordinary associations between persons in a business or social context.

Domestic Violence (DV): Any act of violence (threat of or actual) including but not limited to: 1) bodily injury or threat of imminent bodily injury with or without a dangerous instrument, 2) sexual battery, 3) physical restraint, 4) property crime directed at the victim, 5) violation of a court order of protection or similar injunction, and/or 6) death perpetrated by an individual upon his or her intimate partner.

Exclusionary Order: A restraining order or protection order that contains a provision excluding the respondent from the premises occupied by the applicant.

Ex parte: A legal term meaning "on one side." Most court orders are issued only after a hearing where both the Plaintiff and the Respondent have an opportunity to be heard, however, Protection Orders are often issued ex parte.

Harassment: To knowingly and willfully engage in a course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose (NRS §28-311.02).

Intimate Partner: A spouse, former spouse, persons who have a child in common whether or not they have been married or lived together at any time, and persons who are or were involved in a dating relationship.

Protection Order: A court order issued to provide protection to a victim of Domestic Violence or a victim of stalking, pursuant to NRS §42-924, et seq. Protection Orders prohibit the Respondent from imposing any restraint upon the Applicant, and from threatening, assaulting, molesting, attacking, or disturbing the peace of the Applicant. A Protection Order may also include a provision that excludes the Respondent from the premises occupied by the Applicant.

Respondent (Defendant): The adverse party against whom a Protection or Restraining Order is issued.

Restraining Order: A term broadly applied to many kinds of court orders that forbid Respondents from engaging in certain acts. This term is most often used to refer to orders issued in divorce cases, pursuant to NRS §42-357.

Stalking: Willfully harassing another person or family or household member with the intent to injure, terrify, threaten, or intimidate (NRS §28-311.03).

PROCEDURE:

I. Prevention, Education and Training

- A. The OPD Training Unit, in conjunction with the Domestic Violence Squad, will provide DV training to all employees, as needed.

II. Early Warning and Intervention

- A. Prior to hiring any sworn employee, the OPD conducts a psychological screening and background investigation to determine if domestic violence and/or child abuse issues exist.
 - 1. Those with a history of perpetrating DV will be screened out in the hiring process.
 - 2. Failure to report such conduct may result in discipline up to and including termination.
- B. Once a candidate has been determined to be a viable candidate, the OPD will require a psychological examination to be performed by an experienced psychologist and/or psychiatrist.
 - 1. The psychological screening will focus on indicators of violent or abusive tendencies or behaviors in the candidate's background.
- C. In order to avoid the escalation of the problem to the point where it is considered DV, as prescribed by this policy and state laws, employees are entitled and encouraged to seek assistance in all matters involving personal and familial conflict through the City of Omaha's Employee Assistance Program.

III. Supervisor Responsibilities

- A. Demonstration of aggressive behaviors will be documented for consideration by supervisors. These include stalking and surveillance activities, unusually high incidences of fights, injuries, or disputes.

- B. Supervisors will maintain close supervision with employees whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
- C. Supervisors will be cognizant of instances where employees may exhibit signs of possible DV related problems, which may include increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, aggression towards animals, citizens and fellow officer complaints of unwarranted aggression and verbal abuse.
- D. Supervisors will notify the Chief of Police via the chain of command of the circumstances or concerns within 24 hours of becoming aware of such issues.
- E. Supervisors will prepare requests for the evaluation of an officer's mental and physical well-being by suitable professionals when behaviors or circumstances deem it appropriate.

IV. Employee Responsibilities

- A. Employees with knowledge of abuse and/or violence involving fellow employees who fail to report such information to their supervisor will be sanctioned.
- B. Employees who engage in threatening, harassing, stalking, surveillance, the intimidation of witnesses, or other such behavior designed to interfere with cases against fellow officers will be subject to investigation, disciplinary action, and other possible sanctions and/or criminal charges.

V. Incident Response Protocols

- A. The OPD will accept all calls or reports, including those made anonymously, involving information about employees involved in DV as "on-the-record."
- B. Records of all calls/reports implicating employees in DV will be maintained and preserved in accordance with prescribed retention schedules. Written documentation will include the following:
 - 1. Date.
 - 2. Time.
 - 3. Location.
 - 4. Circumstances.
 - 5. Names (if known).
 - 6. Officials notified.
 - 7. Action(s) taken.
- C. The following procedures will be followed when responding to an employee-involved DV incident:
 - 1. A supervisor will respond to the scene of all suspected employee-involved DV incidents.

NOTE: When officers respond to employee-involved DV incidents, they shall adhere to the policies and procedures outlined in the OPD "Domestic Violence" policy.
 - 2. The on-scene supervisor will assume command and will make certain the crime scene is secure and that all evidence is thoroughly collected, including photographs.

Video documentation of the victim and scene will be recorded when such resources are available.

- a. The Forensic Investigations Section will be called to photograph and record the scene in all employee-involved DV incidents. Officers will NOT use the Domestic Violence cameras to photograph employee-involved DV incidents.
3. In cases where probable cause exists, the on-scene supervisor will make certain an arrest is made. The supervisor will review any arrest with the respective Deputy Chief and/or designee.
4. If the incident involves an OPD officer and an arrest is made, the on-scene supervisor will relieve the accused officer of all department-owned weapon(s). Where allowed under federal, state, or local law, all other firearms owned or at the disposal of the accused officer will be removed to make certain of victim safety.
5. If the offender has left the scene, the responding officers will:
 - a. Attempt to locate the suspect, initiate a broadcast, search all areas the offender is known to frequent, and document the results of the search.
 - b. Obtain information from victims, family, and witnesses as to where the offender might have gone.
 - c. Seek an arrest warrant.
6. Officers will make certain of the victim's safety and provide the victim with resources in adherence with the policies and procedures outlined in the OPD "Domestic Violence" policy.

VI. Post-Incident Administrative and Prosecutorial Actions

- A. Alleged incidents of employee-involved DV will be investigated both criminally and administratively by the OPD.
- B. Criminal Investigation.
 1. The Domestic Violence Squad will be responsible for the criminal investigation of reports of employee-involved DV.
 2. The investigating official (who will be at least one rank higher than the accused employee) will conduct the criminal investigation in the same manner as they would conduct any other criminal violation. Witnesses will be interviewed, evidence will be collected, photographs of the scene and injuries will be taken, medical records will be accessed, and all information will be fully documented.
 3. If the victim reports any subsequent or additional criminal activity, each incident will be documented in an OPD Incident Report (OPD Form 189), assigned a case number, and investigated thoroughly.
- C. Regardless of the outcome of the criminal investigation, the OPD may initiate an independent administrative investigation and make decisions about the employee's status based on the outcome of the investigation.
 1. The Internal Affairs Unit will be responsible for completing an administrative investigation of the employee-involved DV incident.
 2. When appropriate, the OPD will take immediate administrative action to intervene.

- D. The OPD will adhere to/observe all necessary protocols to make certain that if administrative/criminal investigations of an accused employee are conducted, the employee's departmental and legal rights are upheld.

VII. Accused Employee Responsibilities

- A. Accused employees will notify their supervisor of all court dates, times, appearances, and proceedings in a timely manner to make certain the OPD is aware of, and represented at, all proceedings.
- B. OPD employees who have been served with a Domestic Violence or Harassment Protection Order must comply with following:
 - 1. Accused employees will notify their supervisor of any Protection Orders and provide a copy of the order to their supervisor.
 - 2. Accused employees must forward a copy of the protection order and an Inter-Office Communication explaining the circumstances through the chain of command to the Office of the Chief of Police.
 - 3. Accused employees may request a court hearing within five days after service. A copy of the written request for the court hearing will be forwarded to the Office of the Chief of Police.
 - 4. If accused employees do not ask for a hearing, or if a hearing is conducted and the Protection Order is not dissolved, they will be subject to the conditions of the Protection Order for one year.
 - 5. Employees subject to any Protection Order will surrender all personally owned firearms, components, and ammunition to their attorney, a third party eligible to possess firearms, or to their immediate supervisor for the duration of the Protection Order.
 - a. Employees will submit a written document to the Internal Affairs Unit describing the disposition of their personal firearms, to include who has possession, with a complete description of each firearm and/or all ammunition.
- C. Sworn employees who have been served with a Protection Order may be allowed to carry a department owned loaner firearm during their official work shift.
 - 1. If approved, the officer's supervisor will coordinate assignment of a loaner firearm from the Training Unit.
 - 2. The loaner firearm will be stored by the officer's supervisor in a locked and secure space for safekeeping except when issued to the officer during the officer's official duty shift.
 - 3. Officers who are subject to Domestic Violence Protection Orders will not be assigned to individual public duties when they are issued a loaner weapon.
 - a. If an officer's duties require public interaction, they will be assigned a partner who shall accompany the officer subject to a Domestic Violence Protection Order at all times outside a police facility.
 - b. UPB officers who are subject to a Domestic Violence Protection Order may be assigned as a Baker Unit.

- c. The Bureau Deputy Chief of the officer subject to a Domestic Violence Protection Order, after consulting the Chief of Police, may modify the duty assignment. The modification may include allowing unaccompanied duty, limited unaccompanied duty or full administrative assignment.
 - 4. The Bureau Deputy Chief of an officer subject to a Harassment Protection Order, after consulting the Chief of Police, will determine whether or not to modify the subject officer's duty assignment.
 - 5. The officer will NOT be granted permission to engage in uniformed part-time employment for any employer other than the OPD.
- D. If an officer is arrested for the violation of a Protection Order, the officer will no longer be permitted to carry a firearm on-duty. If this occurs, the firearm, components, and ammunition will be returned to the OPD Training Unit.

VIII. Federal Firearms Regulatory Ruling

- A. Federal law prohibits police officers and other employees who handle firearms in their regular duties from carrying and handling firearms after a conviction of misdemeanor DV assault. The OPD shall comply with Federal law.
- B. An OPD officer convicted of misdemeanor and/or felony DV will have their law enforcement certificate revoked and will be terminated from employment.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes (NRS) §81-1403, 42-357, 28-311.02, 42-924, and 28-311.03 are referenced in this order.
- B. 18 US Code §925(a)(1) and 922(g) are relevant to this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #29-99, #39-01, #50-14, and #4-15.

DOMESTIC VIOLENCE VICTIM NOTIFICATION - RELEASE FROM DC CORRECTIONS – RESCINDED/REMOVED

This policy is rescinded per General Order #39-01.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #39-01.
- B. The previous OPD Information Order is #353-97.

**DOMESTIC VIOLENCE VICTIM NOTIFICATION - RELEASE FROM OPD DETENTION –
RESCINDED/REMOVED**

The policy is rescinded per General Order #39-01.

I. Previous OPD Orders

- A. The previous OPD General Order is #39-01.
- B. The previous OPD Information Order is #16-98.

DRIVE-BY SHOOTINGS

POLICY:

It is the policy of the Omaha Police Department (OPD) to document, investigate, and arrest suspects when possible in all incidents commonly referred to as “Drive-by Shootings.”

DEFINITIONS:

Drive-by Shooting: A shooting carried out from a moving vehicle. For purposes of this policy, a Drive-by Shooting includes a shooting in which a firearm is discharged from a motor vehicle or from the proximity of any motor vehicle that a suspect has just exited, at or in the general direction of any person, dwelling, building, structure, motor vehicle, aircraft, motor home, or camper unit.

Inhabited: Currently being used for dwelling purposes (NRS §28-1212.01).

Occupied: A person is physically present in a building, motor vehicle, or aircraft (NRS §28-1212.01).

Unlawful Discharge of a Firearm: The unlawful and intentional discharge of a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited motor home or inhabited camper unit (NRS §28-1212.02).

PROCEDURE:

I. Incident Report Required

- A. Officers who respond to a call or otherwise receive a complaint of shots fired at a dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited motor home or inhabited camper unit from a motor vehicle will complete an OPD Incident Report to document the incident when a victim can be identified.
- B. The “victim” for purposes of the Incident Report will be documented as the property owner.

Example: Officers could check the Douglas County Assessor web site to determine building ownership if unknown, or could contact the OPD Information Channel to establish the last known registered owner of a vehicle via VIN or license registration.

- 1. If no property owner can be reasonably identified an Information Report will be completed to document the shots fired incident.
- C. Officers will document the names of all inhabitants and/or occupants present at the time of the shooting in a Supplementary Report.

II. Destruction of Property

- A. If a person(s) was not struck by gunfire and/or the property, motor vehicle, aircraft, etc. at which shots were fired was NOT occupied, the incident will be documented as a "Destruction of Property."
 - 1. "DOP – Gun" should be entered in the "Offense" field of the Incident Report.
 - 2. The property and/or vehicle owner or renter should be listed as the victim.
 - 3. If an intended victim or property owner/renter cannot be identified during the on-scene investigation, an Information Report will be completed to document the shots fired incident.
- B. If officers or CIB investigators identify intended victims and/or property owners/renters during the follow-up investigation, they will create an Incident Report for a "Felony Assault."

III. Felony Assault

- A. When persons are struck by gunfire and/or when officers can identify an intended victim, the incident will be documented as a "Felony Assault" and an Incident Report will be completed.
- B. Officers will document the names of all additional inhabitants or occupants present at the time of the shooting in a Supplementary Report.

IV. Additional Charges

- A. A separate and additional charge of violating NRS §28-1212.04 should be charged in Drive-by Shootings when:
 - 1. Firearms are discharged unlawfully, knowingly, and intentionally or recklessly from a motor vehicle or while in the proximity of any motor vehicle that a suspect has just exited, at or in the general direction of any person, dwelling, building, structure, occupied motor vehicle, occupied aircraft, inhabited motor home or inhabited camper unit.

REFERENCES:

I. Nebraska Revised Statutes

- A. Nebraska Revised Statutes §§ 28-1205, 28-1212.01, 28-1212.02, and 28-1212.04 are relevant to this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #14-92, 7-01, 49-14, and 24-15.

DRIVER'S LICENSE RE-EXAMINATION

POLICY:

It is the policy of the Omaha Police Department (OPD) that drivers reasonably suspected of being unable to safely operate a motor vehicle be recommended for re-examination to the State of Nebraska Department of Motor Vehicles.

PROCEDURE:

I. State of Nebraska Driver Retest Form (DMV form)

- A. When an officer identifies a driver licensed in the State of Nebraska who appears to be unable to safely operate a motor vehicle due to any physical or mental impairment, disease or other condition affecting driving ability, the officer will complete a State of Nebraska Driver Retest Form (DMV form).
- B. Completed forms may be turned in through normal channels to the OPD Data Center.
 - 1. Data Review will forward the forms to the State of Nebraska Department of Motor Vehicles.
 - 2. The Department of Motor Vehicles will notify the driver and schedule an examination.
- C. The State of Nebraska Driver Retest Form (DMV form) will be available at assembly areas and the Police Supply Unit.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #44-95 and 51-14.

II. Accreditation Standards

- A. CALEA Accreditation standard 61.1.12 is relevant to this policy.

DRUG PARAPHERNALIA – RESCINDED/REMOVED

This policy is rescinded per General Order #51-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #12-82 and 51-14.

DRIVING UNDER THE INFLUENCE (DUI)

POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce laws that prohibit driving under the influence of alcohol and/or drugs. When an officer encounters a person operating or in actual physical control of a motor vehicle exhibiting physical signs of intoxication, an investigation will be conducted to determine if that person is “Under the Influence of Alcohol and/or Drugs.” The officer will direct the suspect to perform Field Sobriety Tests; complete a Preliminary Breath Test, if appropriate and available; place the suspect under arrest for Driving Under the Influence (DUI); direct the suspect to submit to the appropriate chemical test(s); and complete the appropriate reports in the DUI Report Package.

DEFINITIONS:

DataMaster: A regularly tested and certified instrument used to administer evidential breath alcohol tests. The person administering the DataMaster test must be properly trained and qualified.

Drug: Any substance which, when taken into the human body, can impair the ability of a person to safely operate a vehicle.

Drug Recognition Expert (DRE): An officer who has successfully completed the International Association of Chiefs of Police (IACP) approved Drug Evaluation and Classification Program (DECP) curriculum, as outlined by the Nebraska Office of Highway Safety (NOHS). A Drug Recognition Expert (DRE) is qualified to conduct a standardized and systematic evaluation of subjects to determine: (1) If the subject exhibits signs of intoxication; (2) If those signs are caused by a drug or by another problem such as illness or injury; (3) If the subject is intoxicated by the introduction of a drug into his/her system; and (4) The broad categories of drugs likely to have caused such impairment.

Field Sobriety Tests: A battery of tests administered and evaluated in a standard manner to obtain validated indicators of impairment and establish probable cause for a DUI arrest.

Preliminary Breath Test (PBT): A handheld breath test administered to a DUI suspect in the field. This test is used to help establish probable cause for arrest.

Primary Officer: The lead officer conducting a DUI investigation.

Secondary Officer: Any officer who provides officer safety backup to the Primary Officer during a DUI investigation.

Standardized Field Sobriety Tests (SFSTs): A battery of tests developed by the National Highway Traffic Safety Administration (NHTSA). Standardized Field Sobriety Tests include the Horizontal Gaze Nystagmus (HGN), Walk-and-Turn (WAT), and One-Leg Stand (OLS).

PROCEDURE:

I. Officer Responsibilities

A. In an effort to use employees and resources in the most efficient manner possible and to streamline the court appearance process, the following guidelines have been established. These guidelines are established for Primary and Secondary Officers when processing an individual for DUI.

B. The Primary Officer's responsibilities include the following:

1. Initial contact – reasonable suspicion.
2. All field sobriety tests.
3. Preliminary Breath Test (PBT) procedure (if certified).
 - a. State law requires that a PBT be given if the properly-calibrated device is in the officer's possession.

EXCEPTION: Officers are reminded that a PBT is part of establishing probable cause and is not absolutely necessary when the arresting officer determines, through other means, that the motorist is too impaired to operate a motor vehicle safely and the PBT is unavailable at the scene.

4. Direction of chemical test(s) to determine the presence of alcohol and/or drugs.
5. Miranda warning – post-arrest questioning.

6. Check driver history for enhance-able convictions.
7. Completion of all reports – The Primary Officer shall describe the role of the Secondary Officer(s), if involved, in the report narrative.
8. Citation or booking.

NOTE: When approved by command, the Primary Officer may turn the investigation over to a Secondary Officer.

- C. The Secondary Officer's responsibilities include the following:
1. Providing safety back-up to the Primary Officer.
 2. Towing vehicles.
 3. PBT procedure if the Primary Officer is not certified.
 4. Completion of a report detailing their role in the investigation.

II. General Reporting

- A. Officers who make an arrest for Driving Under the Influence of Alcohol and/or Drugs will complete reports as follows:
1. If the officer issues a paper Super Citation, the officer will complete and submit the following reports:
 - a. DUI Supplementary Report/Field Notes form (OPD Form 26).
 - b. Supplementary Report (OPD Form 200A).
 2. If the officer issues an electronic Super Citation, the officer will:
 - a. Complete and submit a DUI Supplementary Report/Field Notes form (OPD Form 26).
 - b. Provide a synopsis of the incident in the "Notes" section of the electronic Super Citation.

NOTE: No Supplementary Report (OPD Form 200A) will need to be completed when an electronic super citation is issued.
 3. If the DUI driver is booked into DCDC officers will complete and submit the following reports:
 - a. Booking Arrest Report (OPD Form 277) (See the Booking – General Procedures policy for additional details).
 - b. DUI Supplementary Report/Field Notes form (OPD Form 26).
 4. If the suspect has been involved in a traffic accident and alcohol is present, regardless of the amount, the reporting officer will mark the appropriate boxes on the Electronic Crash Report/Accident Report.
 - a. It is unlawful for an impaired driver to cause:

- (1) Serious bodily injury to another person or unborn child (Class IIIA Felony - NRS §60-6,198).
- (2) Cause the death of another person (Class III Felony - NRS §28-306).
- (3) Cause the death of an unborn child (Class IV Felony - NRS §28-394).
 - (a) Motor Vehicle Homicide of an Unborn Child is a Class IIA Felony when the driver is impaired and has a prior conviction for violation of NRS §60-6,196 or a City Ordinance enacted in conformance with this Statute.

b. Each of these crimes will be treated as a separate and distinct offense from any other concurrent offense(s).

B. Rights Advisory

1. Officers shall complete the Rights Advisory section on page four (4) of OPD Form 26 (DUI Supplementary/Field Notes Report). This section includes a list of standard interview questions to ask the arrestee. Officers SHALL NOT leave this section blank.
2. If the suspect declines to answer the questions, the officer will document the refusal on the report.
3. If the suspect is unable to answer questions due to injury, unconsciousness, etc., the officer will document the reason on the report.
4. If the suspect agrees to answer the questions, the officer will accurately record the suspect's statements. Answers to these questions assist with the prosecution of the arrestee and help to validate the arrest.
5. Officers will also record unsolicited comments.

III. Field Sobriety Tests

A. Officers may use National Highway Traffic Safety Administration Standardized Field Sobriety Tests (NHTSA SFST) as well as additional sobriety tests to assist in the determination of impairment.

1. Officers will not conduct such tests if the officer is not certified in their use or the tests cannot be performed due to the circumstances of the incident.

IV. Preliminary Breath Testing (PBT)

A. Officers who administer Preliminary Breath Tests (PBT's) will follow the procedures outlined on OPD Form 26G (Preliminary Breath Test Checklist).

B. Officers will make certain that any handheld PBT's are used as prescribed by the manufacturer and that correct observation procedures are followed.

C. Any person who refuses to submit to a PBT will be placed under arrest for violation of Nebraska Revised Statute (NRS) §60-6,197(1) and directed to submit to a chemical test for determination of alcohol and/or drug content.

1. This NRS states that any person who operates or has in their actual physical control a motor vehicle in the state of Nebraska will be deemed to have given their consent to submit to a chemical test or tests of their blood, breath, or urine.

- D. Prior to having a suspect submit to chemical tests, the officer will read the suspect the Post Arrest Chemical Test Advisement (provided by the State of Nebraska Department of Motor Vehicles (DMV)).
- E. Officers will complete and submit a copy of the PBT results, OPD Form 26G and all DUI reports to the Records Unit when PBT equipment is used (see General Reporting section).

V. Alcoholic Liquor Testing

- A. Officers may direct either a breath or blood test at the time of arrest to test for alcoholic liquor.
- B. Evidentiary Breath Test.
 - 1. To avoid the possibility of a double jeopardy-type situation, only one Evidentiary Breath Test will be given as long as the suspect gives a sufficient sample and the instrument prints out results.
 - 2. DataMaster procedures are as follows:
 - a. Officers who are NOT DataMaster certified and have arrested a subject for DUI or a related offense will:
 - (1) Take the DUI suspect to the OPD Headquarters and contact Forensic Investigations who will administer the DataMaster test.

NOTE: Under normal circumstances, a non-certified officer will not contact a DataMaster certified officer to meet at a testing location for the purpose of obtaining DataMaster results.
 - (a) Officers shall closely monitor suspects at all times during DUI testing. Suspects will not be left unattended while inside the OPD Headquarters building.
 - (b) The OPD Headquarters DUI testing room is equipped with a panic alarm button built into the wall. If an emergency arises, officers may summon assistance by activating the room's panic alarm.
 - i. When activated, the alarm will trigger blue flashing lights and sirens in both the fourth floor CIB detectives' bay and the third floor Front Desk office area (both staffed 24/7).
 - ii. The fourth floor alarm is located in the ceiling near the back (east) stairwell in the CIB detectives' bay. The third floor alarm is located in the ceiling near the front (west) of the Front Desk office area.

NOTE: Both alarms have a sign next to them labeled "3rd FLOOR DUI TESTING."
 - (c) Officers may also summon assistance using the emergency button on their portable radio or by yelling to personnel outside the room.
 - (2) If the suspect is uncooperative and/or combative, the officer will take the suspect to the DCDC for DataMaster testing.

- (a) In this circumstance, the officer may request approval from a supervisor to have a DataMaster certified officer sent to the DCDC for testing. This will be decided on a case-by-case basis.
- b. DataMaster certified officers who initiate an arrest for DUI or a related offense may conduct testing using DataMaster equipment at the following locations:

(1) Northwest Precinct:

- (a) Officers will enter the building via the south entrance on the west side of the building using their OPD identification card to gain access.
- (b) The DataMaster is housed in the Interview Room at this location.
- (c) Only compliant, non-combative suspects will be brought to the Northwest Precinct for DataMaster testing.
- (d) Suspects will not be left unattended while inside the Northwest Precinct building.

NOTE: Unmonitored suspects may potentially have access to weapons and personal property. Officers shall closely monitor suspects at all times during testing.

- (e) If an emergency arises, officers may summon assistance by using the emergency button on their portable radio or by yelling to personnel outside the room.

(2) Douglas County Sheriff's Office (DCSO):

- (a) When testing, officers shall only use OPD Form 26K – Attachment 16 and SHALL NOT use the Attachment 16 form used by the DCSO.
- (b) Suspects will not be left unattended while inside the DCSO building.
- (c) The DCSO DUI testing room is monitored by CCTV in case of emergency. Officers may also summon assistance by using the emergency button on their portable radio or by yelling to personnel outside the room.

(3) Metro Community College Police Department (MCCPD):

- (a) The MCCPD operates 24 hours per day, 7 days per week.
- (b) To access the building, officers will contact the MCCPD officers via radio, duty cell phone, or landline. Officers may obtain specific phone numbers from the Information Channel.
- (c) The MCCPD DataMaster instrument will be located in Building 30 of the Metro Community College North Omaha Campus (see map below).

- (d) Parking is available in the courtyard to the south of Building 30.
- (e) The MCCPD DataMaster is located in the main office area. MCCPD personnel will remain with the arresting OPD officer and the suspect until the testing is complete. In an emergency situation, officers may summon assistance by using the emergency button on their portable radio.



- (4) Ralston Police Department (RPD):
 - (a) Officers will contact 911 Dispatch to request that an RPD officer meet them at RPD Headquarters in order to grant access to the DataMaster equipment.
 - (b) The RPD officer will remain with the arresting OPD officer and the suspect until the testing is complete. In an emergency situation, officers may summon assistance by using the emergency button on their portable radio.
 - (c) The OPD officer will provide a copy of the following reports to the RPD for their records:
 - i. Super Citation.
 - ii. Post Arrest Chemical Test Advisement.
 - iii. Notice/Sworn Report/ Temporary License.
 - iv. DataMaster Test Record.
 - v. OPD Form 26K – Attachment 16.
 - vi. RPD DUI Fee Assessment Form.
- c. Juveniles will be taken to the OPD Headquarters, Northwest Precinct, or Metro Community College Police Department for an evidentiary breath test.
 - (1) Juveniles shall NOT be taken to the Douglas County Department of Corrections for testing under any circumstances.
 - (2) The DataMaster at the DCSO may be used to test juveniles ONLY if the DataMasters at all other locations are out of service.

- (a) Prior to transporting a juvenile to the DCSO for processing, officers will contact the DCSO Crime Lab to advise the lab that they are en route with a juvenile for a breath test.
 - (b) The DCSO Crime Lab employee(s) will coordinate the officer's arrival to make certain the juvenile does not come into contact with any adult arrestees.
- d. DataMaster Test Record Printouts:
 - (1) Original test record printouts are required for court proceedings. Copies will not be accepted for trial.
 - (2) Officers shall enter the RB Number in the "Test Number" field of the test record.
 - (3) OPD Form 26K – Attachment 16 provides an area for the suspect's right index fingerprint. Obtaining the suspect's fingerprint is critical for proper identification.
 - (4) Officers who do their own DataMaster breath testing and/or are doing the testing with an outside agency (i.e., DCSO, MCCPD, etc.) shall make certain that the original test record printout is attached to OPD Form 26K – Attachment 16.
 - (a) Officers will print the test record on the back of OPD Form 26K – Attachment 16 or, if unable to do so, attach the test record to OPD Form 26K – Attachment 16.
 - (5) Officers will send the original OPD Form 26K with the original test record printout attached to OPD Forensic Investigations without delay.
 - (a) The form may be hand delivered or sent via inter-office mail.
 - (b) OPD Forensic Investigations will file the forms by RB number in case they are needed for court proceedings.
 - (6) Officers will send a copy of OPD Form 26K, along with a copy of the test record printout, to the OPD Records Unit without delay.
 - (a) The form may be hand delivered or sent via inter-office mail.
- 3. When the suspect is given an Evidentiary Breath Test and the results of the test are 0.08 or greater, the suspect will be booked or cited for "Driving Under the Influence," NRS §60-6,196.
- 4. If the result of the Evidentiary Breath Test is less than 0.08, the officer will still complete the DUI reports. Officers may take the following courses of action in this situation:
 - a. If the suspect's actions show they may be under the influence of drugs, the suspect will be charged with NRS §60-6,196 or Omaha Municipal Code 36-115, "Driving Under the Influence." However, the officer will need to complete the required testing of the suspect for drugs as outlined in the DRE procedure (Section VIII).
 - b. If the officer believes the suspect's "ability to operate a motor vehicle is impaired due to alcohol intoxication," and no drugs are involved, the suspect

will be cited for DUI NRS §60-6,196 or Municipal Code 36-115 and released (unless there are other charges involved that would require a booking).

- (1) The City Prosecutor's Office will review the case at arraignment and decide whether to prosecute as a DUI or change the charge to a lesser-included offense.

NOTE: Officers are reminded that the Automatic License Revocation (ALR) procedure applies only to cases in which there is a BAC of .08 or above or the subject refuses any evidentiary chemical test.

C. Blood Testing

1. A blood test will be given if the breath testing equipment is not available or if, due to injuries or another health condition, a breath test cannot be given.
2. Suspected intoxicated drivers who are to be given a blood test will be transported to the nearest hospital emergency room. The officer will request on-duty medical professionals to extract blood from the suspect.
 - a. Officers will document the medical professionals' information completely so they may be properly subpoenaed into court if necessary.
 - (1) Officers will document the FIRST and LAST names legibly on all blood draw paperwork. Initials for the first name will NOT be acceptable.
 - (2) Officers shall be certain to indicate the following in the narrative of the DUI Supplementary Report:
 - (a) Date and time the specimen(s) was taken.
 - (b) Place in which the specimen(s) was taken.
 - (c) Information of the person(s) taking the specimen(s) including their:
 - i. First and last name.
 - ii. Title.
 - iii. Business address.
 - iv. Business phone number.
 - b. A minimum of two (2) blood samples shall be taken with each vial containing six (6) ml. if possible.

NOTE: Officers will remind the medical professional who takes the blood sample to check the tube bottom for a tiny pea shape of gray powder. If this observation is made, officers will note this in their report. Officers will also shake the test tube after the above observation. This prevents clotting and aids in the preservation of the blood.

- c. Officers will make certain the medical personnel label each container with the suspect's name, date, and time, and that they sign or initial each container.

- (1) This information shall be specifically and thoroughly documented in the DUI supplementary reports.
3. The officer will witness the time and manner in which the blood was extracted and retain control of the samples until the samples are logged into the EPU.
 - a. Officers will complete the DCSO "Forensic Services Request Form" and will submit this form to the EPU with the blood sample.
4. For routine test requests, DCSO Crime Lab employees will pick up the blood sample from the OPD EPU.
5. If officers must request a rush test for a blood sample, officers will:
 - a. Obtain permission from a command officer prior to requesting a rush test for the sample.
 - b. If permission is obtained, complete both the DCSO "Forensic Services Request Form" and the DCSO "Rush Case" form.
 - c. Officers will submit the blood sample and both completed forms directly to the DCSO Forensic Services Division between the hours of 0730 and 1630 (see Appendix A for the DCSO Forensic Services Division address).
 - (1) Prior to bringing the blood sample and forms to the DCSO Forensic Services Division, officers will call the DCSO to make arrangements (see Appendix A for the phone number).
 - (2) The DCSO will provide a secure area within the DCSO facility for OPD employees to package the sample, complete a Tracker entry, and submit the sample and forms to the DCSO Crime Lab.
6. The DCSO Crime Lab will send a report with the blood test results to the Primary Officer's precinct, the OPD Records Unit, and the City Prosecutor's Office.
7. If a blood test is performed, booking or citing of the suspect will be for the original charge of "Driving Under the Influence," NRS §60-6,196 or Omaha Municipal Code 36-115.
8. If the suspect is found to have two prior convictions and a blood test is given, the Primary Officer will:
 - a. Apply for a felony warrant if the evidentiary blood test indicates a BAC equal to or greater than .15.
 - b. Attempt to issue a citation to the suspect if the evidentiary blood test indicates a BAC lower than .15. If all reasonable attempts to locate the suspect have failed, the Primary Officer will apply for a misdemeanor warrant.

VI. Drug Testing

- A. Urine tests shall be used for legal or illegal drug detection only. Urine testing for alcohol is not allowed by Nebraska Court Case Law.
- B. Officers will direct DUI suspects under the influence of drugs to submit to a urine test.
- C. Officers will obtain a urine specimen container from the Evidence and Property Unit (EPU) or from the nearest hospital.

D. To obtain an evidentiary urine test:

1. The officer collecting the urine sample will be of the same sex as the suspect. If the arresting officer is not of the same sex as the subject, then they will request the assistance of an officer or DCDC employee who is of the same sex as the subject to obtain the specimen.
2. A urine sample will be collected in any available private access restroom. Lab analysis requires a 25 ml. sample if possible.
3. The officer shall wear rubber gloves while collecting the specimen from the suspect.
4. The officer will have the suspect rinse their hands with water only.
5. The officer will observe the suspect during the collection procedure. No prior voiding of the bladder is required.
 - a. The urine specimen will be marked per existing procedures. Some drugs continue to metabolize in the urine and, as such, it is important that specimens be placed into the refrigerator as soon as possible.
 - b. The officer will retain control of the samples until booked in to the Evidence and Property Tracker System and the sample is logged in with the EPU.
 - c. The officer will complete the Nebraska State Patrol (NSP) Crime Lab's "Evidence Submittal Form" (NSP 750), and will submit this form to the EPU with the urine sample.
6. Designated OPD employees will transport the urine sample from the OPD EPU to the NSP Crime Lab for testing.
7. The NSP Crime Lab will send the original urine test results report to the OPD EPU and to the City Prosecutor's Office.
8. The OPD EPU will:
 - a. Stamp the original lab results report as an "Original."
 - b. Add the OPD RB number to the report.
 - c. Forward the original report to the OPD Records Unit.
 - d. Scan and email a copy of the report to both the Primary Officer and the Primary Officer's supervisor.
9. If a urine test is given, the suspect will be booked or cited for the original charge of "Driving Under the Influence," NRS §60-6,196 or Omaha Municipal Code 36-115.

VII. Alcoholic Liquor and Drug Testing

- A. Officers may conduct a combination of breath, blood, and/or urine tests for suspects if a combination of alcoholic liquor and drugs is suspected.
- B. No further testing is required if the suspect furnishes adequate evidence for a DUI arrest during an Evidentiary Breath Test.

VIII. Circumstances Requiring Drug Recognition Expert (DRE) Evaluation

- A. The DRE will conduct an evaluation only if the subject exhibits signs of intoxication inconsistent with their Blood Alcohol Concentration (BAC).
 - 1. BAC's may be determined through the use of the Evidentiary Breath Test or a Preliminary Breath Test (PBT).
 - 2. Impairment may be determined by conducting Field Sobriety Tests prior to contacting a DRE.

- B. A DRE may also be called to respond to some cases which do not involve a driving offense. For example, a DRE may be asked to respond to a possession case where the DRE's opinion may help establish an affirmative link.
 - 1. Due to the specialized training received by each DRE, response to such calls will be at the discretion of the DRE.
 - 2. The call-out of an off-duty DRE in such cases will be at the discretion of the on-duty UPB Lieutenant.

- C. If the BAC indicated by the evidentiary breath test or PBT is below .08, or the subject refuses the breath test, and the arresting officer reasonably believes the subject to be impaired by drug(s) other than alcohol:
 - 1. The arresting officer will attempt to make contact with an on-duty DRE officer by contacting the 911 operator.
 - 2. The 911 operator will make a broadcast citywide requesting a UPB DRE officer.
 - 3. While the DRE is en route, the arresting officer will complete OPD Form 26 (DUI Supplementary Report).
 - 4. Upon arrival, the DRE will conduct a preliminary examination of the subject to determine if signs of intoxication exist that justify an evaluation.
 - 5. A standardized evaluation will be conducted if the DRE determines that the subject exhibits signs of intoxication which are not consistent with the BAC.
 - 6. The DRE will complete additional DUI reports as applicable (i.e., Super Citation, Booking Arrest Report, etc.).

- D. If a DRE is not available, the investigating officer(s) does have the authority to make an arrest.
 - 1. Officers will articulate the reasons they feel the driver is impaired by a drug(s) other than alcohol in all applicable reports.
 - 2. Admissions of drug use, physical evidence, field tests, and/or other indicators will be documented in the narrative section of the DUI Supplementary Report/Field Notes form (OPD Form 26).

IX. Suspects' Right to Their Own Physician

- A. Officers will be aware that suspects tested will be allowed to have the physician of their choice evaluate their condition and conduct or order laboratory tests in addition to the test(s) administered at the direction of the officer (NRS §60-6,199).

- B. If the officer refuses to permit any additional tests directed by the physician, the original test or tests shall not be competent as evidence.

- C. The results of the test or tests taken at the direction of the officer shall be made available to the person tested upon their request.

X. Right to Call an Attorney Prior to Testing

- A. If a person being charged with the misdemeanor of "Driving Under the Influence" wishes to contact their attorney regarding the implied consent covered in NRS §60-6,197, they will be allowed to use a telephone to contact their attorney. This will not be construed as a refusal to submit to a chemical test.
- B. If, after a reasonable attempt to contact their attorney, the party is unable to do so, they must make the decision to take or refuse the chemical test. The party charged with DUI will not be able to use their inability to contact the attorney as a means of delaying the test.
- C. The courts have determined that a reasonable attempt is a 20-minute time period.
- D. On average, alcohol dissipates at an approximate rate of .015 per hour. Therefore, chemical tests need to be obtained as soon as possible after the arrest.

XI. Unconscious Suspects

- A. NRS §60-6,200 authorizes the testing of suspects even when they are unconscious.
- B. Officers are required to read the Post Arrest Chemical Test Advisement even if the suspect appears to be unconscious.

XII. Consequences of Refusal/Failure of Chemical Tests - Administrative License Revocation (ALR)

- A. When a driver refuses a chemical test or submits to a test and fails with an illegal alcohol concentration of .08 or more (grams/210 L breath or grams/100 ml. blood), the arresting officer will adhere to the following procedures:
 - 1. If the suspect refuses to submit to a chemical test the officer will re-advise the suspect that refusing to submit to a chemical test of their breath, blood, and/or urine is a separate and distinct crime.
 - a. If the suspect continues to refuse to submit to a chemical test the officer will:
 - (1) Ask the suspect their reason for refusing to test and record that response in the narrative section of the DUI Supplementary Report/Field Notes form (OPD Form 26).
 - (2) Charge the suspect with Refusal to Submit to a Chemical Test (NRS §60-6,197) in addition to DUI (NRS §60-6,196).
 - NOTE:** Failure to provide such advisement will negate the State's ability to bring criminal charges against the party for Refusal to Submit to a Chemical Test.
 - 2. If the arrestee refuses a chemical test or the suspect submits to a chemical test and the results of the failed test are available while the arrested person is still in custody, the officer will:
 - a. Verbally advise the driver of the automatic revocation of their license or operating privileges as printed on the Notice/Sworn Report/Temporary License form (provided by the State of Nebraska DMV).

- (1) The officer shall read the Verbal Notice of Revocation on the Notice/Sworn Report/Temporary License form to the driver.
- b. Serve a written Notice of Revocation.
- (1) Officers will provide the driver with the Yellow copy (Driver's Copy) of the Notice/Sworn Report/Temporary License.
 - (a) The back of this form contains the written Notice of Revocation for the driver to read.
 - (2) A Spanish version will be given to drivers fluent in Spanish or who may have problems reading/understanding English.
- NOTE:** Failure to provide the driver the yellow copy of the Notice/Sworn Report/Temporary License with the Notice of Revocation may result in the revocation being rescinded.
- (3) Officers will NOT give the driver the white copy of the Notice/Sworn Report/Temporary License form, the blank "Petition for Administrative Hearing," or the "Addressed Envelope."
- c. Provide information on how to request an ALR Hearing or Ignition Interlock Permit.
- (1) The request shall be submitted to the DMV within ten (10) days of arrest, or the person's right to the hearing is lost.
- NOTE:** Failure to provide the driver with information on how to request an ALR Hearing or Ignition Interlock Permit may result in the revocation being rescinded.
- d. Confiscate the driver's license(s).
- (1) An arrestee's confiscated license is automatically revoked fifteen (15) days after the arrest or postmark of the Notice of Revocation.
- e. Issue a temporary license.
- (1) The yellow copy of the Notice/Sworn Report/Temporary License form will serve as the temporary license.
 - (2) The temporary license will be valid for fifteen (15) days.
- f. Complete the Notice/Sworn Report/Temporary License form as follows:
- (1) At least one investigating officer shall sign the form in the presence of a Notary.
 - (a) If an investigating officer other than the arresting officer completes the Notice/Sworn Report/Temporary License form an explanation is required on OPD Form 26 (DUI Supplementary/ Field Notes) in the officer's signature section (located on the last page).
 - (b) Only officers who perform the following tasks related to the DUI will list and sign their names on the Notice/Sworn Report/Temporary License form:

- i. Made the traffic stop or had the initial contact with the arrested driver.
- ii. Conducted the DUI investigations by observing the driver's condition and administering Field Sobriety Tests.

NOTE: If the officer performing the PBT (Alco-Sensor) is not the same officer who conducts the DUI investigation, the officer performing the PBT need not sign the Notice/Sworn Report/Temporary License.

- iii. Read the Post Arrest Chemical Test Advisement to the arrested driver and witnessed the blood or the breath test or the refusal.
- iv. Read the Verbal Notice of Revocation to the arrested driver.
- v. Gave the arrested driver the yellow copy of the Notice/Sworn Report/ Temporary License form after the failure of a breath test or refusal of any test.

- (2) If the driver refused to submit to a chemical test the arresting officer will note the refusal on the form.
- (3) If the driver was tested the reporting officer will fill in the test results on the form.
- (4) Officers will list their shift and day off card next to their name on the form.

g. Forward the driver's license(s) (if confiscated) and the white copy of the Notice/Sworn Report/Temporary License form in the provided ALR envelope to their supervisor.

- (1) It will be the responsibility of the officer's supervisor to verify that the completed white copy of the Notice/Sworn Report/Temporary License form and the driver's license(s) (if confiscated) are provided in the ALR envelope and forwarded to the Precinct/Unit Secretary.
- (2) The Unit/Precinct Secretary will mail the entire completed packet to the DMV or submit the completed packet to the DMV electronically within ten (10) calendar days from the date of arrest.

3. If the suspect submits to a chemical test but the test results are not available when the person is still in custody (i.e., blood testing) the following procedures will be followed:

- a. Officers will NOT confiscate the driver's license.
- b. Officers will complete the Notice/Sworn Report/Temporary License form as described above without the test results.
- c. Officers will forward the white and yellow copies of the Notice/Sworn Report/Temporary License form in the provided ALR envelope to their supervisor.

- (1) It will be the responsibility of the officer's supervisor to verify that the white and yellow copies of the Notice/Sworn Report/Temporary License form are provided in the ALR envelope and forwarded to the Precinct/Unit Secretary.
 - (2) Once the blood test results have been received, the Unit/Precinct Secretary will make certain that the blood test results are attached to the Notice/Sworn Report/Temporary License form and mail the entire completed packet to the DMV, or submit the completed packet to the DMV electronically within ten (10) calendar days from the date the blood test is received.
 - (a) If the DMV does not receive the Notice/Sworn Report/Temporary License form within ten (10) calendar days from the date the arresting officer receives the blood test results or there is no receipt date noted for blood test results, the DMV will dismiss the ALR procedure and the revocation will not take effect (dismissed).
- d. The DMV will be responsible for mailing the Notice of Revocation as well as all additional required information to the defendant.

XIII. Enhancement for DUI and Automatic License Revocation (ALR)

- A. Enhancement for DUI and ALR is currently FIFTEEN (15) years.
- B. Arresting officers will utilize NCIC, via the Information Channel, to check for prior convictions in any previous state of residence, as well as in Nebraska.
1. There is no one national database of DUI convictions. A separate NCIC inquiry must be sent to each state DMV.
 - a. Since it is impractical to send inquiries to 50 separate states, the arresting officer shall conduct a thorough preliminary inquiry to narrow the scope of inquiry.
 - (1) Indications that a person has been arrested in another state may be developed through an interrogation or examination of the subject's personal history.
 2. The Information Operator will run the needed checks and provide the printout to the arresting officer.
 3. The arresting officer will be responsible for checking the printed record for previous DUI convictions.
 - a. The states that are checked will be documented in the narrative of the report.
 - (1) Not all states may have the information available via NCIC at the time of booking. If the information is unavailable, for whatever reason, the reporting officer will document the attempt and the reason it was unsuccessful in the narrative of the report.
- C. On occasion, it may be necessary for officers to use the phone from an outside medical facility to receive a preliminary NCIC report for DUI convictions from the Information Channel Operators.
1. Officers will review the printout and attach it to the DUI Supplementary Report (OPD Form 26) per OPD policies and procedures.

- D. The total number of convictions within the 15-year timeframe from any/all states will be counted for enhancement purposes.
1. Officers will make every attempt to have an accurate number of previous convictions (regardless of the exact number of prior convictions discovered) and current evidentiary BAC, if available, before booking/citing, in order to make certain of the accuracy of the charges.
 2. Any previous convictions will be documented with the dates on page 1 of OPD Form 26 (DUI Supplementary Report), and the printout will be attached for all felony arrests and any cases needing Traffic Unit follow-up.
 - a. For enhancement purposes, the arrest date(s) will be considered the point of reference, not the conviction date(s).
 3. If the arrestee refuses to provide information regarding any prior conviction(s), the officer will document the refusal on the DUI Supplementary Report (OPD Form 26).
- E. Officers will charge DUI suspects with any prior convictions within the 15-year time-frame as follows:
1. Two prior convictions at any BAC with a current arrest at BAC equal to or greater than .15.
 - a. If an individual has two prior DUI convictions and the evidentiary test registers a BAC of .15 or higher, the third offense will be charged as a Class IIIA Felony.
 2. Two prior convictions at any BAC with a current arrest refusing to submit to an Evidentiary Breath Test.
 - a. If an individual has two prior DUI convictions and refuses to submit to an Evidentiary Breath Test, the third offense will be charged as a Class IIIA Felony.
 3. Three prior convictions at any BAC with a current arrest at BAC equal to or greater than .08 AND less than .15.
 - a. If an individual has three prior DUI convictions, and the Evidentiary Breath Test registers a BAC equal to or greater than .08 and less than .15, the fourth offense will be charged as a Class IIIA Felony.
 4. Three prior convictions at any BAC with a current arrest at BAC equal to or greater than .15.
 - a. If an individual has three DUI convictions and the evidentiary test registers a BAC of .15 or higher, the fourth offense will be charged as a Class IIA Felony.
 5. Four prior convictions at any BAC with a current arrest at BAC equal to or greater than .08 AND less than .15.
 - a. The fifth and subsequent offenses at equal to or greater than .08 AND less than .15 will be charged as a Class IIA Felony.
 6. Four prior convictions at any BAC with a current arrest at BAC equal to or greater than .15.

- a. If an individual has four prior DUI convictions and the evidentiary test registers a BAC of .15 or higher, the fifth and subsequent offenses will be charged as a Class II Felony.
7. Prior felony DUI with current arrest at BAC equal to or greater than .02.
- a. If an individual has a prior felony DUI conviction and the evidentiary test registers a BAC equal to or greater than .02, that individual will be charged with a Class IIIA Misdemeanor. This charge will be *in addition* to any other charge for Driving Under the Influence of alcohol and/or drugs.

NOTE: The class of misdemeanor on second offense and classes of felony on fourth and fifth offenses are also dependent on the suspect's BAC in the current arrest.

XIV. Bond

- A. Suspects booked for misdemeanor DUI will be eligible for bond immediately.
- B. If the officer or DCDC employee believes the person is not capable of caring for themselves, the person will be held under Civil Protective Custody for such time as necessary to make certain of their safety upon release.

XV. Telephone Privileges

- A. In arrests for DUI, as in all other misdemeanors, a suspect will be given access to a telephone immediately after the booking process is completed.

XVI. Commercial Motor Vehicles

- A. Operators of commercial motor vehicles are subject to a separate and distinct Commercial Motor Vehicle License disqualification hearing procedure under NRS §60-4,163 through §60-4,170. The OPD will comply with the State of Nebraska regulations concerning the enforcement of alcohol violations for persons driving commercial motor vehicles.
 1. Based upon results of Preliminary Breath Tests or Field Sobriety Tests, the following procedure will be followed:
 - a. If the officer(s) suspects the driver will test over .08, the driver will be processed as any other DUI arrest:
 - b. If the officer(s) suspects the driver will test under .08, but over .04, officers will complete and submit a CDL Sworn Report only.
 - c. If the officer(s) is unsure if the driver will test over or under .08, dependent upon the results, follow the procedures above.
 - d. If the driver refuses to submit to the test, complete and submit both the Notice/Sworn Report/Temporary License form and the CDL Sworn Report.
 2. To complete the CDL Sworn Report, officers will:
 - a. Complete the top section of the CDL Sworn Report completely.
 - b. The officer shall sign the white copy of the CDL Sworn Report in the presence of a Notary Public AFTER all the information has been filled in.

- (1) Any officer who took an active part in the investigation will sign the CDL Sworn Report. If an officer is unavailable to sign the form, their name will be documented on the form as a witness.
- c. The yellow copy of the CDL Sworn Report will be issued to the driver.
- d. The white copy of the CDL Sworn Report will be sent to the Unit/Precinct Secretary who will forward it to the DMV.
3. CAUTION: OFFICERS SHALL NOT CONFISCATE THE DRIVER'S LICENSE if officers are only submitting a CDL Sworn Report. Only ALR revocations allow the immediate confiscation of a driver's license, and then only if the officer has a test result of .08 or more or the driver has refused an evidentiary chemical test.
4. CDL Sworn Report Forms are available in the Police Supply Unit.

XVII. Minors Driving Under the Influence of Alcohol and/or Drugs

- A. The OPD will enforce the NRS §60-6,211.01 through §60-6,211.04 designed to deter minors from drinking and driving.

NOTE: These statutes do not change the DUI procedures for persons with a blood or breath alcohol level of .08 or more.

- B. Elements of offense include:
 1. Person under the age of twenty-one (21).
 2. Operating or in actual physical control of a motor vehicle.
 3. At least .02 but not more than .08 alcohol by test of blood or breath.
 4. Citation for some offense other than the .02 violation.
- C. Enforcement of these statutes will be accomplished as a secondary action when the driver of a motor vehicle has been cited for a violation of another offense.
- D. Officers will complete the DUI Supplementary Report/Field Notes (OPD Form 26) report, and the person will be cited using a Criminal Citation.
- E. Persons under the age of fifteen (15) will be Street Released.
- F. The operator's license of the violator will NOT be impounded by the officer. Only the courts will impound the operator's license.
- G. NRS §28-1,254:
 1. The OPD will enforce the NRS §28-1,254 designed to deter drivers from operating or being in the actual physical control of a motor vehicle with a person under the age of sixteen (16) years as a passenger when the person operating or in actual physical control of the vehicle:
 - a. Is under the influence of alcoholic liquor or any drug.
 - b. Has a BAC equal to or greater than .08.
 - c. Has a concentration of .08 of one gram or more by weight of alcohol per 210 liters of their breath.

- d. Refuses to submit to a chemical test or tests when directed to do so by the officer pursuant to NRS §60-6,197.
2. This violation is a Class I Misdemeanor, and will be treated as a separate and distinct offense from any other concurrent offense(s).

XVIII. Quasi-Public Property

- A. Officers may make an arrest on quasi-public property for suspicion of DUI provided that the following standards are met. The following scenarios are not intended to be the only situations that allow for arrest for DUI on quasi-public property.
 1. If an officer is attempting to stop a vehicle on public property for a violation, including a stop to check the driver for suspected DUI, and the driver stops the vehicle on quasi-public property, the officer may make the arrest.
 - a. This is within the limits of constant pursuit.
 2. An officer may receive a radio call to quasi-public property about a vehicle being driven in a reckless or careless manner. If the officer locates the reported vehicle on quasi-public property, and the person is found to be in "physical control" of the reported vehicle and appears to be intoxicated, the officer may make an arrest for suspicion of DUI.
 - a. If the driver is not arrested for DUI, then the officer will consider writing the driver a citation for reckless or careless driving.
 - b. Officers will not stop and wait near drinking establishments, observe the customers get into a vehicle, and then use this for probable cause to stop and arrest for suspicion of DUI.
 3. When the officer is checking the well-being of a motorist who appears ill or unconscious.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes §§60-6,197, 60-6,196, 60-6,199, 60-6,200, 60-6,198, 60-4,163 – 60-4,170, 60-6,211.01 - 60-6,211.04, 28-306, 28-394, and 28-1254 are referenced in this policy.
- B. Omaha Municipal Code 36-115 is referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #35-87, #28-88, #55-92, #55-92 Supplements #1 and #2, #62-93, #1-94, #15-94, #16-94, #13-94, #16-94, #17-94, #9-96, #33-96, #33-98, #35-98, #3-00, #31-01, #14-02, 14-02 Supplement #1, #68-02, #68-02 Supplement #1, #114-06, #25-06, #2-10, #4-11, #4-11 Supplement #1, #44-14, #44-14 Supplement #1, #62-14, #37-15, #83-15, and #13-16.
- B. Previous OPD Information Order #197-98 is relevant to this policy.

III. Accreditation Standards

- A. CALEA Accreditation Standards 61.1.2, 61.1.5, 61.1.11, 61.2.1, 61.2.2, 71.5.1 are relevant to this policy.

IV. Other References

- A. International Association of Chiefs of Police (IACP) Drug Evaluation and Classification Program (DECP).

DRIVING UNDER THE INFLUENCE (DUI) - COUNTERMEASURES

POLICY:

It is the policy of the Omaha Police Department (OPD), in the interest of public safety, to endorse strict enforcement of the applicable traffic laws that prohibit the operation of motor vehicles by intoxicated drivers, whether the impairment is due to alcohol or drugs.

PROCEDURE:

I. Objective

- A. OPD officers will take a pro-active approach to detect intoxicated drivers and remove them from the city streets. Enforcement of laws dealing with intoxicated drivers is the responsibility of all sworn employees.
- B. A second objective of the selective enforcement program is to reduce alcohol and/or drug related traffic offenses by fielding units that are specially trained and equipped to apprehend and process alcohol and/or drug-impaired drivers.

II. Countermeasures

- A. The following countermeasures in various combinations will be used in the selective enforcement program:
 1. Selective assignment of employees at the time when, and to the locations where, analyses have shown that a significant number of violations and/or collisions involving impaired drivers have occurred.
 2. Selective surveillance of roadways on which there have been an unusual number of collisions involving impaired drivers.
 3. Selected alcohol-related collision investigations and analyses of findings.
 4. Selective roadway checks for deterrence purposes.
 5. Selective enforcement of laws that prohibit driving under the influence through concentration on existing laws and the expeditious processing of violators.
- B. It is the responsibility of the Traffic Unit Lieutenant to coordinate special operations based upon traffic analyses and other available data.

III. Training

- A. All sworn employees will receive extensive training during their OPD Academy training on methods of detecting intoxicated drivers.
- B. Advanced training in areas of detection and certifications will be offered on an as-needed basis.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #54-00 and 51-14.

II. Accreditation Standards

A. CALEA Accreditation standards 61.1.5 and 61.1.10 are relevant to this policy.

ELECTRONIC CHIEF'S REPORTING SYSTEM – BLUETEAM – RESCINDED/REMOVED

This policy is rescinded per General Order #39-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous General Orders include the following: #45-83 Amendment #1, #21-89, #36-91, #1-96, #57-97, #58-97, #36-98, #13-99, #60-99, #60-99 Supplement #1, #33-05, #23-09, #17-13 and #39-14.
- B. Previous Information Orders include the following: #193-92 and #168-14.

EMERGENCY MESSAGES

POLICY:

It is the policy of the Omaha Police Department (OPD) to notify the next-of-kin of the death or life threatening injury or illness of victims who reside within the jurisdiction of the OPD. Officers may receive requests for notification from citizens and/or other agencies and will respond quickly and compassionately to honor these requests.

PROCEDURE:

I. Notification Procedures for Emergency Situations

- A. The OPD will only deliver emergency messages in the following emergency situations:
 - 1. Death.
 - a. All death notifications will be made according to the OPD "Death Messages" policy.
 - 2. Life threatening injury or illness.
- B. Requests for the delivery of an emergency message will be accepted only when the person requesting assistance is clearly unable to deliver the message through other means.
- C. Officers will determine what, if any, additional assistance is necessary on a case by case basis.
- D. Chaplains may deliver emergency messages. The Front Desk Sergeant will be responsible for notifying the Chaplain. Refer to the OPD "Chaplain Program" policy for details.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #88-00.

EQUITABLE SHARING FUNDS

POLICY:

It is the policy of the Omaha Police Department (OPD) to seize conveyances and money that have been used to facilitate the delivery or manufacture of a controlled substance in accordance with Nebraska State Statutes.

PROCEDURE:

I. Seizure of Money

- A. Officers who find \$5,000 or more on an individual during an arrest shall contact a supervisor from the Narcotics Unit prior to seizing the money.

NOTE: Officers who find \$5,000 or more on persons who have not been arrested or who have been arrested for a misdemeanor offense will NOT seize the money. However, the officer will contact a supervisor from the Narcotics Unit to notify them.

II. Filing a Forfeiture Action

- A. The Narcotics Unit will file a forfeiture action with the Douglas County Attorney's Office only if:

1. A minimum of \$350 in cash has been seized.

– AND –

2. The person from whom the money was seized has been charged by the Douglas County Attorney's Office with delivering a controlled substance or possession with intent to deliver a controlled substance.

NOTE: Forfeitures shall not be filed for any other felony or misdemeanor charges.

III. Booking Seized Assets into the Evidence and Property Unit (EPU)

- A. Officers will book seized assets into the OPD Evidence and Property Unit (EPU) per OPD policies and procedures (see Evidence and Property - Handling policy).

1. When booking seized assets into the EPU, officers will make certain that buy money is kept separate from seized money.
2. If a vehicle is seized by officers with a hold for the Narcotics Unit, officers will note the reason for the hold on the Recovered / Impounded Vehicle Report (OPD Form 202).

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD Information Orders include the following: #178-93 and #34-15.

II. Other

- A. PPM Monthly Update #1-2016.

EVIDENCE AND PROPERTY HANDLING

POLICY:

It is the policy of the Omaha Police Department (OPD) that all items of property that OPD employees exercise control over in the course of their duties shall be received, stored, accounted for and disposed of according to the law. This includes evidence as well as found, recovered, or property held for safekeeping. The OPD uses the Tracker Evidence System (Tracker).

The Evidence and Property Unit (EPU) is responsible for receiving, storing, and eventually disposing of property that is found, recovered, or held as evidence. The EPU Supervisor is the designated Property Custodian and is accountable for control of all property held by the OPD and stored in the property storage areas.

In all cases, the final return of property to its rightful owner will be the responsibility of the EPU.

PROCEDURE:

I. Security of Storage Areas

- A. Several areas within the first and second floors of Central Police Headquarters (CPHQ) are designated as secure storage areas for evidence and property. Only OPD employees assigned to the EPU will have access to these areas. Access by other persons is permitted in the course of official business but only when escorted by an employee assigned to the EPU.
- B. All storage areas will be securely locked unless occupied by EPU employees.
- C. Keys to the EPU office and storage areas are controlled items and will be kept in the possession of persons assigned to the EPU, or will be locked in the EPU office.

II. Items that Require Added Protection

- A. Because of the sensitive nature of guns, money (currency), and drugs, these items are stored in separate E/P area rooms with added security and are monitored via security cameras.
- B. Areas are designated as long-term storage for other evidence (i.e., homicides and sexual assaults) which must be retained indefinitely.

III. Receiving Property

- A. All property will be logged into Tracker. Employees will log all property items into Tracker and turn items over to the EPU, a designated EPU storage area, or the OPD Forensic Investigations Section, as appropriate, prior to the end of their shift. The officer/employee who submits the property can use Tracker on any computer as the software is web-based and can be accessed by any computer via the web. The Tracker entry requires employees to enter the circumstances by which the property came into the employee's possession (i.e. arrest, found, etc.), a description of the item, and other details.

EXCEPTION: Non-evidentiary perishable food and contaminated items will not be accepted by the EPU. Employees will turn such items over to the owner or representative. If an owner or representative cannot be located, the employee will destroy the items and document the item's disposition in a report. Biohazard materials should be left at the hospital for medical waste disposal.

- B. Items of non-testimonial evidence that have the potential for further analysis by a crime laboratory will be booked as individual items of evidence, in order to prevent cross-

contamination or damage to microscopic evidence (i.e. clothing with blood or other bodily fluids on it, firearms, and shell casings), as described in the OPD "Crime Scenes" policy.

- C. Once the evidence/property is entered into Tracker, a bar code label will be printed and placed onto the property evidence envelope or tag. Nothing should be written on the envelope containing the evidence/property.
- D. The officer/employee who turns in evidence/property will be responsible for properly packaging, weighing the item (if necessary), and placing a label on the envelope or tag.
- E. Officers who turn in personal property or evidence taken from a "Signal D – Highly Infectious Disease" party should note this in the "Additional Notes" and "Description" field in Tracker.
- F. Large items of property (i.e., automobile parts such as wheels, tires, fenders, doors, hoods, bumpers, seats, etc., bicycles, furniture, construction equipment, etc.) or extremely dirty objects will be stored at the Vehicle Impound Lot.

- 1. The Impound Lot will assign a person to meet the officer to arrange for storage of the property. If an Impound Lot employee is not available, the item will be placed in the indoor evidence booking area at the Vehicle Impound Lot.
- 2. For vehicles, the original OPD Form 202 (Recovered/ Impounded Vehicle Report) will remain with the Vehicle Impound Lot for processing.
- 3. For bicycles, the Tracker tag will be attached to the bicycle and the bicycle will be left inside the OPD garage at the Impound Lot.
 - a. To help aid in identification, employees must enter as much available information as possible (i.e., brand, model, color, type, size, speeds, and serial number) into Tracker.
- 4. All property stored at the Impound Lot will be entered into Tracker.

NOTE: A Recovered/Impounded Vehicle Report (OPD Form 202) shall be completed for items that are transported by contract tow. Employees shall accompany the tow service that transports the evidence or property to the Vehicle Impound Lot to maintain chain of custody. At no time will evidence or property be accepted from a tow driver. Employees shall record the Tow Ticket number in the notes section of Tracker.

- G. Fireworks seized or held for safekeeping will be stored at the Vehicle Impound Lot. Employees will enter the fireworks into Tracker.
 - 1. Prior to placing the fireworks into the designated fireworks storage container, employees will place the fireworks in a paper bag and attach the Tracker label to the paper bag.
 - a. For fireworks seized as evidence, standard procedures for misdemeanor or felony investigations will be followed.
 - b. For fireworks seized for safekeeping, an Information Report (OPD Form 42) will be completed and will outline the details of the activities of the officer that resulted in the seizure of the fireworks.
 - c. If the seizing officer believes the fireworks should be retained, they shall note in the reports why the items should be retained.

2. The Bomb Response Squad will transfer the fireworks to a secure holding facility for future destruction unless unusual circumstances exist to justify retention of the fireworks.
 3. If employees encounter exceptionally large fireworks or homemade fireworks that may not be safe to transport, they will immediately request assistance of the Bomb Response Squad.
- H. For large quantity seizures of property and for property that requires immediate placement in an EPU storage trailer, the officer/employee who turns in the evidence/property will contact the designated EPU employee. The EPU employee will respond and accept direct control of the property after all Tracker entries are determined to be in order. The officer/employee will assist the EPU employee in placing the item(s) in the EPU trailer(s).
- I. In accordance with Omaha Municipal Code § 25-5, any OPD employee who accepts found property from a finder will provide the finder with the Found Property Reclaiming Instructions Card (OPD Form 104). The card outlines the procedures for reclaiming the property if it is not claimed by the owner within 30 days.
1. Any City employee who finds and turns in property while on duty may not claim the property as a finder.
- J. Property submitted with a Property Report (OPD Form 203) will not be accepted unless unusual circumstances prevent officers from using Tracker (for example, a power outage).
- K. Items that do not require refrigeration or other special handling as described in this policy may be turned into the EPU via the pass-thru lockers.

IV. Evidence and Property Unit Drop Boxes

- A. Evidence and property not immediately needed at Central Police Headquarters (CPHQ) may be deposited in the EPU drop boxes located at all UPB assemblies, Project Harmony, and the OFD Arson Unit.
- B. All items placed in a drop box shall be properly labeled and entered into Tracker.
- C. The following items are prohibited from being placed in drop boxes:
1. Felony Evidence.
 2. Liquid or wet material that may contaminate other evidence.
 3. Large items that may damage other property.
 4. Fragile items.
 5. Guns or ammunition.
 6. Fireworks or explosives.
 7. Controlled substances.
- EXCEPTION:** Small drug paraphernalia and marijuana less than one ounce may be placed in the box.
8. Cash of \$25.00 or more and other items valued over \$500.00.

9. Found/recovered property when the officer has notified the owner or the owner is known or easily identified.
10. Evidence that needs to be processed for latent fingerprints.
11. Sharp objects or objects that are not properly secured that can penetrate the skin.

EXCEPTION: Items that are secured in a SHARPS container may be placed in a drop box.

V. Special Processing

A. Checks held as forgery evidence.

1. Checks will be processed in the same manner as all evidence/property items and will no longer be held in the Criminal Investigations Bureau (CIB).
2. Checks may be checked out by the investigating unit for follow-up.
3. This process makes certain that the chain of custody is maintained and that the evidence/property is time stamped as it is booked in and checked out.

B. Alcohol seized in relation to an arrest.

1. Because of problems caused by placing evidence resulting from alcohol-related arrests in area assembly property drop boxes, open alcohol containers will not be placed into EPU.
2. When all or part of the evidence is an open alcohol container, the officer will:
 - a. Empty the remaining alcohol from the container.
 - b. Dispose of the empty container in an appropriate trash receptacle.
 - c. Describe in the arrest report the specific amount of alcohol disposed of as well as the disposition and a description of the container in which the alcohol was contained.
 - d. If the arrest is made in a licensed liquor establishment and the evidence is in glassware, the glassware will be emptied and left at the establishment.

EXCEPTION: Opened beer kegs will not be emptied and will be turned in as evidence at the Vehicle Impound Lot.

- e. Make all the proper reports pertaining to the arrest. A Tracker entry will not be required.
3. When all or part of the evidence is an unopened alcohol container, the unopened container will be turned in as evidence and a Tracker entry will be made along with the other reports necessary to complete the arrest procedure.

C. Blood Specimens.

1. All incoming blood vials shall be placed into Styrofoam boxes that are specifically designed to hold two vials of blood each. These boxes are available in the main EPU booking area at CPHQ.

2. The officer will tape the Styrofoam box closed and place it in a plastic Security Seal Bag (SSB), seal the bag, and place the Tracker label on the outside of the SSB.
 3. The Douglas County Sheriff's Office "Forensic Services Request Form" will be placed with the SSB containing the Styrofoam box in the refrigerator slam locker in the EPU booking area at CPHQ.
- D. Perishable Evidence / Comparison Samples.
1. Perishable evidence or evidence needed for comparison samples will be collected by Forensic Investigations Section employees. Forensic Investigations Section employees will take appropriate steps to preserve the evidence and complete all Tracker entries per the OPD "Forensic Investigations" policy.

VI. Evidence Sealing in Security Seal Bags (SSBs)

- A. The majority of valuable and critical evidence held in OPD custody can be packaged in plastic SSBs. SSBs are self-sealing, using a covered sticky strip. Employees will seal the SSB by removing the covering from the sticky strip and folding the bag top over the sticky strip.
- B. In cases where evidence/property items will not fit in SSBs, items will be packaged in appropriately sized sealed envelopes, bags, or boxes.
1. The container(s) will then be sealed, and red evidence tape will be placed over the seal.
 2. The officer/employee who turns in the evidence/property will sign and date the evidence tape.
- C. Examples of items that require SSBs, per policy, include:
1. Cash: \$25.00 or more. The number of bills by denominations will be entered into Tracker which will automatically calculate the total.
 - a. Currency totaling \$100.00 or more will be counted by an EPU employee or a Forensic Investigations Section employee **IN THE PRESENCE OF THE BOOKING OFFICER** prior to being placed in the SSB. After they agree on the amount of currency, both the submitting officer and the EPU employee or Forensic Investigations Section employee will write the RB number, date, signature, and serial number on the top of the SSB.
 - b. Currency will be placed in the black money drop box located in the EPU booking area at CPHQ.
 2. All suspected drugs. An accounting of drugs and lab items will consist of either a weight or a number, in the instance of pills or capsules.
 3. Jewelry.
 4. Miscellaneous valuables.
- D. In the event an employee must open a sealed bag, procedures are as follows:
1. Two employees shall be present when the seal is cut and the bag is opened.
 2. The employee who opens the sealed bag will immediately audit the contents of the bag with the Tracker entries.

3. In the event of a discrepancy, the EPU supervisor shall be notified immediately.
- E. Procedures for re-sealing opened sealed evidence are as follows:
1. The used bag and the items being retained are placed in a NEW SSB using SSB procedures detailed in this policy.
 2. When a sealed bag is opened and all, or a portion of, its contents are returned to storage, the opening and resealing of the bag will be recorded in Tracker by adding a "Note" to the evidence.

VII. Release of Property

- A. All evidence is accessible to the officers for court or other investigative procedures. It is the responsibility of the Criminal Investigations Bureau (CIB) to check all found property against current crime reports and notify the EPU if the property is to be held as evidence. The responsible CIB officer will provide the name of the property owner when they request that property be held.
- B. In order to avoid unnecessary trips to CPHQ by citizens attempting to reclaim property which still remains to be processed, officers will advise owners that they will be contacted by the EPU after the evidence has been processed.
- C. CIB employees who release items back to the owners will complete OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) and include the Tracker item number to be released and the name, address and phone number of the owner of the property. The completed OPD Form 200D will be forwarded to the EPU.
1. EPU employees will make contact with the property owner to advise them on how to retrieve their property.
 2. CIB will not contact owners and advise them to show up to claim their property.
 3. ONLY EPU employees can coordinate the day, date, and time of the release of property.
- D. These procedures do not preclude officers from advising owners of the recovery of property items.
- E. Citizens who come to CPHQ to recover property will be advised to wait in the Front Desk lobby area while an EPU employee retrieves their property and/or meets them to explain procedurally what is happening with their property.
1. **THE EPU ROOM IS A SECURE AREA. NO CITIZEN** will be escorted to the EPU room to sign for or recover property.
 2. An EPU employee will bring the property to the Front Desk lobby and have the owner of the property sign for it. EPU employees will make the proper citations in the Tracker system documenting to whom the property was released.

VIII. Release of Property Held as Evidence

- A. Property held as evidence will be released to owners only with the written approval of the investigating unit or case officer.

1. The investigating unit or case officer will complete an OPD Form 200D and include the Tracker item number as well as the name, address and phone number of the owner of the property who will take custody of the property.
 2. If the property is not picked up within 30 days, the EPU will notify the owner in writing.
 3. Court orders, letters from the County or City Prosecutor, or other documents that authorize the release of property will be presented to the investigating unit, who will be responsible for approving the release of the property by completing an OPD Form 200D.
- B. Property held as evidence can be released to the court by the investigating case officer.
1. The case officer will notify the EPU supervisor of the date and time the property is needed. The EPU supervisor will confirm the request.
 2. Property signed out from the EPU and submitted to court as evidence becomes the responsibility of the court and will not be returned to the EPU.
 3. Property taken for court but not submitted as evidence will be immediately returned to the EPU, or re-submitted via the pass-thru lockers and Tracker system.
 - a. Evidence released from the EPU becomes the responsibility of the person who assumes custody, who will maintain the chain of custody and safekeeping of the evidence until it is returned to the EPU or submitted as a court exhibit.
 4. Tested drugs returned from the testing lab will be sealed by the testing lab or by the EPU upon their return prior to storage at CPHQ.
 5. Court Orders for the release of property will be limited to replevin actions against the City of Omaha for the return of property. Isolated cases of unregistered guns and/or automobiles held for tow charges may be ordered released by a County Court Judge. However, the release of property held by the OPD is not within the jurisdiction of the County Court except through the replevin process by the alleged owner of the property.

IX. Currency (Money) Held as Evidence

- A. If a person is arrested for a crime where money was taken, such as theft or robbery, the money possessed by the suspect at the time of the arrest will be booked as evidence if there is a direct connection between the money and the crime.
- B. If the money is admitted in court as evidence, the court will assume custody and responsibility for the money.
- C. If formal charges are not filed against the suspect, the money will be returned to the suspect.
 1. When appropriate, the respective unit command officer who has investigative responsibility for the case will determine when the money is no longer needed for the investigation and will make certain OPD Form 200D is completed. OPD Form 200D will include a description of the item, the Tracker item number as well as the name, address and phone number of the person authorized to receive the money.

- D. If the suspect pleads guilty to the particular crime but the money is not admitted into court as evidence, the money will remain in the custody of the EPU pending the issuance of a court order authorizing the money's release.
 - 1. All court orders directing the distribution of such money will be honored.
- E. Money will not be released to any person other than the individual from whom the money was confiscated, absent a court order.
- F. Officers who wish to seize money in situations other than crimes where money was taken, such as drug-related offenses, shall contact their immediate supervisor or the appropriate investigative unit for authorization to seize such money.
 - 1. Officers will document in the appropriate report the reason for the seizure and the name of the supervisor or investigator who authorized the seizure.

REFERENCES:

I. Laws

- A. Relevant Omaha Municipal Codes include the following: Section 25-5.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #34-70, #20-71, #49-73, #91-74, #7-86, #12-86, #23-86, #41-86, #90-88, #45-90, #21-92, #39-92, # 7-93, #62-94, #20-96, #28-97, #31-98, #32-98, #43-99, #91-00, #44-03, #45-03, #26-12, 60-14, and 17-15.
- B. Previous OPD Information Orders include the following: #287-93.

III. Accreditation Standards

- A. CALEA Accreditation chapter 84 is relevant to this policy.

EVIDENCE AND PROPERTY - MANAGEMENT

POLICY:

It is the policy of the Omaha Police Department (OPD) that all evidence or property found, recovered or held for safekeeping by the OPD is properly received, recorded, securely stored, and properly disposed of according to law. Employees will place all property into the control of the Evidence and Property Unit (EPU) or the Forensic Investigations Section prior to the end of their tour of duty except for property obtained through Asset Forfeiture which will be stored by the Narcotics Unit.

DEFINITIONS:

Evidence: Physical property that is related to a crime or possible crime that may establish guilt or innocence.

Found Property: Physical property that comes into OPD custody and has no evidentiary value. Found property is stored for safekeeping until the owner can be identified and take possession of it.

Personal Property: Personal property that comes into OPD custody and has no evidentiary value but has an identified owner that will take possession of it.

PROCEDURE:

I. Property Management Responsibility

- A. The EPU Custodian or assistant will be responsible for maintaining the evidentiary value and integrity of all evidence that comes into OPD custody.
 - 1. All evidence and property will be logged into the Tracker Evidence System (Tracker) as soon as practical.
- B. The EPU Custodian will be responsible for all property in the custody of the OPD and will make certain the storage facilities are secured at all times. Unauthorized employees will not be allowed unaccompanied access to the property storage areas.

II. Evidence and Property Packaging, Receipt, and Storage

- A. All evidence and property will be packaged, labeled and stored according to the "Evidence and Property Handling" policy.
- B. Weapons, money, precious metals, gemstones and large amounts of narcotics will be stored separately within an area that provides for extra security.

III. Property Inventory

- A. The EPU will make certain records on all property submitted to the EPU or held by the department as evidence at any other facility are maintained.
- B. Tracker will reflect the status of all property held by the OPD and will include, at a minimum:
 - 1. Case RB number.
 - 2. Item number and property description.
 - 3. Specific location where the property is stored.
 - 4. Chain of custody from the time the property was recovered until the destruction or other final disposition.

IV. Evidence and Property Inventory Control

- A. The EPU will maintain all evidence and property in its possession in a secure and organized manner. This includes but is not limited to:
 - 1. The transfer of all evidence and property from the Forensic Investigations Section temporary storage areas and the EPU drop boxes to the custody of the Central Police Headquarters (CPHQ) EPU in a timely manner.
 - a. EPU drop boxes are locked and only a key maintained by the EPU allows access.
 - b. EPU employees or designees will make regular periodic pickups from EPU drop boxes during normal business hours.
 - c. EPU employees will maintain the chain of custody of EPU drop box items using Tracker.

2. Making regular periodic runs to the Vehicle Impound Lot to accept property placed in the temporary holding areas.
 - a. EPU employee will place the property in a permanent storage location, with due consideration for weather conditions on items stored outdoors.
 - b. For bicycles, if the name and address of the owner of a found bike are known, the EPU will send a letter to the owner advising they have 30 days to claim the bicycle.
 - c. EPU employees will maintain the chain of custody of Vehicle Impound Lot items using Tracker.
3. Compliance with all Nebraska Revised Statutes (NRS) and Omaha Municipal Codes governing the care, custody, control and disposition of evidence and property.
4. Making certain records relating to the final disposition of items that are disposed of through escheat, sale or destruction, or that are lost or misplaced are maintained. Judgments and affidavits that document such actions will be maintained in the Records Unit case file.

V. Property Released from Custody

- A. When property is released prior to storage, the employee who releases the item(s) will document the person who received the property in a supplementary report.
- B. The EPU shall be responsible for:
 1. The release of evidence when authorized by the case advisory officer.
 2. Obtaining a signed receipt of release from the owner or their authorized agent or from the finder in the case of unclaimed property.
 3. Recording the release of property in Tracker.
 4. Forwarding signed receipts/reports to the Records Unit for case file inclusion after all items on a property report or Tracker entry have been released or otherwise disposed.
- C. When a motor vehicle is released from the OPD Vehicle Impound Lot, a signed receipt for the vehicle from its owner or their authorized agent will be forwarded to the Records Unit for inclusion in the case file.

VI. Audits/Inspections

- A. The EPU Commander will conduct a semi-annual inspection to determine adherence to procedures used for the control of evidence and property. The inspection is conducted to determine that the property room is clean and orderly and the integrity of evidence and property as well as proper accountability procedures are being maintained.
- B. The Backgrounds/Inspections Unit will conduct an annual audit of property held by the agency. The results of this audit will be forwarded via the chain of command to the Chief of Police.
- C. The Backgrounds/Inspections Unit will conduct unannounced audits of evidence and property storage areas as directed by the Chief of Police. The purpose of the audit is to

spot- check a sample of items to verify the integrity of the system and not to require an accounting for every item of property. The results of these audits will be forwarded via the chain of command to the Chief of Police.

- D. An audit of evidence and property will be completed whenever the EPU Custodian is transferred or discontinues employment. The audit will include a sufficient number of records/items to make certain of the integrity of the evidence and property system and accountability of property.
 - 1. The newly appointed EPU Custodian will conduct the audit along with the Backgrounds/Inspections Unit to make certain that records are correct and properly annotated.
 - 2. All discrepancies will be recorded prior to the assumption of EPU accountability by the newly appointed EPU Custodian.

VII. Evidence and Property Disposal

- A. Property will be disposed of in accordance with applicable laws and ordinances.
- B. Once evidence is no longer needed for investigation or adjudication, the officer responsible for the case will complete a Supplementary Report (OPD Form 200D) to authorize the release or disposal.
 - 1. Upon receipt of the authorization to release, the EPU Custodian will make the property available for pickup by the owner. If, after 30 days, the owner has not called for the property, the EPU Custodian will make a bona fide attempt to contact the owner utilizing OPD Form 162 (Property In Our Possession Report) indicating the property will be disposed of if not picked up within 30 days of the date of the letter.
- C. Non-evidentiary property may be disposed of after thirty days (30) have elapsed and the owners have not claimed the found property because they remain unidentified or have failed to respond after written notification.

EXCEPTION: If a finder is listed in the report, the non-evidentiary property will be held an additional 10 days prior to disposal.
- D. When the owner of evidence or personal property cannot be determined or the finder fails to claim the item, the item will be sold at auction or destroyed.
- E. Controlled substances, drug paraphernalia, firearms, knives, and other evidence items unsuitable for release will be destroyed.
 - 1. Controlled substances and drug paraphernalia will be incinerated or destroyed. The EPU Custodian, or designee, and a representative from the Backgrounds/Inspections Unit will verify the complete destruction of all evidence.
 - a. At the time of destruction of controlled substances, the EPU Custodian, or designee, and a representative from the Backgrounds/Inspections Unit will verify the containers are properly sealed and do not show evidence of tampering.
 - 2. Firearms, knives, and other metal weapons will be destroyed through a process of smelting or metal shredding. The EPU Custodian, or designee, and a representative from the Backgrounds/Inspections Unit will verify the complete destruction of this evidence.

- a. At the time of destruction of weapons, the EPU Custodian, or designee, and a representative from the Backgrounds/Inspections Unit will verify the containers are properly sealed and do not show evidence of tampering.

VIII. Property Obtained Through Asset Forfeiture

- A. Certain property seized for asset forfeiture proceedings by the OPD through the civil process may be secured at the Narcotics Unit.
 1. Only vehicles held for asset forfeiture proceedings may be stored at the Narcotics Unit.
 - a. If forfeiture is contemplated at the time the vehicle is impounded, the impounding officer will note the location of the property in the narrative portion of the Recovered / Impound Vehicle Report (OPD Form 202).
 - b. If forfeiture procedures begin after the vehicle has been impounded, a Supplementary Report (OPD Form 200S) detailing the storage location will be completed.
 2. All other seized property, including currency, will be booked into the EPU according to the guidelines set forth in this policy.
- B. Upon adjudication, Tracker will be updated to reflect the disposition of the property. If the forfeited property was never entered into Tracker, a Supplementary Report (OPD form 200D) will be completed and forwarded to the EPU Custodian.

IX. Auction of Property

- A. Evidence and property no longer needed or desired by the OPD, if not claimed within 30 days, may be sold at a public auction or be destroyed or disposed of in a manner approved by the Chief of Police or an authorized agent in accordance with Omaha City Code § 25-5.
- B. The EPU will determine which items in the EPU custody will be scheduled for sale at a Police Auction.
 1. The EPU will submit a list of items to be auctioned to the Public Information Officer (PIO) for publication.
 2. The EPU will tag each item and complete an auction log sheet containing the tag number and a brief description of each item. A copy of the auction log sheet will be provided to the Vehicle Impound Unit.
 3. The EPU will transport and maintain control of all auction items until the items are physically sold by the auctioneer.
 4. After all items have been sold the EPU shall make the appropriate Tracker entry.
- C. The Vehicle Impound Unit will conduct Police Auctions as needed but no more frequently than once per month.
 1. The proceeds received from the sale of property at Police Auctions shall be deposited in the general fund of the city, unless otherwise provided by state or federal law.

2. The Vehicle Impound Lot will return a copy of the auction log sheet to the EPU listing the amount each item was sold for.

REFERENCES:

I. Law

- A. Relevant Omaha Municipal Codes include the following: Section 25-5.

II. Previous OPD Orders

- A. Previous OPD Orders include #7-86, #23-86, #5-91, #20-96, #31-98, #32-98, #43-99, #91-00, #29-03, #44-03, #45-03 and 61-14.

III. Accreditation Standards

- A. CALEA Accreditation standards 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7, and 84.1.8 are relevant to this policy.

IV. Other References

- A. PPM Update #2-2015 (Feb., 2015).

EVIDENCE - ALCOHOL RELATED ARRESTS – RESCINDED/REMOVED

This policy is rescinded per General Order #60-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #41-86 and #60-14.

EVIDENCE – BICYCLE STORAGE – RESCINDED/REMOVED

This policy is rescinded per General Order #60-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #43-99, 45-03, and 60-14.

EVIDENCE - BLOOD SPECIMENS – RESCINDED/REMOVED

This policy is rescinded per GO #60-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #7-93 and 60-14.

EVIDENCE - CRIME SCENE – RESCINDED/REMOVED

This policy is rescinded per General Order #62-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #93-89 and 62-14.

EVIDENCE-NON-EVIDENTIARY CONTAMINATED AND PERISHABLE ITEMS – RESCINDED/REMOVED

This policy is rescinded per General Order #60-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #62-94 and 60-14.

EVIDENCE - PROPERTY DROP BOX – RESCINDED/REMOVED

This policy is rescinded per General Order #60-14 and 61-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #7-86, 23-86, 31-98, 91-00, 60-14 and 61-14.

EVIDENCE – SEARCH AND SEIZURE OF CELLULAR PHONES AND ELECTRONIC DEVICES

POLICY:

It is the policy of Omaha Police Department (OPD) to secure all seized cellular phones, computers and Computer Equipment, Digital Equipment and electronic information storage devices in a manner to safely preserve stored data for recovery, preservation and examination at a later time by employees trained in these techniques. All evidence seized and/or processed pursuant to this policy shall be done so in a legally appropriate manner and in compliance with this policy.

DEFINITIONS:

Computer Equipment: Including, but not limited to, CPU's, monitors, printers, scanners, backup drives, all external drives and CD writers, modems, cables, disks and any other type of peripheral hardware, operation manuals (if needed), and software.

Digital Equipment: Including, but not limited to, cellular telephones, tablets, printers with memory, and other handheld electronic communication devices, GPS devices, cameras, recorders, play back devices, disks, operation manuals, and software.

ESN (Electronic Serial Number): Control numbers used for cell phone activation in wireless carrier networks.

IMEI (International Mobile Equipment Identity): A number, usually printed inside the battery compartment of the phone/device, used to identify valid devices to access communication networks.

MEID (Mobile Equipment Identifiers): Unique numbers found on CDMA (Code Division Multiple Access) mobile phones. MEID are fourteen alpha-numeric digits long followed by fifteenth value which is a check digit.

PROCEDURE:

I. Seizure of Computers and Digital Devices

- A. When computers, cellular phones, other Computer Equipment or Digital Equipment devices and associated peripheral accessories are seized as evidence, established procedures will be followed.
- B. Devices will not be seized without proper legal authority.
 1. Items should not be collected unless there is probable cause to state the items are contraband or fruits of a crime, a tool used in the commission of a crime or instrument which could contain evidence of a crime.
 2. Items may also be seized if voluntary written consent is provided or if it is found property with no identifiable owner.
 3. Items may also be collected for instances of safekeeping if the owner is deceased.
- C. Pack all digital evidence in antistatic packaging. Only paper bags and envelopes, cardboard boxes, and antistatic containers should be used for packaging digital evidence. Avoid magnetic sources and heat, cold, and humidity.
 1. Packages should be sealed to restrict access.

2. Plastic materials should not be used when collecting digital evidence because plastic can produce or convey static electricity and allow humidity and condensation to develop, which could damage or destroy the evidence.
- D. Before handling any computers, cell phones, printers with memory, or other digital devices consider what other types of evidence (such as DNA or fingerprints) are needed from the device and follow the appropriate handling procedures. Many computer components such as keyboards, mice, monitors and cables do not contain digital evidence and do not need to be collected for a digital forensic exam. These items could, however, contain vital biological trace evidence critical to an investigation.
- E. No action should be performed on devices that could potentially alter data that may subsequently be used as evidence in court.
- F. Digital Equipment devices may be found in a damaged state, caused by accident or deliberate action. It may still be possible to repair the item for examination and analysis therefore the item must be treated as if it were a working device.
- G. Computer and Digital Equipment can be severely or irreparably damaged and data lost due to improper handling. When evidence of this nature is encountered, specific procedures designed to safeguard stored information must be followed.
1. At no time should untrained employees attempt to shut down or turn on computers or other Digital Equipment.
 2. Photograph area to show overall equipment location and component-to-component relationship.
 3. Photograph the item and any data on the screen if the device is powered on.
 4. Note any programs or windows that appear to be open and running.
 5. Photograph all connection cables on each piece of equipment.
 6. If the computer is off, do not turn it on.
 7. If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 - a. Disable the power at its source, i.e., wall outlet or uninterrupted power source (UPS). Do not perform a standard log off - shut down procedure which could cause the loss of data.
 8. To discontinue power to a laptop computer remove the battery otherwise the machine will continue to be on until the battery's power is exhausted.
 9. Label all connection cables and re-photograph with labels for re-assembly at a later time and prepare a cable-connection diagram if necessary.
 10. Search for passwords or other related information in the area.
 11. Seize all books, manuals, software, disks, external drives, USB drives, memory cards, and data related to the system.
- H. If necessary, assistance from outside agencies such as the Nebraska State Patrol, Secret Service or Federal Bureau of Investigation may be requested to assist in the examination and recovery of evidence from seized Computer and/or Digital Equipment.

II. Seizure of Cellular Phones

- A. When cellular phones and associated peripheral accessories are seized as evidence an established procedure will be followed.
- B. Cellular phones can be severely or irreparably damaged and data lost due to improper handling. When evidence of this nature is encountered, specific procedures designed to safeguard stored information must be followed.
 - 1. Accurately record the location and power status of the cell phone. When possible photograph the device within the scene to create a visual record.
 - 2. Equipment associated with the cell phone, such as removable media, SIM cards or personal computers possibly synched with it, may prove more valuable than the phone itself.
 - 3. Devices need to be identified by the make, model and if possible, phone number and service provider. Along with the make and model, the MEID, IMEI or ESN will be listed. Each is a unique number specific to that device. Unlike phone numbers, they cannot be ported from one device to another. This number can be found on the battery panel as well as in the settings of the phone.
 - 4. Unless the incident being investigated requires immediate examination (e.g. an exigent dangerous situation exists) cellular phones should be powered off prior to being collected and booked into evidence. It is preferable that the phone is packed with the battery removed. If the device requires urgent processing a trained examiner should be contacted as soon as possible before proceeding.

III. Searches of Computers, Cellular Phones, and Other Digital Equipment Devices

- A. Seizure alone of a device does not necessarily justify a search. Proper legal standing must be established before a device is internally examined. It has been widely established that electronic devices such as computers and cell phones can contain personal information in which the user has a reasonable expectation of privacy. Thus it is the investigating officer's duty to establish legal authority prior to examining them.

NOTE: Cellular telephones seized incident to an arrest cannot be searched absent a search warrant or an exigent circumstance that involves fact-specific threats involving a dangerous situation (i.e. bomb detonation, a child abductor who may have information about the child on the cellular telephone, etc.).

- B. Authority to search a Digital Equipment device can be made via:
 - 1. Search Warrant: A separate search warrant specifically detailing the device(s) to be examined and type of information being sought should be obtained. The warrant should include the serial number or other unique, detailed description should be included for all devices. A separate "piggy back" warrant from any original search warrant authorizing the initial seizure and impounding of the electronic storage device should be created.
 - 2. Owner Consent: Written consent should be established to protect from a future claim of permission refusal or lack of awareness.
 - a. An employer may grant the OPD consent to search its employees' computer(s) if that computer is owned by the employer.
 - 3. Death of the Owner: Upon death the expectation of privacy of individuals is absolved.

4. Exigent Circumstances: If a dangerous situation exists requiring an immediate search. However, the possibility of the loss of data does not constitute an exigent circumstance to justify a warrantless search of a cellular telephone.
 5. Determination of Found Property: Items may be searched to determine the owner of the item. However if potential incriminating evidence is subsequently found, a search warrant if containing probable cause for further inspection should be obtained for a full examination.
- C. No examination of electronic devices should be done without the investigator receiving proper training prior to the search. If the original investigating officers has not been trained in processing digital equipment they shall seek assistance from a knowledgeable, trained source.
- D. Examinations of digital evidence should not be performed on the original media, if possible. A digital copy of relevant data should be created whenever possible.
- E. Digital evidence which was initially created using the device may not be available on the medium itself.
1. For example, valuable, pertinent additional data for cell phones may be found via the cell phone's service provider. This data includes detailed records which have been deleted from the device and other information such as cell tower locations. Consequently a comprehensive exam of a cell phone may require multiple warrants such as one for the physical device itself and another for the service provider to obtain subscriber information and detailed records.
 2. In cases where a cell phone is locked via a passcode, a third warrant may be required and served to the phone's operating system developer to remove the block.
 3. Another common source for digital data is e-mail which is usually stored on the provider's computer and not on the user's computer or cell phone.
- F. Upon a return of service for a search warrant on a computer or cell phone, the investigating officer can record the device's physical identification (model, serial number, etc.) and simply state "digital evidence" for information that is subsequently retrieved from the items searched. The officer should also state where the digital evidence has been saved to, such as multimedia disc, USB drive, etc.
1. Due to the unique nature of digital evidence a complete listing of all the files that an examiner recovers from devices is impractical and not necessary on the search warrant's inventory.

REFERENCES:

I. Court Cases

- A. Riley v. California (573 US ___ 2014); see also Riley v. California (2013 WL 4752428) and United States v. Wurie (728 F. 3d 1).

II. Previous OPD Orders

- A. The previous OPD General Orders include #50-00, #48-13 and 21-14.

III. Accreditation Standards

- A. CALEA Accreditation standards 1.2.4 and 83.2.5 are relevant to this policy.

EVIDENCE - SEXUAL ASSAULT EVIDENCE COLLECTION KITS – RESCINDED/REMOVED

This policy is rescinded per General Order #62-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #39-92, 16-07, and 62-14.

EVIDENCE - STORAGE OF AUTOMOBILE PARTS AND LARGE SEIZURES OF PROPERTY – RESCINDED/REMOVED

This policy is rescinded per General Order #60-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #20-96, 32-98, 44-03, and 60-14.

EVIDENCE-SUBMITTING PERISHABLE EVIDENCE/COMPARISON SAMPLES – RESCINDED/REMOVED

This policy is rescinded per General Order #62-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #16-89 and 62-14.

EVIDENCE/PROPERTY SQUAD - Signing In / Release of Property – RESCINDED/REMOVED

This policy is rescinded per General Order #60-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #34-70, 20-71, 49-73, 91-74, 12-86, 45-90, 21-92, 26-12, 36-13 and 60-14.

FEDERAL EQUITABLE SHARING PROGRAM

POLICY:

It is the policy of the Omaha Police Department (OPD) to comply with all requirements set forth by the Department of Justice (DOJ) Federal Equitable Sharing Program as stated in the DOJ Guide to Equitable Sharing for State and Local Law Enforcement Agencies. All funds shall be accounted for in the City of Omaha's Accounting System in restricted Special Revenue Funds. The funds shall record only revenues and expenditures of the Federal Equitable Sharing Program. The DOJ equitable sharing fund receipts and disbursements will be recorded accurately and in a timely manner.

PROCEDURES:

I. Equitable Sharing Funds Committee

- A. The OPD shall establish an Equitable Sharing Funds Committee to oversee all deposits and expenditures from the funds. The Equitable Sharing Funds Committee will be a permanent standing committee comprised of the following:
1. Chairperson: Deputy Chief, OPD Criminal Investigations Bureau.
 2. Vice-Chairperson: Captain, OPD Criminal Investigations Bureau, Special Operations Section.
 3. Deputy Chief, OPD Uniform Patrol Bureau.
 4. Deputy Chief, OPD Police Services Bureau.
 5. Deputy Chief, OPD Executive Services Bureau.
 6. Captain, OPD Criminal Investigations Bureau, Criminal Investigations Section.
 7. Captain, OPD Police Services Bureau, Administrative Information Section.
 8. Sergeant, OPD Criminal Investigations Bureau, Special Operations Section, Metro Facilitator/Operations.
 9. Representative, City of Omaha Mayor's Office.
 10. Representative, City of Omaha Finance Department.
 11. Recording Secretary (non-voting member).

II. Revenue

- A. Seized property is reported to the Sergeant, Criminal Investigations Bureau (CIB), Special Operations Section, Metro Facilitator/Operations for determination of inclusion in the Federal Equitable Sharing Program.
1. Form DAG-71: Application for Transfer of Federally Forfeited Property is completed for qualified seizures by the Sergeant, CIB, Special Operations Section, Metro Facilitator/Operations.
 2. The Sergeant, CIB, Special Operations Section, Metro Facilitator/Operations will record and maintain all Forms DAG-71 on a log utilizing a consecutive numbering system for control purposes. The log will include seizure type (property or currency), amount, share amount requested, amount received, and date received.

- B. Two funds will be established by City Finance.
1. Fund 17121 will be established for Department of Justice transactions.
 2. Fund 17122 will be established for US Treasury Department transactions.
 3. On the receipt of the E-Share notification the amount deposited by the City Revenue Department to the appropriate fund and entered into log.
 4. The following table will be utilized to differentiate funds between General and Metro:

	Justice Funds		Treasury Funds	
Fund	17121		17122	
	General	Metro	General	Metro
Org	177771	177775	177772	177776

5. The two accounts will be audited on a yearly basis, during the City of Omaha's OMB A-133 yearly audit, by an independent auditor and records of these audits will be retained for a period of at least five years. Equitable sharing funds can be used to fund this independent audit of the OPD equitable sharing funds.

- C. The City of Omaha shall not comingle DOJ funds with funds from any other source.

III. Expenditures

- A. All requests for expenditures of Equitable Sharing Fund monies will be submitted on an Inter-Office Communication, via chain of command, to the requestor's Bureau Deputy Chief.
1. The Bureau Deputy Chief will prioritize the request and make a recommendation to either support, delay, or deny the request.
 2. All supported requests will then be forwarded to the CIB Bureau Deputy Chief for Equitable Sharing Funds Committee consideration. The individual or unit making the request may appear before the Committee, if appropriate.
- B. All requests are due to the CIB Deputy Chief's office by 1600 hours on the second Tuesday of the month in order to be considered at that month's meeting.
- C. Training or equipment that has historically been paid by Equitable Sharing funds must be presented for approval per occurrence. Funding is not guaranteed based on past approval.
- D. Yearly contracts and renewals will be reviewed by the Committee once a year for approval for funding from the Equitable Sharing funds.
- E. Submissions for training must include per diem rate as set forth by the U.S. General Services Administration (GSA) and adhere to the City of Omaha Travel Policy.
1. A copy of the listed GSA per diem rate will be included with each request. Per Diem amounts for meals, lodging, and fuel will not exceed the listed GSA rate minus taxes and associated fees. Any deviation will be the individual's responsibility and will not be reimbursed.

- F. If Equitable Sharing funds are utilized to pay for meals associated with work related travel, an affidavit (City of Omaha Lost/Missing Receipt Form) will not be accepted if an employee loses a meal receipt. The employee will be responsible for maintaining all receipts associated with their work related travel and submitting these receipts for reimbursement.
- G. The Equitable Sharing Funds Committee will meet as needed to review items included on the agenda prepared by the Chairperson. The Chief of Police is ultimately responsible for approval or denial of each expense request.
- H. A memo documenting all approved expenditures by the Equitable Sharing Funds Committee will be drafted by the Recording Secretary and forwarded to the Chief of Police for approval.
- I. Purchase requests will adhere to the following City of Omaha code of ordinances, specifically Omaha Municipal Code Charter and General Ordinances Volume 1:
 - 1. Section 10-141: Following the requirements contained in Section 5.17 of the Home Rule Charter of the City of Omaha, all purchase considerations in excess of \$20,000 will be forwarded for approval by resolution of the City Council prior to purchasing.
 - 2. Section 10-142: Any amendment to contracts or purchases which increases the original bid amount by 10%, if the original bid is \$150,000 or more, or \$75,000 or more will require approval of the City Council in advance of the purchase.
- J. All approved expenditures will adhere to the City of Omaha Purchasing Department Policy Manual.

EXCEPTION: Preauthorized expenditures related to the operation of the Metro Area Drug Task Force building (such as rent, utilities, maintenance, phones, and other associated expenses). Rent payments from outside agencies will be separated from OPD's Equitable Sharing Funds except in those instances when agencies are utilizing their own equitable sharing funds. The Metro Coordinator and/or OPD Fiscal Affairs Accountant will be responsible for contacting each agency to verify their payment source.
- K. Each calendar year, a unique project will be established in the above funds within the City's Accounting System to track all approved expenditures in the categories defined in the Summary of Shared Monies Spent section of the Equitable Sharing and Agreement Annual Certification Report.
 - 1. When an expenditure is approved, a task will be created and the approved amount established as a budget.
 - 2. Purchase Orders and Expenditures will be processed directly against each task.
- L. The OPD will retain for a period of at least five years all documents and records pertaining to its participation in the DOJ Equitable Sharing Program and its receipt and expenditure or use of shared cash, proceeds, real property, or tangible personal property, including but not limited to Forms DAG 71, Equitable Sharing Agreement and Certification Forms, accounting and bookkeeping documents, logs and records, bank records and statements, and audit reports.

IV. Interest

- A. The City of Omaha Treasurer/Revenue Manager will provide the OPD Fiscal Affairs Accountant the U.S. Treasury interest percentage at the end of each month.
- B. The OPD Fiscal Affairs Accountant will record the interest earned on the unspent cash balances in the DOJ Fund and Department of Treasury Fund as described in this policy.

- C. The interest income will be reported on the Equitable Sharing and Agreement Certification form (ESAC) in the certification section of the form.

V. Reporting

- A. The OPD Fiscal Affairs Accountant will be responsible for:
 - 1. Maintaining a record of all deposited funds, disbursements, and earned interest.
 - 2. Utilizing the City of Omaha's electronic accounting system, maintain copies of internal requisitions, City requisitions, purchase orders, receiving reports, and any other related items.
 - 3. Providing the Equitable Sharing Funds Committee a reconciled status report at each monthly meeting.
 - 4. Completing and submitting the annual Equitable Sharing and Agreement Annual Certification Report within 60 days following the end of the year.
 - a. This includes making certain that all expenditures are included in the City's Schedule Federal Expenditures Awards (SEFA) and will be included in the City of Omaha's annual A-133 Audit.
- B. The CIB's Administrative Office is responsible for maintaining meeting packets containing minutes, agendas, and original requests detailing the purpose of purchases.
- C. The Equitable Sharing Funds Committee Recording Secretary will advise each requestor of approval/denial of each funding request via email.
 - 1. The original requestor is responsible for entering/purchasing approved items through the City's Accounting System.
 - 2. The requisition will include the appropriate funding source (i.e., Metro Seized or General Seized) for the purchase.
 - 3. After entry into City's Accounting System, a copy of the requisition will be sent to the CIB Administrative Office and the OPD Fiscal Affairs Accountant.

VI. Inventory

- A. All equipment items purchased using Federal Equitable Sharing funds will be affixed with a bar code when feasible (for example, most large equipment items and/or non-undercover items).
- B. The Police Supply Unit shall then log the equipment item(s) into the Unit's computerized inventory tracking system/database.
- C. Items that are received directly by the requesting employee or entity shall be taken to the OPD Police Supply Unit within seven (7) days of receipt so that the item can be bar coded, when feasible, and entered into the inventory tracking system/database.
- D. Twice per year, the Equitable Sharing Funds Committee shall send a random sampling/list of items purchased with Equitable Sharing Funds to the respective bureau Deputy Chiefs and/or Chief of Police.
 - 1. The Deputy Chiefs and/or Chief of Police shall forward the list to designees under their command. The designees will then verify that each item purchased for their

respective Bureau/Section's use is physically accounted for and is still being used within their Bureau/Section.

2. After verification of the status of the listed item(s), the Deputy Chief and/or Chief of Police shall inform the Equitable Sharing Funds Committee, in writing, to confirm the item was physically accounted for and is still in use within their Bureau/Section.
- E. Any time an item(s) purchased with Equitable Sharing funds is no longer usable due to normal wear and tear and/or damage, an Inter-Office Communication shall be sent to the Equitable Sharing Funds Committee, via chain of command, explaining the reason(s) the item is no longer usable.
1. The Equitable Sharing Funds Committee will inform the Police Supply Unit, which shall then remove the item(s) from the inventory tracking system/ database. The date and reason shall be documented.

REFERENCES:

I. Laws

- A. Omaha Municipal Codes §§10-141 and 10-142 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #61-96, 18-99 and 18-99 Supplement #1, 15-08 and 15-08 Supplement #1, 27-10, 20-12, 22-15, and 22-16.

III. Other

- A. PPM Monthly Update #1-2016.

FIELD OBSERVATION CARD – RESCINDED/REMOVED

This policy has been rescinded per General Order #21-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #75-94.

FIRE ALARMS - RESPONSIBILITIES

POLICY:

It is the policy of the Omaha Police Department (OPD) to control crowds and traffic at the scene of fires. An officer of the rank of sergeant or above will be incident commander and respond to all second or higher priority alarms and take command of the establishment of the outer perimeter, fire lines, vehicular traffic control, and security. The OPD will provide security to guard against theft, trespassing, etc., until the Omaha Fire Department (OFD) assumes command of the scene or the owner of the premises can provide adequate security.

DEFINITIONS:

Fire Lines: An interior perimeter maintained with discretion so as not to interfere unreasonably with the rights of persons living or working therein. Unauthorized individuals are not permitted within the fire lines without consent of the OPD, OFD command, or Metropolitan Utility District (MUD) employees.

PROCEDURE:

I. Arson Investigations

- A. Arson investigations are handled by the Omaha Fire Department (OFD).
- B. The OPD shall investigate cases in which a fire results in the death of an individual.

II. Police Officers at Fire Scenes

- A. When officers arrive at the scene of a fire before firefighters, officers should not attempt to enter a fire involved building unless doing so is necessary to save human lives and the risk to the officers' lives is not unreasonable. Officers will:
 - 1. Question individuals who are present at the scene to determine the exact location of the fire and/or the location of any trapped individuals.
 - 2. Verify address(es) and confirm the OFD is responding to the scene.
 - 3. In a rescue attempt prior to the arrival of OFD employees, officers should be aware of the dangerous phenomenon of back draft or smoke explosion. This explosion is a result of high temperatures and the mixture of oxygen and smoke.
- B. Officers shall use extreme caution when the following conditions exist:
 - 1. Smoke is puffing from under the eaves or from around the doors and windows of the building.
 - 2. The building is full of smoke and charged with heat (i.e., windows stained on the inside, doors and windows hot to the touch, etc.).
 - 3. There is a sudden in-rush of air when a door is opened.
- C. Since any of the above situations is potentially explosive, before entering a building, officers will always:
 - 1. Test the doorknob with the back of their bare hand. If it is hot, officers will protect their hand before turning the handle or force the door open by kicking it in.
 - 2. Stay to the side of the door after opening it for several seconds. An explosion will occur just after the door is opened and the opening will be in the path of the force of the explosion.
- D. If officers must enter a burning building in a rescue attempt prior to the arrival of OFD, officers will:
 - 1. Enter only as far as visibility permits. Officers may become disoriented in the smoke-filled environment and lose their sense of direction. Officers must therefore keep the exit in sight.
 - 2. Close all doors that were opened or entered in order to contain the fire and locate a secondary exit or escape plan.

NOTE: Opened doors expedite the spread of flames throughout the structure.

3. Use walls as a guide, count doors from the stairway, and check floor layouts on the floor below the fire.
 4. Never enter the fire floor alone. When possible, officers will leave another officer at the door to the fire area to act as a guide.
- E. Officers will not park their vehicles directly in front of the scene, in the middle of the street, or too close to fire hydrants so that the vehicles do not hamper fire apparatuses arriving at the scene.
- F. Officers are unprotected, and fire conditions change quickly and often. Officers shall not go above the lowest level of the fire, ventilate the area, break glass, or open doors. Officers shall not stay inside after the OFD arrives.
- G. Officers shall not carry victims from fire area. Victims should be dragged, staying low to the ground.

III. Access to the Fire Command Post – Multiple Alarm Fires

- A. At the scenes of multiple alarm fires, the police are generally stationed around the outer perimeter for the purpose of stopping traffic and keeping unauthorized persons away from the inner perimeter containing the fire command post and/or the scene of the fire.
- B. The MUD sends employees to all multiple alarm fires.
1. MUD employees will arrive in vehicles clearly marked with the MUD insignia. They carry MUD identification cards, and wear hard hats.

NOTE: MUD supervisors may not wear MUD uniforms.
 2. Officers will allow MUD employees through the police lines to access the fire command post. MUD employees are necessary at the scenes of these operations.

IV. Operation of Volunteer Fire and Rescue Vehicles

- A. The Douglas County Sheriff's Office issues "Red Light" identification cards to all members of volunteer fire departments and volunteer first aid, rescue, or emergency squads that provide emergency first aid.
- B. The "Red Light" identification cards authorize members to use a red light when responding to an emergency. At no time will emergency driving conditions allow for unsafe driving practices. Speed will be reasonable and proper with due regard for the safety of others.
- C. Officers will use their own discretion regarding these emergency vehicles. If the officer feels the volunteer emergency vehicle is being operated in an unsafe manner, appropriate action may be taken and the driver may be cited.

V. Assisting the Omaha Fire Department

- A. OFD inspectors and command officers regularly detect and investigate violations of the Fire Code.
1. These duties are normally carried out without the assistance of the OPD.
 2. If OPD officers are called to assist a Fire Inspector, officers will render whatever assistance is needed within the scope of their authority.
- B. If a Fire Inspector requests that OPD officers issue a criminal citation, officers will:

1. Verify and document the violation.
 2. Complete all necessary reports listing the Fire Inspector as the witness.
 3. Issue the citation.
- C. If the call involves an overcrowding violation per the Omaha Municipal Code, 911 Dispatch will dispatch an OPD supervisor (lieutenant) and officers in accordance with the OPD “Radio Communications – Dispatch, Talk Groups, and Call Prioritization” policy. The lieutenant will confer with the Fire Inspector, assess the situation, and call for additional officers or return officers to service as necessary.
- D. Decisions concerning enforcement action for Fire Code violations should be made by the Fire Inspector who is on the scene. It is the responsibility of the OPD to issue citations/ book violators for violations of other ordinances and statutes.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #36-95 and 62-15.

FIREARMS – RECOVERED STOLEN

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers who recover stolen firearms will seize the firearm(s), complete the proper reports, and book the firearm(s) into the Evidence and Property Unit (EPU). Officers shall make certain the firearm entry is removed from the NCIC/NCIS database(s).

PROCEDURE:

I. General Procedures

- A. Officers who recover a firearm found to be reported stolen in Omaha shall:
1. Seize the firearm and book it into the Evidence and Property Unit (EPU) with the original RB Number under which the firearm was reported stolen.
 2. Complete and submit a Supplementary Report (OPD Form 200) containing all information surrounding the recovery of the firearm (i.e., the party in possession, details of how the party received the firearm, etc.).
 3. Complete and submit OPD Form 43E (NCIC/NCIS Form) as described in this policy.
- B. Officers who recover a firearm found to be stolen from a jurisdiction outside of Omaha will:
1. Seize the firearm and book it into the EPU under a new RB Number.
 - a. The Firearms Squad will work with the EPU to coordinate shipping and receiving firearms.

2. Complete the appropriate report as follows:
 - a. If the incident in which the firearm was recovered did NOT involve an arrest (i.e., firearm was found, etc.), complete and submit an Information Report (OPD Form 42) detailing all information surrounding the recovery of the firearm (i.e., party who found/reported the firearm, details of how the party received the firearm, etc.).
 - (1) Direct the completed Information Report to the Firearms Squad for follow up.
 - b. If the incident in which the firearm was recovered did involve an arrest, officers will complete and submit an Incident Report (OPD Form 189) detailing all information surrounding the recovery of the firearm (i.e., party in possession, details of how the party received the firearm, etc.).
 - (1) Direct the completed Incident Report to the Firearms Squad for follow up.
 3. Complete and submit OPD Form 106 (NLETS - Teletype Communications) as described in this policy.
- C. If an outside jurisdiction notifies the OPD that a firearm reported stolen in Omaha has been recovered, the assigned investigative unit (i.e., Burglary Unit, Auto Theft Unit, etc.) and Firearms Squad will be notified.
1. The assigned investigative unit or Firearms Squad will work with the EPU to make arrangements to receive the firearm.
 2. A Supplementary Report (OPD Form 200) shall be completed and submitted using the original RB Number under which the firearm was reported stolen.
 - a. The Supplementary Report will include details regarding the recovery of the stolen firearm and the correspondence with the outside jurisdiction.

II. Removal from NCIC/NCIS Database

- A. When an officer recovers a stolen firearm that was entered into NCIC/NCIS by the OPD, the officer will complete OPD Form 43E (NCIC/NCIS Form) to remove that firearm entry from the database(s).
1. Five (5) elements are needed to remove a firearm entry from NCIC/NCIS. Without these elements, the Data Center cannot remove a firearm entry. The elements are:
 - a. Brand.
 - b. Model.
 - c. Serial Number.
 - d. NCIC/NCIS Number.
 - e. RB Number.
 2. The officer will use the RB Number under which the firearm was reported stolen, as well as the original NCIC or NCIS number when completing OPD Form 43E.
 3. A supervisor shall review and approve OPD Form 43E with a signature and forward the report through normal channels.

- B. When an officer recovers a stolen firearm that was entered into NCIC/NCIS by an outside agency, the officer shall complete OPD Form 106 (NLETS - Teletype Communications).
1. The Data Center will have a copy of the NCIC/NCIS "hit" from when the officer confirmed the stolen firearm via the OPD Information Channel.
 2. Information included with the NCIC/NCIS "hit" includes:
 - a. Originating agency (ORI).
 - b. Phone number.
 - c. Case number (OCA).
 - d. Description of the firearm.
 - e. Date of theft.
 3. When completing OPD Form 106, officers shall include the following:
 - a. NCIC/NCIS "hit" information listed above.
 - b. Officer's information.
 - c. Contact number.
 - d. RB Number from the current case.
 4. Based on the above information, the NCIC Operator will place a "locate" on the originating agency's "hit" per NCIC guidelines.
 5. The officer will submit OPD Form 106 to the reporting agency through the Data Center via the NCIC Operator.
- C. When a stolen firearm is located at the scene of a homicide, the Homicide Unit shall send the information to NCIC to remove the firearm entry from NCIC/NCIS.
1. The Forensic Investigations Section will collect any stolen firearm(s) located at the scene of a homicide.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #54-91, 7-12, and 63-15.

FIREARMS – SEIZURE, STORAGE, RELEASE, AND DISPOSAL

POLICY:

It is the policy of the Omaha Police Department (OPD) to properly store, release, and dispose of firearms seized as evidence, or as a result of registration denial, recovered as stolen property, held as personal property/safekeeping, recovered as found property, or voluntarily surrendered by a citizen as described in this policy. Omaha Municipal Codes §25-5 and 25-6 provide the Chief of Police with the authority to properly

dispose of all property placed in OPD custody. OPD employees with questions regarding the seizure, storage, release, or disposal of firearms will contact the OPD Firearms Squad.

PROCEDURE:

I. Booking Firearms into the Evidence and Property Unit (EPU)

A. Firearms will be booked into the EPU as follows:

Circumstance	How is firearm booked into the EPU?
Firearm(s) seized as the result of an arrest for felony or misdemeanor gun crimes, or those used to commit crimes.	Evidence.
Stolen firearm that was recovered but NOT held as evidence of a crime or needed in an open investigation.	Personal Property.
Firearm located during a DV investigation where suspect was arrested (Did not have to be used or threatened – NRS §29-440).	Evidence. Property Report/Tracker entry shall note "DV Weapon §29-440 ."
Found Firearm.	Found Property.
Registration Denial.	Personal Property. If it is determined that the firearm is stolen or involved in a crime it will be booked as Evidence.
Firearm is Voluntarily Surrendered.	Personal Property / Safekeeping.
Firearm(s) seized after the owner was placed into EPC. The owner was NOT subsequently committed (involuntarily or voluntarily) and is not receiving ongoing treatment.	Personal Property / Safekeeping.
Firearm(s) seized after the owner was placed into EPC. The owner WAS subsequently committed (involuntarily or voluntarily) and is receiving ongoing treatment.	Personal Property / Safekeeping.

II. Retention and Disposal of Firearms

- A. Firearms seized as evidence will be kept as long as the case remains active unless the City Prosecutor, County Attorney, United States Attorney, or the Court orders an earlier release or disposal.
 - B. OPD employees shall adhere to the following procedures when they release or dispose of firearms in OPD custody:
 - 1. Firearms used to commit crimes.
 - a. Firearms that have been used in the commission of a crime that have NOT been identified as stolen shall be destroyed per OPD policies and procedures ([NRS §29-820](#)).
 - b. If the firearm used to commit the crime was stolen, a reasonable effort will be made by either the assigned investigative unit or the Firearms Squad to identify the owner of the firearm and return the firearm to that owner if:
 - (1) The firearm is no longer needed for an open investigation or as evidence relating to a court process.
 - (2) The court has not ordered the firearm to be destroyed.
 - (3) The owner is not prohibited from possessing the firearm.
- AND –
- (4) The firearm has not been defaced or altered in any manner.

- c. If the owner is located, an OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) will be completed and forwarded to the EPU (see the OPD “Evidence and Property – Handling” policy for further details).
 - (1) The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.
2. Firearm(s) seized as the result of an arrest.
 - a. The Court may issue an order that the firearm be destroyed.
 - (1) If the owner of the firearm wishes to contest the order they must do so with the Court.
 - b. A reasonable effort will be made by either the assigned investigative unit or the Firearms Squad to identify the owner of the firearm and return the firearm to that owner if:
 - (1) The firearm is no longer needed for an open investigation or as evidence relating to a court process.
 - (2) The court has not ordered the firearm to be destroyed.
 - (3) The owner is not prohibited from possessing the firearm.
– AND –
 - (4) The firearm has not been defaced or altered in any manner.
 - c. An OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) will be completed and forwarded to the EPU (see the OPD “Evidence and Property – Handling” policy for further details).
 - d. The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.
3. Stolen firearm that was recovered but NOT held as evidence of a crime or needed in an open investigation.
 - a. The assigned investigative unit or Firearms Squad will make a reasonable effort to contact the rightful owner of the firearm.
 - b. If the rightful owner is identified an OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) will be completed and forwarded to the EPU (see the OPD “Evidence and Property – Handling” policy for further details).
 - c. The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.
4. Firearm located during a DV investigation where the suspect was arrested (the firearm did not have to be used or threatened – [NRS §29-440](#)).
 - a. The court must issue an order regarding the disposal of the weapon.
 - (1) If the owner of the firearm wishes to contest the order they must do so with the Court.

- b. If the court orders the release of the weapon, a reasonable effort will be made to identify the rightful owner of the firearm and return the firearm to that owner if:
 - (1) The firearm is no longer needed for an open investigation or as evidence relating to a court process.
 - (2) The court has not ordered the firearm to be destroyed.
 - (3) The owner is not prohibited from possessing the firearm.

– AND –

 - (4) The firearm has not been defaced or altered in any manner.
 - c. The OPD Domestic Violence Squad will complete OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) and forward it to the EPU (see the OPD “Evidence and Property – Handling” policy for further details).
 - d. The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.
5. Found Firearm.
- a. The Firearms Squad will attempt to identify the owner if it is determined that:
 - (1) The firearm is not needed for an open investigation.
 - (2) The firearm was not used in the commission of a crime.

– AND –

 - (3) The firearm has not been defaced or damaged in any manner.
 - b. If the owner is identified and is not prohibited from possessing a firearm, an OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) will be completed and forwarded to the EPU to release the firearm (see the OPD “Evidence and Property – Handling” policy for further details).
 - (1) The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.
 - c. If an owner cannot be identified, the firearm may be released to the person who found the firearm if that person is not prohibited from possessing a firearm.
 - d. If an owner cannot be established and the finder does not want the firearm, then the firearm will be destroyed.
6. Registration Denial.
- a. If an individual attempts to register a firearm with the OPD and is denied the Front Desk Squad will:
 - (1) Provide the owner with OPD Form 91 which states that they have 10 days to register or transfer the firearm, or appeal the denial.

- (2) Seize the firearm if the owner has it with them at the time of registration. If the owner does not have the firearm with them no further action will be necessary.
 - b. If the firearm was seized at the time of registration and the individual successfully registered or transferred the firearm or appealed the denial within 10 days, the firearm will be released to the owner per EPU policies and procedures (see the "Evidence and Property – Handling" policy).
7. Firearm is Voluntarily Surrendered.
 - a. The officer who accepts the surrendered firearm will notify the owner that they may pick up the firearm during normal EPU hours.
 - b. If it is determined that the firearm is to be released, the officer who booked the firearm into the EPU or the Firearms Squad will complete OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) and forward the completed form to the EPU (see the "Evidence and Property – Handling" policy for further details).
 - c. The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.
8. Firearm(s) seized after the owner was placed into EPC. The owner was NOT subsequently committed (involuntarily or voluntarily) and is not receiving ongoing treatment.
 - a. The firearm shall be released to the owner if:
 - (1) They are not prohibited from possessing the firearm.
 - (2) The firearm was not used in the commission of a crime.
 - (3) The firearm is not found to be stolen.

– AND –

 - (4) The firearm has not been defaced or altered in any manner.
 - b. The assigned investigative unit or the Firearms Squad will complete OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) and forward it to the EPU (see the "Evidence and Property – Handling" policy for further details).
 - c. The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.
9. Firearm(s) seized after the owner was placed into EPC. The owner WAS subsequently committed (involuntarily or voluntarily) and is receiving ongoing treatment.
 - a. If the owner is in the process of receiving ongoing treatment, the assigned investigative unit or the Firearms Squad will attempt to obtain signed written notification from the treating physician on the physician's letterhead, indicating that the owner is no longer a danger to themselves or others and may safely possess the firearm(s). This attempt will be made prior to the release of the firearm.
 - b. If a physician refuses to provide written notification it does not mean that the OPD may refuse to release the firearm to the owner. The OPD shall not refuse

to release a firearm solely because of speculation about the owner's mental health.

- c. When the firearm is ready to be released, the assigned investigative unit or Firearms Squad will:
 - (1) Contact the City of Omaha Law Department to notify them of the release of the firearm and the circumstances relating to the case.
 - (2) Complete OPD Form 200D (Notification of Disposition of Property Being Held by Evidence/Property Unit) including details regarding the circumstances of the case, any follow-up completed, and notification of the City of Omaha Law Department advising of the release of the firearm.
 - (3) Forward the completed OPD Form 200D, along with a copy of the physician's letter (if obtained), to the EPU (see the OPD "Evidence and Property – Handling" policy for further details).
 - (4) The EPU will notify the owner via OPD Form 162 that they have 30 days to claim the firearm before it is destroyed.

III. Release of Firearm to Lawful Owner – Front Desk Squad Procedures

- A. If, after being notified by the EPU, the owner of a firearm comes to the OPD Front Desk to pick-up a firearm held by the OPD, the Front Desk Squad will:
 - 1. Conduct all appropriate Criminal History Checks on the firearm and owner to make certain that the owner is not prohibited from possession of firearms.
 - 2. Determine if the firearm is registered with the City of Omaha.
 - a. If the firearm is not registered with the City of Omaha the Front Desk Squad will determine if the firearm is required to be registered per the Municipal Code.
 - (1) If the firearm is required to be registered, the Squad will require the owner to register the firearm and pay the required registration fee prior to releasing the firearm.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes §29-440 and §29-820 are relevant to this policy.
- B. Omaha Municipal Codes §25-5, 25-6, and 20-193 are relevant to this policy.

II. Previous OPD Orders

- A. Previous General Orders include #46-99, 42-00, 36-12, and 68-15.

FIREWORKS – DISPOSAL – RESCINDED/REMOVED

This policy is rescinded per General Order #60-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #90-88 and 60-14.

FOOD STAMP VIOLATIONS – RESCINDED/REMOVED

This policy is rescinded per GO #27-15.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #112-89 and 27-15.

FORCE – CANINE USE OF FORCE INVESTIGATIONS – RESCINDED/REMOVED

This policy is rescinded per General Order #34-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #31-11 and 34-14.

FORCE DETENTION PERSONNEL – USE OF FORCE – RESCINDED/REMOVED

This policy has been rescinded per General Order #6-09.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #43-02.

FORCE – IMPACT WEAPONS – RESCINDED/REMOVED

This policy is rescinded per General Order #10-13.

REFERENCES:

I. Previous OPD General Orders

- A. Previous OPD General Orders include #22-98 and #28-04.

II. Previous References

- A. Previous references used in this policy include PPCT Management Systems, Inc. Defensive Tactics Instructor Manual, printed 7-96.

FORCE – INVESTIGATIVE PROCESS FOR USE OF FORCE INCIDENTS INVOLVING SERIOUS INJURY OR DEATH

POLICY:

It is the policy of the Omaha Police Department (OPD) that any death or serious injury of a subject in OPD custody shall be investigated by the OPD Officer Involved Investigations Team (OIIT). The OIIT shall have sole responsibility for the criminal investigation and case management of all incidents resulting in serious injury or death that involve use of force by an OPD officer regardless of whether the officer is on or off duty. The OIIT may also investigate any incident at the direction of the Chief of Police or designee.

DEFINITIONS:

Involved Officer(s): Any officer who uses force and/or discharges a weapon and their actions result in the serious bodily injury or death of a subject.

Officer Involved Investigations Team (OIIT): A team of sergeants and detectives trained in officer involved use of force investigations commanded by a lieutenant. The OIIT reports directly to the Criminal Investigations Section Captain and is an As-Needed Component (ANC).

Witness Officer: Any officer who was present or who arrived in time to observe an officer-involved incident in which a subject experienced serious bodily injury or death, but did not discharge their firearm or use any other type of force that resulted in injury or death to a subject.

PROCEDURES:

I. Responsibilities Immediately After an Incident Involving the Use of Force that Resulted in Death or Serious Bodily Injury of Any Subject

A. Involved Officers will:

1. Control threats to safety. This may include handcuffing the suspect(s).
2. If not already requested, request emergency medical assistance.
3. Administer first aid to self and others.
4. If not already requested, request a supervisor and additional units.
5. When possible, protect the scene.

B. Witness Officers will:

1. Control threats to safety. If necessary, search for outstanding suspects.
2. If not already requested, request emergency medical assistance.
3. Administer first aid to anyone in need.
4. Request a supervisor and any additional units needed to secure the scene.
5. Protect the scene.
6. Identify witnesses and request their cooperation.

7. Coordinate the arrival of responding officers and direct a perimeter for scene preservation.
- C. Responding Officers will:
1. Control threats to safety.
 2. Relieve Witness Officers in any search for outstanding suspects.
 3. When possible, relieve Involved and Witness Officers from administering first aid.
 4. Identify any additional witnesses and request their cooperation.
 5. Establish and maintain a perimeter until relieved.
 - a. Incident Command should be established as soon as possible.
 - b. OPD Form 148 (OPD Protocols for Use of Force Incidents Involving Serious Injury or Death) will be used as a guideline to make certain critical tasks are completed.
 6. Coordinate the arrival of the rescue squad(s).
 - a. UPB command shall make certain a UPB officer rides with the subject to the hospital.
- D. All on-scene officers will:
1. If tactically safe, leave all evidence where it is located until the arrival of the OIIT and supervisor(s).
 - a. If evidence must be picked up for safety reasons prior to the arrival of the OIIT, officers will attempt to mark the location from which it was removed.
 2. If the scene involves any vehicles, the vehicles will be handled as part of the investigation and will be secured as evidence.
- E. Responding Uniform Patrol Bureau (UPB) supervisors shall:
1. Establish or assume Incident Command.
 - a. Make sure the crime scene inner and outer perimeters are secure. Secure the inner perimeter with crime scene tape or other appropriate equipment/materials.
 - b. If appropriate, employ the use of privacy screens around any bodies to help diffuse potential crowds or onlookers.
 - c. Continue the use of or start an OPD Form 148 to make sure critical tasks are completed.
 2. Ask the Involved Officer(s) questions relevant to public safety and scene security (suspects still at large, weapons used in the incident still unrecovered, etc.).
 - a. These questions will be answered on pain of insubordination, however questions beyond those issues must wait until the Involved Officer(s) has an opportunity to consult with legal representation, if representation has been requested. Questions that go beyond issues of public safety must wait until the Involved Officer(s) has been advised of Fifth and Sixth Amendment rights.

- b. If the Involved Officer(s) makes a statement about the incident, the supervisor should document any information received at that time (without further questioning).
 - c. If the Involved Officer(s) declines to make a statement, the supervisor will not question them further.
 3. Assign an officer to maintain a Crime Scene Log (OPD Form 200F) to document all police and emergency response personnel involved at the scene by name, rank, and serial number.
 4. Notify the following:
 - a. Precinct and unit chain of command.
 - b. CIB personnel who will contact the appropriate OIIT supervisor.
 - c. Forensic Investigations.
 - d. Department CISM Liaison Officer.
 5. Assign officers to initiate a neighborhood canvass to locate witnesses to the incident.
 - a. Officers assigned to canvass the area shall obtain pertinent information from all parties contacted during the canvass to include, but not limited to, their full name, address, date of birth, work and home phone numbers, in addition to a brief statement concerning the incident.
 - b. After conducting the preliminary canvass, assigned UPB officers shall document all information in a Supplementary Report and submit the report(s) to the OIIT on-scene supervisor.
 - c. If a residence is checked but no one is present, the address, time of the check, that no one was present and any other pertinent information shall be documented in a Supplementary Report and submitted to the OIIT on-scene supervisor.
 6. Remove any Involved Officer(s) from the crime scene as soon as practical.
 - a. Coordinate and assign UPB supervisors to transport all Involved Officers.
 - (1) Upon order of the Chief of Police or designee, alcohol and drug testing shall be conducted in accordance with Section IV of this policy.
 - (2) With the exception of stopping at the drug screening and alcohol testing facility when ordered, the Involved Officer(s) shall be transported directly to the OPD Central Police Headquarters (CPHQ) by a UPB supervisor. No extraneous stops shall be made.
 - (3) The Involved Officer(s) shall be separated from other involved individuals.
 - (4) The UPB supervisor shall turn the Involved Officer over to an OIIT member on the 4th floor of CPHQ.
 7. Be prepared to coordinate and assign transportation officers or supervisors for any Witness Officers requested by the OIIT.

- a. Witness Officers shall be transported directly to the CPHQ. No extraneous stops shall be made.
8. Be prepared to coordinate and assign transportation for any witnesses requested by the OIIT.
 - a. Cooperating witnesses shall be voluntarily transported to CPHQ as soon as possible for formal interviews to be conducted by personnel designated by the OIIT Interview Sergeant.
 - (1) Officers who transport cooperating witnesses shall instruct witnesses not to discuss the incident among themselves or with anyone except detectives assigned to investigate the case.
 - b. Witnesses who identify themselves as having observed the incident but who refuse to cooperate with officers at the scene shall not be detained.
 - (1) If a witness insists on leaving, officers will attempt to obtain the witness's name, date of birth, address, and work and home telephone numbers and will attempt to verify the witness's identity.
 - c. Transporting officers will keep witnesses separate as much as possible.
9. Complete and submit a Chief's Report (OPD Form 214) through the Involved Officer(s)'s normal chain of command to document the Involved Officer(s)'s actions, along with any necessary Incident, Injury, and Supplementary Reports from the scene.

NOTE: The Involved Officer(s) do not complete reports.

II. Officer Involved Investigation Team (OIIT) Responsibilities

- A. The assigned OIIT Lieutenant shall assume operational responsibility of the OIIT members and take command of the investigation. The OIIT Lieutenant shall:
 1. Make certain weapons possessed by Involved Officers are collected and turned over to the OPD Forensic Investigations Section for examination when the Involved Officer(s) arrives at CPHQ.
 - a. The process of the firearm being inventoried and round counts will be recorded on audio/video in front of the Involved Officer, if possible.
 2. Make certain weapons possessed by Witness Officers are inventoried and round counts are recorded on audio/video in front of the Witness Officer(s), if possible.
 3. Make certain the OPD Training Unit is contacted so that Involved Officers will be provided replacement/loaner weapons.
 - a. Witness Officers may also be supplied with replacement/loaner weapons if their weapons are retained as evidence by the OIIT.
 4. Coordinate and provide directions to the OIIT sergeants and detectives.
- B. The OIIT shall, at a minimum, have four (4) Sergeants with the following responsibilities:
 1. The OIIT On-Scene Sergeant shall:
 - a. Take charge of the incident scene investigation.

- (1) The UPB Incident Commander shall manage the operation of the inner and outer perimeter at the direction of the OIIT On-Scene Sergeant.
 - b. Make certain Forensic Investigations employees document and process the entire scene and collect all evidence.
 - c. Make certain available videos from any cruisers on-scene when the incident occurred and those cruisers that responded to the scene are collected, turned over to the Evidence and Property Unit, and held as evidence.
 - d. Determine which vehicles are considered on-scene and part of the investigation. Vehicles shall be processed by Forensic Investigations and on-scene OIIT detectives. The vehicles may be towed if necessary.
 - e. Make certain OIIT on-scene detectives canvas the area of the scene in an attempt to locate any additional video evidence and to develop additional witnesses. OIIT on-scene detectives shall document the scene and investigate available physical evidence.
 - f. An additional OIIT On-Scene supervisor may be used for secondary scenes and shall have the same authority as the OIIT On-Scene Sergeant.
2. The OIIT Hospital Sergeant shall:
- a. Make certain a UPB officer at the hospital completes an original Incident Report.
 - b. Make certain a UPB officer stays with the subject at all times.
 - (1) This UPB officer shall document all unsolicited statements from the injured subject (if any) in a Supplementary Report.
 - (2) This officer shall remain at the hospital until released by the OIIT Hospital Sergeant.
 - c. Make certain OIIT detectives request Forensic Investigations assistance gathering evidence from the hospital and from the UPB officer's custody.
 - (1) These items of evidence will be documented to establish a proper chain of custody and will then be turned over to the Evidence and Property Unit employee(s).
 - d. Make certain officers turn over all preliminary reports to the OIIT Hospital Sergeant.
 - e. Make certain immediate family members of deceased person(s) are allowed a private viewing of the body at the hospital, when feasible.
 - (1) Only a parent, spouse, sibling, or child of the deceased qualifies as an immediate family member.
 - (2) The OIIT Hospital Sergeant and/or OIIT detective will accompany family member(s) during the viewing.
 - f. Upon a subject being pronounced clinically dead, contact the Douglas County Coroner to arrange for transportation of the body.
 - g. Request any needed additional security needed at the hospital.

- (1) A UPB supervisor may be assigned to supervise additional security and shall report to the OIIT Hospital Sergeant.
- h. Request an additional OIIT Hospital supervisor for any additional hospitals where any involved subject may have been taken.
 - (1) Any additional OIIT Hospital supervisor(s) shall have the same responsibilities as the primary OIIT Hospital Sergeant for their assigned hospital.
3. The OIIT Interview Sergeant shall:
 - a. Assign OIIT detectives to conduct interviews of Involved Officers, Witness Officers and witnesses.
 - b. Make certain all interviews will be audio and video recorded.
 - c. Coordinate and review interviews.
 - d. Direct re-interviews as necessary.
4. The OIIT Central Police Headquarters (CPHQ) Sergeant shall:
 - a. Make certain that during the initial stages of an incident investigation, access to the CPHQ fourth floor is restricted to only those detectives involved in the investigation or OPD employees who are normally assigned to work on the floor and are on duty.
 - b. Assign an officer to act as the floor monitor. This officer shall document the names of persons who enter the floor and shall refuse entry to the floor to any employees who are not assigned to the floor and on duty and any employees who are not involved in the investigation.
 - c. Collect initial reports from officers and deliver them to the OIIT Lieutenant.
 - d. Monitor rooms that contain Involved Officers, Witness Officers, and witnesses for policy compliance.
 - e. Coordinate with the OPOA representatives, the attorneys for any Involved Officers and Witness Officers, and the Peer Support staff.
 - f. Coordinate and secure additional interview space at CPHQ when needed.
- C. The OIIT Lieutenant, after consulting with the OIIT On-Scene Sergeant, will determine which officers identified in the Crime Scene Log will be required to submit detailed Supplementary Reports (excluding Involved Officers and Witness Officers).
- D. The OIIT Lieutenant shall determine whether Witness Officers need to complete a formal - recorded interview, a detailed written Supplementary Report, or provide a verbal statement to further document the incident.

III. Interview of Involved Officers and Witness Officers

- A. No one other than the Involved Officer's attorney, Peer Support person, or OPOA representative are allowed to have contact with the Involved Officer without permission of the OIIT Lieutenant.

1. Immediate family member(s) will only be allowed contact with the Involved Officer with approval of the OIIT Lieutenant.
- B. The Involved and/or Witness Officer will be requested to submit to a formal interview conducted by OIIT detectives.
NOTE: The Involved Officer(s) retains rights guaranteed by the Fifth Amendment which requires reading of Miranda warnings against self-incrimination as well as the Sixth Amendment which pertains to one's right to counsel.
- C. The Involved Officer(s) is encouraged to allow an interview to take place as soon as possible to allow an expeditious flow of the investigation.
 1. An Involved Officer who declines to be interviewed after the incident will be asked to participate in an interview within 24-48 hours of the incident.
- D. Any Witness Officer(s) shall be kept separate from other involved individuals. The Witness Officer(s) shall not discuss the incident with anyone except the OIIT personnel.
 1. An OPOA representative and a Peer Support officer may check on all Witness Officers for any personal needs.

IV. Alcohol and Drug Testing Policy

- A. Pursuant to the administrative investigation, and in accordance with the Omaha Police Officer's Association (OPOA) collective bargaining agreement, officers involved in a shooting incident may be required to submit to alcohol and drug testing to determine the presence of alcohol or drugs.
NOTE: Only the Chief of Police or designee is authorized to order any alcohol or drug test.
- B. The on-scene UPB command officer is responsible for the administration of any alcohol or drug testing ordered.
 1. If the Involved Officer(s) is not incapacitated, a UPB supervisor shall transport the Involved Officer(s) without delay and prior to OIIT questioning to the contracted City testing facility, currently the emergency room of Bergan Mercy Hospital. Upon arrival, the UPB supervisor shall request a breath/alcohol test be administered and urine/drug sample be obtained.
 - a. The officer's second urine void will be collected.
 - b. If breath-testing equipment is not operational, hospital staff will obtain a blood sample. Four vials of blood shall be collected. The procedures for collecting blood specimens in the "Driving Under The Influence (DUI)" policy shall be followed.
 2. If the Involved Officer(s) is unconscious or conscious and incapacitated, a UPB supervisor shall accompany the Involved Officer to the closest emergency room or trauma center for treatment and, when practical, request a blood sample for alcohol and drug testing.
 - a. Four vials of blood shall be collected. The procedures for collecting blood specimens in the "Driving Under The Influence (DUI)" policy shall be followed.
- C. Upon completion of the alcohol test and sample collection, the UPB supervisor shall:
 1. Transport the Involved Officer directly to the fourth floor of CPHQ and notify an OIIT member upon arrival.

- a. No stops shall be made during this transportation.
 2. Complete an OPD Information Report to document the following information:
 - a. Involved Officer's name.
 - b. Time of the incident.
 - c. Location of where tests were administered or samples collected.
 - d. Full name(s) and contact information of hospital personnel who completed the test and collected any samples.
 3. Obtain a separate RB number for the Information Report.
 - a. If blood is drawn or urine is collected, the UPB supervisor shall book the sample(s) into the OPD Evidence and Property Unit under the separate RB number.
 4. Hand-deliver the original Information Report to the Internal Affairs Unit (IAU).
 - a. If the Information Report is completed electronically, the UPB supervisor shall notify the IAU commander by email that the report has been completed. The UPB supervisor shall then print a copy of the completed report and hand deliver it to the IAU commander.
- D. If the Involved Officer(s) refuses to submit to alcohol and drug tests, the UPB supervisor shall document the refusal on an Internal Information Report and shall hand-deliver the Internal Information Report to the IAU commander.

V. News Media Releases

- A. Only the Chief of Police or designee shall authorize information to be released to the media. This includes, but is not limited to:
 1. On-scene media interviews.
 2. Press releases.
 3. The names of anyone involved in the incident
 4. Any other account of the incident.
- B. All subsequent news media releases relative to the incident will be reviewed and approved by the Office of the Chief of Police or designee prior to release.

VI. Administrative Matters

- A. Assignment of Involved Officers during OIIT Investigations.
 1. An Internal Affairs Unit representative shall meet with the Involved Officer to discuss duty status and any additional instructions before the Involved Officer(s) is released.
 2. Upon completion of the initial OIIT interview, the Involved Officers will be placed on administrative leave per the "Leave Procedure – Administrative Leave" policy.
- B. Mandatory Referral to OPD Staff Psychologist.

1. All Involved Officers shall meet with the Department Psychologist with 48 hours. Refer to the OPD “Medical Services – Psychological Services” policy for procedures.
- C. Critical Incident Stress Debriefing and Peer Support.
1. All officers present will submit to a Critical Incident Stress debriefing. Refer to the OPD “Medical Services – Psychological Services” policy for procedures.
 2. Trained Peer Support personnel will be made available to any involved employee who request support.
- D. Involved Officer returning to full duty status.
1. The investigation will be treated as an open, ongoing matter until all evidence, reports, and other relevant materials are transferred to the Douglas County Attorney.
 2. If the Douglas County Attorney determines the incident occurred in accordance with Nebraska Revised Statutes, the Involved Officer may be returned to full duty at the discretion of the Chief of Police or designee.
- E. The Internal Affairs Unit shall conduct an administrative review of the incident. The review shall determine whether:
1. OPD Policies and Procedures were followed.
 2. Relevant OPD Policies and Procedures as well as applicable OPD training are clearly understandable and adequate.
 - a. Additional training and/or policy revisions may be enacted subsequent to the administrative review.
- F. Upon completion of both the administrative and criminal investigation and at the discretion of the Chief of Police, the Training Unit will review all Use of Force issues to determine if additional Departmental training is needed.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #7-13 and 64-15.

II. Accreditation Standards

- A. CALEA accreditation Standards 1.3.6, 1.3.7, and 1.3.8 are relevant to this policy.

FORCE – LESS LETHAL WEAPONS AND PROJECTILES – RESCINDED/REMOVED

This policy is rescinded per General Order #10-13.

I. Previous OPD General Orders

- A. Previous OPD General Orders include #32-01, #15-04 and #15-04 Supplement #1.

FORCE – RESISTANCE AND CONTROL CONTINUUM – RESCINDED/REMOVED

This policy is rescinded per General Order #10-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #37-96, 13-04, 31-05, 34-06 (review), 28-07, 34-08, 25-09, and 10-13.

FORCE – SPECIAL CONSIDERATIONS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers will be cognizant of the possibility of injury or death to a subject after a Use of Force interaction and shall take reasonable and necessary steps to make certain of the care and safety of subjects under their direct control.

DEFINITIONS:

Excited Delirium Syndrome: A state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, and exceptional strength and endurance without apparent fatigue.

Sudden Arrest Related Death: Any subject's death within 24 hours of law enforcement interaction where force or restraint was employed on the subject in attempts to capture, control, and/or restrain the subject.

PROCEDURE:

I. Subject Transportation

- A. Officers transport subjects for a variety of reasons and in a variety of situations. All subject transportations will conform to OPD policies and procedures.
- B. Handcuffing will be done in accordance with specific procedures for the transportation of arrestees and mentally ill subjects.
- C. Officers may restrain the legs (hobble) of combative subjects with appropriate leg restraints.
 - 1. Officers shall receive defensive tactics training in proper leg restraint procedures before hobbling prisoners.
 - 2. Hobbles may be flexible handcuffs, commercial leg restraint devices, or lengths of approximately a half-inch diameter cotton or nylon rope with a fixed loop on one end.
 - 3. Hobbles or flexible handcuffs shall not be used to secure a subject's legs to fixed objects inside a vehicle, as this could result in serious injury in the event of an accident. Leg restraining devices shall not be affixed to the subject's handcuffs, nor shall subjects be transported face down with their hands behind their back and their legs tied to handcuffs (commonly called "hog tying").

4. When an officer uses leg restraints, the trailing end of the restraint will be anchored (pinched) out the passenger door of the vehicle so as to not catch on anything while the vehicle is in motion.
5. Detained subjects shall not be left unattended or unobserved. Officers are responsible for the care of subjects in their custody.

II. Sudden Arrest Related Death

- A. The following factors heighten the possibility of Sudden Arrest Related Death:
 1. Blows to the abdomen.
 2. Significant struggle involving multiple officers (violent resistance).
 3. Restriction on the breathing of a subject due to the physical position of the subject's body.
 4. Excited Delirium Syndrome.
 5. Use of pepper mace or other chemical agent.
 6. Apparent respiratory distress.
 7. Drugs or alcohol or both.
- B. Upon request, the Omaha Fire Department will transport subjects considered at-risk for Sudden Arrest Related Death.
 1. An OPD officers shall accompany the subject in the squad to make certain of the safety of paramedics and the subject and to prevent an escape attempt. Officers will consult with paramedics to make certain squad personnel are comfortable with the security of the situation.
 2. Officers who made the initial arrest shall NOT assist in the transportation, if possible. This allows officers time to recover and complete reports.
 3. After treatment at the hospital, most subjects calm down sufficiently to be transported from the hospital by OPD officers in a cruiser. However, if circumstances exist, officers may request the individual be transported by OFD squad to the Douglas County Department of Corrections (DCDC) for booking.

III. When a Subject Loses Consciousness

- A. Immediate medical attention shall be provided to any subject who loses consciousness following the use of any degree of force (i.e., use of the Carotid Restraint Control Hold (CRCH)/LVNR techniques, etc.).
- B. In cases where the application of force causes unconsciousness, the subject shall be transported to a hospital emergency room and offered medical treatment.
 1. This provides additional, independent evidence that the subject was cared for properly and helps officers assess the individual's well-being with the advice of competent medical personnel.
 2. The Medical Director for the Omaha Fire Department has advised that paramedics cannot offer such an opinion based upon examinations in the field.

3. Officers shall inform medical personnel who receive custody of the subject whether the subject was subjected to the CRCH and/or LVNR and if the subject lost consciousness as the result of the use of the technique(s). (See the “Force – Special Techniques and Less-Lethal Weapons policy).

NOTE: Subjects may refuse treatment by medical personnel. Officers shall document the refusal in their reports.

- C. Transportation may be by police vehicle or rescue squad.

IV. Douglas County Department of Corrections (DCDC) Facility

- A. Arresting officers shall notify DCDC staff of any prisoner coming into detention who:
 1. Has been rendered unconscious during arrest.
 2. Received medical treatment prior to being transported to detention.
 3. Had the LVNR or CRCH applied (whether or not they lost consciousness).
 - a. If the CRCH or LVNR technique was utilized and the subject lost consciousness, the subject shall receive full medical clearance from qualified medical personnel prior to being booked into DCDC.
 4. Is subject to factors that heighten the possibility of Sudden Arrest Related Death.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #12-13, 14-14, 54-15, and 17-16.

II. CALEA Accreditation Standards

- A. Relevant CALEA Accreditation standards include the following: 1.3.5 and 70.2.1.

FORCE – SPECIAL TECHNIQUES AND LESS-LETHAL WEAPONS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers may use less-lethal force weapons systems and techniques that require specialized training and equipment to de-escalate potentially violent interactions with Actively Resistive, Assaultive/High-Risk, and Life-Threatening/Serious Bodily Injury Subjects. OPD Officers will use only that amount of force which is objectively reasonable to take a subject into custody or otherwise bring an incident under control while protecting the safety of the officer and others.

PROCEDURES:

I. Less-Lethal Force

- A. Officers shall not use a deadly or less-lethal weapon/technique unless qualified in its proficient use, as determined by OPD training procedures.
 1. It is understood that during intense, uncertain, and/or rapidly evolving confrontations, officers may have to use improvised techniques and weapons that may or may not be part of OPD’s formal training program.
 - a. The use of such improvised techniques and weapons shall be based on the objectively reasonable standard.

- b. Even in these circumstances, the use of force shall comply with this policy.
- B. The playful drawing of any weapon, or unnecessary exhibition of the same, is forbidden.
- C. Warning shots will not be used by officers in effecting any type of arrest.
- D. Use of a less-lethal force officer response is not intended to take the place of the officers' firearms, but rather offer, when appropriate and available, an alternative prior to using deadly force.

II. Carotid Restraint Control Hold (CRCH)/Lateral Vascular Neck Restraint (LVNR)

- A. The Carotid Restraint Control Hold (CRCH) and Lateral Vascular Neck Restraint (LVNR) are approved tactics that may be used to quickly and safely stop physical resistance.

NOTE: The OPD will no longer re-certify officers in the use of the LVNR technique. As of March 2017, the CRCH will be the only authorized neck restraint of the OPD.

- B. The CRCH or LVNR may be used on Actively Resistive or higher subjects or to prevent imminent destruction of evidence.

1. CRCH and LVNR Use as Control Techniques:

- a. The CRCH and LVNR may be applied to Actively Resistive or higher subjects.
- b. The CRCH and LVNR will not be used against a subject who has been exposed to chemical agents.

EXCEPTION: Officers are authorized to use the CRCH/LVNR on subjects who have been exposed to chemical agents only in extreme circumstances where other force options have failed and/or are not feasible due to intense, uncertain, and rapidly evolving circumstances often present in Assaultive/High-Risk and Life-Threatening/Serious Bodily Injury situations.

2. CRCH and LVNR Use to Prevent the Imminent Destruction of Evidence:

- a. Officers have a right to apply reasonable force to a suspect in order to prevent the imminent destruction of evidence of the commission of a crime.
- b. Officers shall have probable cause to believe that a criminal offense is being committed in their presence.

(1) Officers may encounter individuals attempting to hide or destroy evidence, usually narcotics, by hiding it in their mouths or swallowing it.

- (a) Officer's observations and personal experience in the nature of narcotics enforcement will weigh heavily in determining if an officer has probable cause to believe such a crime is being committed.

NOTE: Probable cause rises above the level of mere suspicion and an officer shall be able to articulate specific reasons for belief that a crime is being committed.

- c. Officers shall extract evidence using a reasonable method and a reasonable manner (State v. Harris, 244 Neb. 289).
 - (1) If, during the course of the arrest, a suspect places narcotics in their mouth and attempts to swallow or conceal them therein, officers may use reasonable force to remove the evidence.
 - (2) If an officer making an arrest has probable cause to believe the suspect is swallowing evidence, the officer may attempt to utilize the CRCH or LVNR to prevent destruction of such evidence.
 - (a) In actual use, CRCH and LVNR techniques will not differ from their use as control techniques.
 - (b) Loud, verbal commands will be given specifying what actions the suspect is to take.
 - (c) Officers shall relieve pressure if compliance is obtained.

NOTE: Officers shall obtain immediate medical care IN ALL CASES where drugs are suspected to have been swallowed by suspects.
 - (3) It is recommended that officers do not reach directly into a suspect's mouth to obtain evidence due to the risk of injury to the officer from the suspect biting and the risk of transmission of infection through bodily fluids.
 - (4) Other techniques, such as blocking a suspect's nasal passages to force open his or her mouth or pressure point techniques, particularly the mandibular angle or hypoglossal, have proven effective in retrieving evidence.
 - (a) Loud verbal commands will still be used when employing these techniques, either alone or in conjunction with the CRCH or LVNR techniques.
- d. Officers shall articulate the exigent circumstances, such as the imminent destruction of evidence, that prevent the officers from obtaining a warrant.

C. Following the application of the CRCH/LVNR officers will:

- 1. Provide medical care as follows:
 - a. If the subject had the CRCH/LVNR applied but did NOT lose consciousness, officers will make certain that the subject is checked by a paramedic.
 - b. If the subject DID lose consciousness following the application of the CRCH/LVNR officers will provide immediate medical attention per the "Force – Special Considerations" policy.

NOTE: Subjects who lost consciousness as the result of the application of the CRCH/LVNR shall receive full medical clearance from qualified medical personnel prior to being booked into DCDC.
- 2. Visually monitor the subject for signs of medical distress until the subject is no longer in the officer's custody.

3. Notify any person who receives custody of the subject (i.e., DCDC, medical personnel, etc.) that they were subjected to the CRCH/LVNR and whether the subject lost consciousness as a result.
- D. Officers shall receive documented biennial training in proper application of the CRCH and LVNR to be authorized to use these techniques in performance of their duties.
1. Biennial CRCH and LVNR training is mandatory for lieutenants, sergeants, and officers.
 2. Sworn employees with a rank of Captain or above and part-time sworn employees may choose to opt out of CRCH and/or LVNR training.
 - a. Sworn employees who opt out of biennial CRCH and/or LVNR training shall not be authorized to use these techniques.

III. Chemical Agent

- A. Officers will carry OPD authorized chemical agent upon receiving training in the proper use of the equipment and appropriate techniques.
1. Officers shall receive documented biennial training in the proper use of chemical agent to be authorized to carry chemical agent in performance of their duties.
- B. Officers may use chemical agent when interacting with Actively Resistant or higher subjects.
- C. Officers shall only carry an OPD authorized chemical agent.
1. The OPD approved chemical agent shall be determined by the Training Unit with approval of the Chief of Police. Chemical agent specifications shall be maintained on file with the Training Unit.
 2. The Training Unit shall be responsible for testing and evaluating chemical agent for duty and practice use.
- D. Officers will apply chemical agent as follows:
1. Chemical agent may be used when other officer response techniques are ineffective or inappropriate.
 - a. Officers are not required to use other officer response techniques if, based on training or experience, other officer response techniques would be ineffective before escalating to the use of chemical agent.
 - b. Officers are not required to deploy chemical agent.
 - (1) The decision to utilize chemical agent should be based on existing conditions encountered by the officer, and that officer's direct response to the interaction as a result of training in Use of Force techniques. This would include whether or not the officer could reach the chemical agent, wind conditions, presence of innocent third parties, or prior knowledge that the subject is not susceptible to chemical agent.
 - c. Chemical agent is NOT permitted when interacting with Passively Resistant Subjects since it would be inconsistent with this order's intent.
 - (1) Officers are to remain cognizant that the use of chemical agent is intended to prevent injury to the officer and the subject by avoiding active resistance from the subject.

2. Chemical agent will be deployed in accordance with OPD training standards.
 - a. Deployment will include the use of loud verbal commands before, during and after, if tactically feasible.
3. Medical attention may be necessary after using chemical agent to subdue a subject.
 - a. Officers will attempt first aid measures as soon as possible. After first aid measures have been taken, the subject will be advised that professional medical attention is available if requested.
 - b. If such treatment is requested, the subject will be transported to the nearest medical facility as soon as circumstances allow.

IV. Electronic Control Device (ECD)

- A. Officers may carry an OPD issued ECD upon receiving OPD approved training in the proper use of the equipment and appropriate techniques for use.
 1. Officers shall only carry an OPD issued ECD. Officers shall not carry a personal and/or privately owned ECD either on duty or during off-duty employment.
 - a. An ECD may be checked out from OPD precincts with the approval of the Precinct Captain or their designee.
 - b. Officers will check out the ECD just prior to the beginning of the off-duty employment and will return the ECD immediately after completing the off-duty work shift.
- B. ECD Equipment.
 1. Officers shall only carry the ECD in an OPD approved cross draw holster.
 2. Officers shall only carry ECD accessories approved by the OPD ECD Coordinator.
 3. Officers are allowed to purchase (at their own expense) an approved holster to keep on their duty belt.
 - a. The OPD ECD Coordinator shall keep a list of approved ECD duty holsters.
 - b. Officers are prohibited from carrying non-approved holsters.
- C. ECD Training
 1. Officers who have successfully completed an OPD approved training course and written test concerning use of the ECD will carry it on duty if ECD units are available.
 2. Officers authorized to carry an ECD will complete an annual proficiency exam for ECD operators. An exam score of at least 80% is required for proficiency.
 3. Officers shall demonstrate ECD operational proficiency each year by firing two cartridges.
- D. ECD Maintenance.
 1. The ECD contains sensitive electronic components. Care shall be taken to avoid dropping the ECD.

2. Prior to each shift, the officer shall REMOVE the ECD cartridge, point the ECD in a safe direction, and conduct a five (5) second “spark test” to make certain the ECD operates properly.
 - a. The spark test shall be done with the ECD in the officer’s “off-hand” to eliminate the risk of muscle memory and prevent the unintentional repetition of shutting off the ECD.
 - b. Officers will not attempt to pull the ECD trigger if the display is flashing or if anything other than a two (2) digit number shows on the ECD display screen.
3. Officers shall check the Central Information Display (CID) prior to each shift to make certain there is adequate battery life.
 - a. The X26 Taser ECD will be taken out of service if:
 - (1) A battery displays 10% or less.
 - OR –
 - (2) The CID shows something other than a two (2) digit number.
 - b. The X26P Taser ECD will be taken out of service if:
 - (1) There is only one line displayed on the battery indicator.
 - OR –
 - (2) The CID shows something other than the battery indicator.
 - c. ECD’s that are taken out of service will be sent to the ECD Coordinator for a new Digital Power Magazine (DPM) or Performance Power Magazine (PPM).
4. No changes, alterations, modifications, or substitutions shall be made to the ECD or any OPD owned holster.
5. Any ECD that is unsafe or not functioning properly will be sent to the OPD ECD Coordinator, who shall have it repaired or replaced.
6. Only the OPD ECD Coordinator is authorized to remove and/or replace the ECD DPM/PPM.

E. ECD Storage.

1. The ECD and all companion equipment shall be kept in secured areas at OPD precincts or in sections and checked-out by ECD-certified officers.
 - a. ECD’s shall not be checked out for periods longer than the officer’s duty shift or authorized use period.
 - b. ECD’s shall not be taken home between shifts.
2. The ECD shall be secured in an OPD approved cross draw holster at all times when not in use.
3. ECD’s shall be stored with the safety on at all times unless deployed for use.
4. ECD’s shall NOT be stored in a vehicle or a vehicle’s trunk.

5. ECD's shall only be stored in climate controlled areas.

F. Method of ECD Application.

1. The ECD shall be deployed in accordance with OPD training standards.
 - a. An ECD may be used when interacting with:
 - (1) Actively Resistive or higher subjects.
 - (2) Persons who pose a risk to self (i.e., self-inflicted injury, suicide attempt etc.).
 - b. Deployment will include use of loud verbal commands before, during and after, when tactically feasible.
2. Officers deploying an ECD will attempt to have lethal force cover when feasible.
 - a. Officers shall not attempt to provide their own deadly force cover by having both the ECD and a firearm drawn simultaneously.
3. The use of an ECD is not the use of deadly force and will not replace the officer's firearm in a situation when the use of deadly force is justified.
 - a. The ECD will not be used in a situation where a person poses an imminent threat of great bodily harm or death to the officer or another person, unless another officer is present and capable of immediately deploying deadly force.
4. If tactically feasible, the ECD officer will notify other responding officers, "Taser ready," indicating the ECD may be deployed if needed.
5. If tactically feasible, the deploying officer will announce, "Taser, Taser, Taser," prior to deployment to notify backup officers of the deployment.
6. When deploying the ECD, the officer will not shut off the ECD before the end of the automatic five (5) second energy cycle.
7. The primary deployment method is to discharge the ECD cartridge, propelling probes and probe wires.
 - a. The primary deployment location for an ECD's top probe is below the sternum. Splitting the beltline (one probe above it and one probe below it) increases the effectiveness, but officers shall exercise caution to avoid targeting the groin area.
 - b. Officers will use the five (5) second energy cycle as a "window of opportunity" for handcuffing. Multiple energy cycles will only be used if officers are not able to gain control for handcuffing, or if the subject continues to resist.
 - c. Officers will deliver only the number of energy cycles reasonably necessary to control the subject. If multiple energy cycles have been delivered and the subject still cannot be controlled, officers will consider alternative uses of force or methods of control.
8. A secondary deployment method is to deploy the ECD as a 'drive stun' weapon. The ECD 'drive stun' may be used in cases where probes miss the desired target, or when deploying the cartridge is not possible.

- a. A 'drive stun' is completed by aggressively driving the ECD into the body of the subject as a stun-gun with the expended cartridge on or the live cartridge removed.
 - b. The ECD 'drive stun' is a backup application only.
9. For uniformity, the ECD illumination selector will be set to "LO" (Laser Only).

G. Elevated ECD Deployment Risk Factors.

1. The following factors, when reasonably perceived by officer(s) at the time of the interaction, require elevated justification for deployment of an ECD. Under the following conditions, the risk for direct or secondary injury is elevated. Officers shall balance the elevated injury risk with the need for immediate apprehension.
 - a. Subject is in an elevated (high) location or position.
 - b. Subject is very near an upper story window or open exterior doorway.
 - c. Subject is known to be pregnant.

NOTE: Factors 1 through 3 above concern the potential for secondary injury from a fall.
 - d. Subject is in water deep enough to drown.
 - e. Subject is obviously frail or infirm.
 - f. Subject is very young or very old.
 - g. Running subjects:
 - (1) Officers shall evaluate the need for immediate apprehension before deploying an ECD on a subject running across a concrete roadway, curb area or around moving traffic.

H. Prohibited ECD Applications.

1. Under the following conditions, the risk for direct or secondary injury with ECD deployment is extreme and shall not be permitted.
 - a. The ECD shall not be intentionally aimed at the head or groin of a subject.
 - b. Use of an ECD on a handcuffed subject is prohibited unless there are extenuating circumstances. Officers shall be able to articulate additional facts (i.e., subject is causing or attempting to cause injury to officer or damage to police property etc.).
 - c. The ECD shall not be utilized to dislodge, retrieve, or prevent swallowing of contraband.
 - d. The ECD shall not be displayed to threaten and intimidate, or used in conjunction with a "come-along" technique.
 - e. Officers will not knowingly deploy an ECD in the immediate presence of highly flammable chemicals or materials.
 - f. The ECD shall not be deployed from a moving vehicle.

- g. The ECD will not be deployed when the use of the ECD could reasonably be anticipated to cause the subject to lose control of a motor vehicle.
- I. ECD Subject Medical Attention.
 1. Officers shall call for a rescue squad and offer medical treatment for the subject.
 2. Only officers certified to use an ECD, members of the rescue squad, or medical professionals are authorized to remove ECD probes.
 - a. ECD probes are a biohazard and shall be treated as such.
 - (1) Latex gloves shall be used when removing ECD probes.
 - (2) After removal, ECD probes shall be disposed of in proper biohazard containers.
 3. In cases where a subject is struck with an ECD probe in a sensitive tissue area (face, groin, or breast area of a female), the probe will only be removed by a medical professional.

V. Impact Weapons

- A. Officers are authorized to use an impact weapon when interacting with an Assaultive/High-Risk or higher subject.
 1. The officer shall be able to articulate that use of lesser means of force was not appropriate or would prove to be ineffective.
- B. Officers will carry an OPD authorized baton upon receiving training in appropriate techniques for use. The baton is the approved police impact weapon and will be used by officers to protect themselves or others from potential or actual bodily harm.
 1. Officers shall carry either a wooden, composite, or the OPD approved collapsible baton during the course of their duties.
 2. The baton shall be 22- or 24-inches long and one-and-one-half (1½) inches in diameter. Weight is not to exceed 20 ounces.
 3. Mounted Patrol Officers and officers performing RDF duties may carry the authorized Bokken baton upon receiving training in appropriate techniques for use.
- C. Officers are authorized to use improvised impact weapons in extreme circumstances. Improvised impact weapons are non-approved impact weapons that may be used in extreme circumstances due to intense, uncertain, and rapidly evolving circumstances in life threatening situations.

NOTE: Pocket knives and flashlights are not considered auxiliary weapons but may be carried as a utility tool.
- D. Medical attention will be provided to subjects struck with impact weapons if necessary. Although the sole intent in the use of an impact weapon is to temporarily disable a subject, it shall be recognized that potential for injury still exists.
 1. Once an impact weapon has been used, the subject will be advised that professional medical attention is available if requested.
 2. If treatment is requested, the subject shall be transported to the nearest medical facility as soon as circumstances allow.

VI. Less-Lethal Launchers and Projectiles

- A. The OPD authorizes the use of several less-lethal launchers and projectiles, including various chemical agent rounds and a variety of kinetic energy impact rounds suited for multiple OPD approved less-lethal weapon systems.
- B. Officers may use less-lethal weapon systems and projectiles when interacting with Actively Resistive or higher subjects. The officer shall be able to articulate that use of lesser officer response techniques was not appropriate or would prove to be ineffective.
 - 1. Prior to deploying less-lethal weapon systems and/or projectiles, officers shall take into consideration the safety of innocent bystanders, other officers, and the subject.
- C. A SWAT Command Officer shall authorize deployment of kinetic energy impact rounds.
EXCEPTION: A SWAT Command Officer's authorization is NOT required for kinetic energy impact rounds fired from Pepperball weapon systems.
- D. Civil disturbance situations will require command authorization unless the interaction involves a direct threat to officer safety.
- E. The following less-lethal launcher weapon systems and projectiles are authorized for use by trained employees:
 - 1. Kinetic energy impact rounds and launchers approved by the ERU Commander.
 - a. The ERU Commander will maintain a list of kinetic energy impact rounds and launcher weapon systems authorized for use by ERU officers.
 - 2. Chemical agent rounds and launchers approved by the ERU Commander.
 - a. The ERU Commander will maintain a list of chemical agent rounds and launcher weapon systems authorized for use by ERU officers.
 - 3. Pepperball launcher systems and projectiles.
 - 4. OPD approved chemical agent rounds and launchers.
 - a. The Training Unit will maintain a list of chemical agent rounds and launcher weapon systems authorized for use by non-ERU officers.
- F. The purpose of utilizing a less-lethal projectile is to create a psychological and physiological stunning effect (i.e., pain compliance) in order to temporarily disable the subject without intent to cause serious bodily injury or inflict deadly force.
 - 1. The following guidelines will be followed when utilizing less-lethal projectiles:
 - a. Less-lethal projectiles will be targeted in a manner in which potential for serious injury or death is limited.
 - b. An officer will always seek to have a deadly force cover officer when deploying a less-lethal force weapon system. An arrest plan will also be in place whenever possible, as the stunning effect of the less-lethal projectile may only be momentary.
 - c. Officers will clearly announce, when possible, to other officers on the scene that less-lethal projectiles are about to be fired.

- d. As with all uses of force, the subject will be given loud verbal commands to comply with officer's directions.
- e. The primary target areas for kinetic energy impact rounds are:
 - (1) The front of the subject's body:
 - (a) Arm above or below the elbow.
 - (b) Upper Torso.
 - (c) Legs above or below the knee.
 - (2) The rear of the subject's body:
 - (a) Buttocks.
 - (b) Arm above or below the elbow.
 - (c) Legs above or below the knee.
 - (3) The head, neck, chest, groin, spine, and joints, such as the knee or elbow, should be avoided as targets unless deadly force is justified.
- f. The primary target areas for chemical agent projectiles are:
 - (1) The front of the subject's body:
 - (a) Entire front of body from the shoulders to the feet excluding the groin.
 - (2) The rear of the subject's body:
 - (a) Entire rear of body from the shoulder to the feet excluding the spine.
 - (3) The deployment of the chemical agent projectile at a subject can occur from 0-30 feet. The deployment of a chemical agent projectile, in order to saturate an area, can be done at distances up to 100-150 feet.

G. Medical attention will be provided to subjects struck with less-lethal weapons/projectiles as follows:

- 1. Any subject struck with a kinetic energy impact round shall be transported to a medical facility by rescue squad or police vehicle to be treated for injuries by a medical professional prior to booking.
- 2. As with regular chemical agent, any subject struck with a chemical agent round shall be administered immediate first-aid, and decontamination of the subject will take place as soon as it is safe to do so.
 - a. The subject will be advised that professional medical attention is available if requested.
 - b. If treatment is requested, the subject shall be transported to the nearest medical facility as soon as circumstances allow.
- 3. This policy recognizes that during large crowd control situations, it may not be possible to apprehend all of the subjects impacted by these weapon systems.

- H. Only those officers who successfully completed an OPD approved training program in the use of less-lethal weapon systems are authorized to utilize and deploy less-lethal weapon systems.
 - 1. The Training Unit shall be responsible for keeping all lesson plans for each less-lethal weapon system and maintaining a current listing of certified officers except for:
 - a. Less-lethal weapon systems only authorized for ERU employees.
 - (1) The ERU Commander shall be responsible for maintaining all lesson plans and a list of certified ERU officers for these weapon systems.
 - b. Less-lethal weapon systems only authorized for RDF employees.
 - (1) The RDF Commander shall be responsible for maintaining all lesson plans and a list of certified RDF officers for these weapon systems.
 - 2. Recertification shall be held annually and will include a practical and an overview of this less-lethal weapons policy.
- I. Less-lethal weapons and projectiles shall be stored as follows:
 - 1. The Pepperball weapon systems and companion equipment shall be kept in a secured area at OPD precincts or in sections and checked out by certified officers.
 - 2. Due to unpredictable extreme temperatures, the Pepperball weapon system shall be stored in its case in either the trunk or the inside of a police vehicle.
 - 3. Members of the ERU, the RDF, and the Fugitive Squad shall follow their Unit Manuals in regard to storage and transportation of less-lethal equipment.
- J. The maintenance and cleaning of less-lethal equipment shall be done per manufacturer's specifications by a certified armorer or Pepperball instructor.
 - 1. A maintenance log shall be kept on each less-lethal weapon system documenting its care and test firing.
 - 2. Refilling the SCUBA tanks that provide the high-pressure air to the Pepperball weapon systems will be done on an "as needed" basis by a certified Pepperball instructor.
 - 3. The Training Unit is responsible for maintaining records of the yearly inspection of the SCUBA tanks. The Training Unit shall also be responsible for having each tank hydrostatically inspected every (5) five years.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Orders are #9-13, 13-14, 65-15, and 16-16.

II. Accreditation Standards

- A. Relevant CALEA Accreditation standards include the following: CALEA Chapter 1 and 70.3.1.

DISCLAIMER:

This policy is for Omaha Police Department (OPD) use only and does not apply in any criminal or civil proceeding. This policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

PREAMBLE:

The value of human life is immeasurable in our society. Omaha Police Officers are granted the responsibility and authority to apprehend criminal offenders and to protect life and property and are vested with lawful authority to use force to protect public welfare. This requires a careful balancing of competing interests. Apprehension of criminal offenders must at all times be subordinate to the protection of innocent human life.

POLICY:

It is the policy of the Omaha Police Department (OPD) that OPD officers will use only that amount of force which is objectively reasonable to take a subject into custody or otherwise bring an incident under control while protecting the safety of the officer and others. Whether a use of force is reasonable is tested by balancing the type and quality of intrusion on the individual's rights against the governmental interests at stake. In determining what degree of force is objectively reasonable, officers shall evaluate each situation requiring the use of force in light of the known circumstances at the time of the event, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and/or the danger presented, including whether the subject poses an immediate threat to the safety of the officers or others. Officers maintain the right to self-defense and have a duty to protect the lives of others.

DEFINITIONS:

Deadly Force: Any use of force that is likely to cause death or serious bodily harm.

Force: Any physical effort used to control or restrain a subject, or to overcome the resistance of a subject.

Involved Officer: Any officer who uses force and/or discharges a weapon and their actions result in the serious bodily injury or death of a subject.

Less-Lethal Force: Any use of force other than that which is considered deadly force.

Low Lethality Target Areas: Areas of the body that when struck have a low risk of causing serious bodily injury and will most likely only cause temporary discomfort. Motor nerve points, soft tissue areas, pit of the abdomen, and extremities of the body are low lethality target areas. The head will typically not be considered a low-lethality target area. The head may be such a target area only if, considering the nature, location of the strike, and the type of strike, there is a low degree of risk for serious bodily injury.

Objectively Reasonable Force: The amount of force that a reasonable officer would use when faced with the circumstances presented. An officer's use of force is governed by the reasonableness standard set forth in *Graham v. Connor*, 490 US 386, 395, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989). The inquiry is an *objective* one. The question is whether the facts and circumstances make the force reasonable without regard to the officer's underlying intent or motivation. The reasonableness of a particular use of force will be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

Reasonable Belief: A belief that a reasonably prudent officer would hold given the facts and circumstances the officer knows or should know.

Serious Bodily Injury: Injury that creates a substantial risk of death, permanent disfigurement, or long-term loss or impairment of function of any bodily member or organ.

Vital Target Areas: Areas of the body that when struck with an empty hand tactic, a baton, or an improvised impact weapon have a high risk of causing serious bodily injury. These areas include: the midline of the neck, the spine, the sternum, the groin, joints, the kidneys and, as described herein, areas of the head.

PROCEDURE:

I. Variables in Use of Force Options

- A. The OPD realizes and acknowledges that during intense, uncertain, and/or rapidly evolving confrontations it may be reasonable for officers to use improvised techniques and weapons that are not a part of OPD's formal training program. However, the Department expects that its training and policies will be followed except in rare and unique circumstances, and the use of improvised techniques and weapons will be an exception which is justified by the totality of the circumstances.
- B. When determining the reasonableness of an officer's actions, the totality of the circumstances will be considered. Circumstances such as the size disparity between the officer and the subject, the number of potential assailants and officers, environmental risk factors, and any other circumstances that can be articulated which would aggravate the danger level for officers or citizens will be considered.

II. Authorization

- A. Where deadly force is not authorized, officers will use discretion to determine which less-lethal technique or less-lethal weapon will best de-escalate the incident and bring it safely under control.
- B. Officers are authorized to use Department-approved less-lethal force techniques and issued equipment to:
 - 1. Protect themselves, or others, from physical harm.
 - 2. Restrain or subdue a resistant individual.
 - 3. Bring an unlawful situation effectively and safely under control.

III. Defense of Life

- A. Officers may use a firearm or other deadly force in the performance of their duties to defend themselves or others from what is reasonably believed to be imminent threat of death or serious bodily injury.
- B. Before using a firearm or other deadly force in defense of self or others, officers will attempt to give loud verbal warnings/commands, if possible.

NOTE: Due to the complexity of deadly force confrontations, the ability to give verbal commands may not be feasible in all situations.

IV. Use of Deadly Force to Make a Lawful Arrest

- A. The justification for the use of deadly force to make a lawful arrest is extremely limited. Officers shall strictly adhere to the Nebraska Statutory guidance below.
- B. The use of deadly force to make a lawful arrest is NOT justifiable per NRS §28-1412 unless:
 - 1. The arrest is for a felony.

– AND –

2. Such person making the arrest is authorized to act as a peace officer or is assisting a person whom they believe to be authorized to act as a peace officer.

– AND –

3. The officer believes that the force employed creates no substantial risk of injury to innocent persons.

– AND –

4. The officer believes that:

- a. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force.

– OR –

- b. There is substantial risk that the person to be arrested will cause death or serious bodily harm if the apprehension is delayed.

C. A fleeing felon shall not be presumed to pose an immediate threat of death or serious bodily injury if apprehension is delayed. The threat shall exist based on additional and separate articulable facts and circumstances.

D. Before using a firearm or other deadly force to make a lawful arrest, officers will attempt to give loud verbal warnings/commands, if possible.

NOTE: Due to the complexity of deadly force confrontations, the ability to give verbal commands may not be feasible in all situations.

V. Use of Firearms

A. In addition to the reasons listed above, officers may use a firearm in the performance of their duties to:

1. Give alarm, or call for assistance, when no other means is available.
2. Kill a dangerous animal, or kill an animal so badly injured that humanity requires its removal from further suffering.

NOTE: All attempts will be made to request assistance from the agency (Humane Society, game warden, zoo representative, etc.) responsible for disposal of animals. Destruction of vicious animals will be guided by the same rules set forth for self-defense and defense and safety of others.

B. Officers will follow these guidelines when using firearms in the line of duty:

1. No distinction will be made relative to age or gender of the intended target of deadly force.
 - a. The only guideline for employing deadly force in defense of self or others will be whether or not an imminent threat of death or serious bodily harm is present.
2. Shots will not be fired at or from a moving vehicle except in self-defense or defense of another. Firing shots at a moving vehicle is only permissible in circumstances that

justify the use of deadly force and do not present an undue threat to persons in the area.

- a. If at all possible, officers shall avoid placing themselves in the path of an oncoming vehicle in a manner which would lead to the use of deadly force.
 - b. If a confrontation with an oncoming vehicle does occur, officers shall move out of the path of the vehicle, if possible, rather than fire at the vehicle.
3. Caution shall be exercised to prevent injury to innocent bystanders as a result of firing a firearm.
 4. Warning shots will not be used by officers in effecting any type of arrest.
 5. The playful drawing or unnecessary exhibition of any weapon is forbidden.

VI. Use of Force Subject Categories and Officer Responses

- A. Officers interact with five (5) types of subjects. Each subject category may require a different officer response depending on the subject's behavior.
 1. As a subject's behavior changes during the interaction, the officer's response must escalate or de-escalate accordingly.
 2. The officer's response to the subject interaction may be lower than the responses listed for the subject category.
 3. The officer's response will use the least amount of force necessary to control the subject.
- B. Cooperative Subjects. Cooperative interactions with subjects are defined as interactions with another person to achieve a particular goal. No physical force is needed to gain cooperation. The majority of interactions with subjects fit into this category. Cooperative individuals respond in a positive way to professional presence and are easily directed with verbal requests and demands. Cooperative Subjects allow control or searching to take place with no resistance. General control is achieved by the use of nonverbal actions such as gestures, stance, and facial expressions.
 1. Cooperative Subject officer responses include the following:
 - a. Professional Presence: The presence of an officer, either uniformed or plain clothes, acting in an official capacity, who have identified themselves by clothing, word, identification, or action.
 - b. Non-verbal Directions/Commands: This includes but is not limited to gestures, stances, and facial expressions.
 - c. Verbal Commands: Lawful orders given as direction to a subject to perform a specific action.
 - d. Control, Handcuff, Search: Escorting of a subject, handcuffing per OPD policy, and/or performing a pat-down or other lawful search of a subject.
- C. Passively Resistive Subjects: Passively Resistive Subjects interact with officers by failing to follow the lawful orders of the officers. Most commonly, these subjects will fail to complete a physical action upon lawful direction. An example of a Passively Resistive subject is one who, when lawfully ordered to do so, fails to place their hands behind their back for handcuffing purposes but offers no physical resistance.

1. Passively Resistive Subject officer responses include the following:
 - a. Control Holds and Leverage Techniques: Utilization of strength, body weight, and/or trained techniques to attempt to get or maintain a position of control over a subject.
 - b. Strength Techniques: A maneuver performed by an officer to overpower and take control of a subject without using strikes or pressure points, or takedowns.
 - c. Pressure Points/Joint Locks: Locations on the human body that will, with adequate pressure, cause temporary discomfort to subjects in order to make them vulnerable to specific arrest and control techniques.

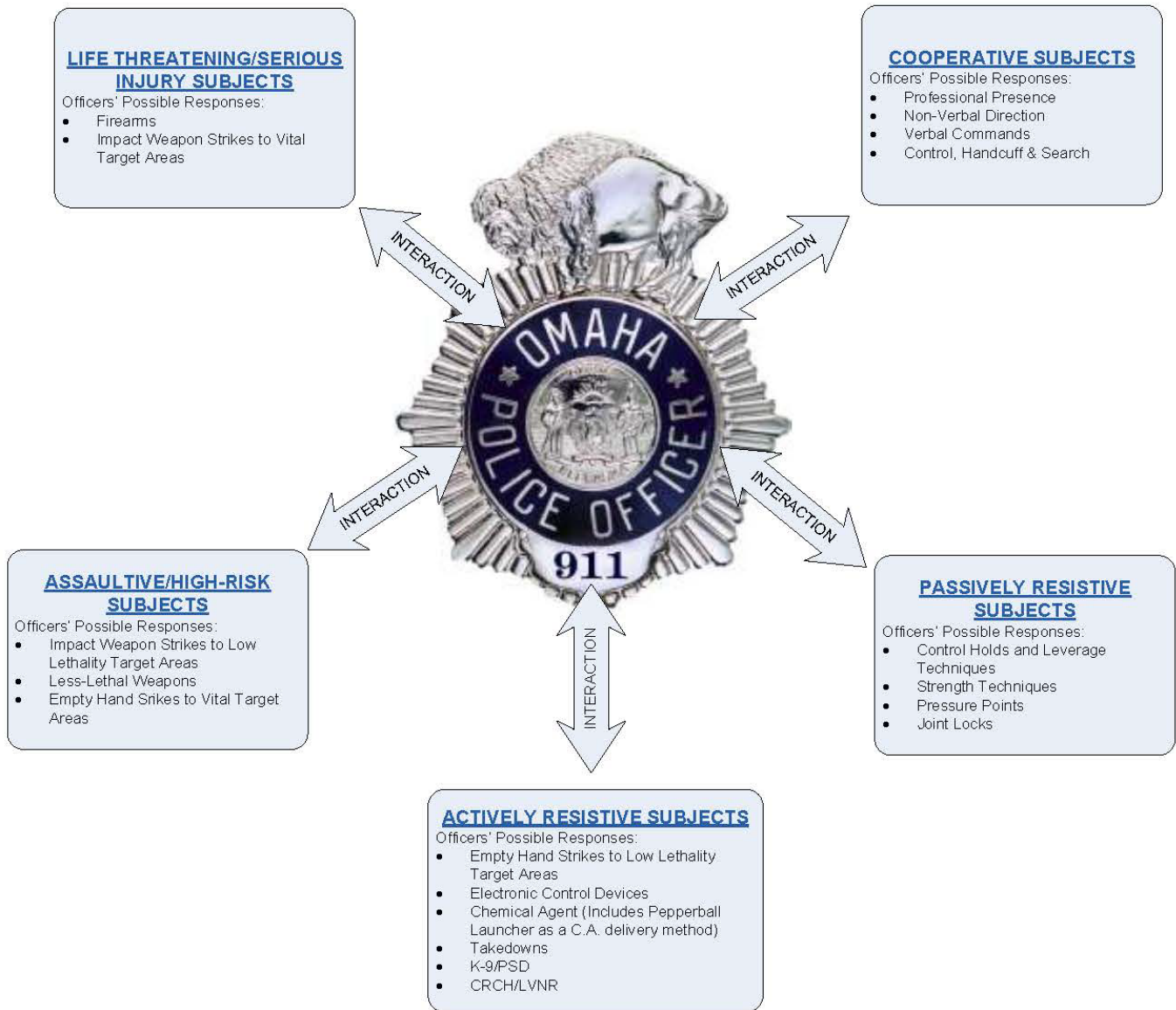
- D. Actively Resistive Subjects: Actively Resistant Subjects interact with officers by physically impeding the officer's effort to exert control over them. They may display a number of actions including, but not limited to the following: running away, pulling away, flailing their arms, circling to face an officer, and/or knowingly hiding from law enforcement efforts to locate them.
 1. An Actively Resistive Subject may simply assume a stance or posture that would reasonably indicate the subject will physically resist efforts to secure, control, or handcuff the subject. In these cases, the subject need not appear to be attacking the officer; but is simply using active conduct to not allow the officer to exert control over them.

 2. Actively Resistive Subject officer responses include the following:
 - a. Empty Hand Techniques (Low Lethality Targets): The use of various parts of an officer's body (without use of a weapon or tool) directed to Low Lethality target areas on a subject in an attempt to get or maintain a position of control over a subject.
 - b. Electronic Control Device (ECD): An ECD is a battery powered device that uses propelled wires and probes, or direct contact, to conduct sufficient electrical energy to affect sensory and motor functions of human and animal nervous systems. The ECD's intended purpose is to temporarily incapacitate subjects and enable the officer to gain control without serious injury.
 - c. Chemical Agent: An approved chemical compound used to gain control of a subject. Chemical agents may be a solid, liquid, or gaseous substance that on dispersion in the atmosphere irritates mucous membranes in the eyes, nose, mouth, and lungs, and causes tearing of the eyes, sneezing, coughing, difficulty breathing, pain in the eyes, temporary blindness, etc.
 - d. Takedown Techniques: Manipulation of a subject's balance using force to move the subject to a grounded position to take control.
 - e. Canine (K-9)/Police Service Dog (PSD): A dog trained to aid the police by tracking subjects, detecting controlled substances, detecting explosives, recovering evidence, and assisting in locating and/or physically apprehending subjects.
 - f. Carotid Restraint Control Hold (CRCH)/Lateral Vascular Neck Restraint (LVNR): Neck restraint techniques that rely on lateral compression of the arterial and venous systems within the neck, rather than the airway. These techniques are used by officers to stop physical resistance from a subject or to prevent the imminent destruction of evidence.

- E. Assaultive/High-Risk Subjects: Assaultive/High-Risk Subject interactions include those in which there is a threat or unsuccessful attempt to do physical harm to the officer or others, causing a present fear of immediate harm; a violent physical attack; a situation in which the totality of articulable facts would cause a reasonable officer to believe that a significant and credible threat of violence exists. The assaultive individual threatens an assault, attempts an assault, or physically assaults an officer or others. This category includes high-risk situations.
1. In Assaultive/High-Risk interactions, there is a reasonable likelihood of injury due to the assaultive actions or other significant threatened actions.
 2. Assaultive/High-Risk Subject officer responses include the following:
 - a. Impact Weapons: An object intended to be used to strike a subject's Low Lethality Target Areas in a manner to create temporary motor dysfunction or mental distraction by creating pain.
 - b. Less-Lethal Weapons: Weapons that are not reasonably likely to cause death or serious bodily injury. A weapon will be considered less-lethal even if its deployment may, in rare cases, cause injury that results in death under unique circumstances.
 - c. Empty Hand Techniques (Vital Targets): The use of various parts of an officer's body (without use of a weapon or tool) directed to Vital Target Areas on a subject in an attempt to get or maintain a position of control over a subject.
- F. Life-Threatening/Serious Bodily Injury Subjects: Life-Threatening/Serious Bodily Injury Subject interactions encompass actions by suspects that are likely to immediately result in serious bodily injury or death of a person. These actions are reasonable cause for officers to use a deadly force response in self-defense or the defense of others. Officers shall continue to exercise caution that their use of deadly force does not unreasonably threaten the safety of fellow officers and/or innocent parties.
1. Life-Threatening/Serious Bodily Injury Subject officer responses include the following:
 - a. Firearms: A weapon, typically a pistol, rifle, or shotgun, capable of firing a projectile and using an explosive charge as a propellant.
 - b. Impact Weapon strikes to Vital Target Areas.

VII. OPD Officers' Use of Force Options

- A. Officers may use the below-illustrated techniques and weapons to control a subject.
- B. Officers' responses may include techniques and weapons from a lower subject category than the current subject interaction.
- C. Officers' responses will not include techniques and weapons from a higher subject category than the current subject interaction.



REFERENCES:

I. Nebraska Revised Statutes

- A. NRS §28-1412 and §28-1414 are relevant to this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #51-87, 2-95, 3-95, 34-95, 35-96, 6-99, 14-99, 38-99, 38-99, 11-14 Supplement #1, 15-01, 15-01 Supplement #1, 16-02, 24-04, 35-06, 35-06 Supplement #1, 27-07, 23-08, 26-09, 25-11, 12-12, 10-13, 11-14, 66-15, and 19-16.

III. Accreditation Standards

- A. CALEA accreditation standards 1.2.2, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.8, 1.3.9, 1.3.10, 1.3.13, 52.2.7, 70.2.1, and 70.3.2.

FORCE – USE OF FORCE REPORTING REQUIREMENTS

PREAMBLE:

The Omaha Police Department strives to protect and serve all citizens and at the same time respect the rights of suspects and balance the need for officer safety. The Omaha Police Department believes any use of force should be thoroughly and accurately documented by each responding officer.

POLICY:

The Omaha Police Department (OPD) will collect data on arrests involving the use of physical force by officers. The information collected will be used for management purposes, to assess future training needs and to comply with accreditation standards. Officer responses from the Actively Resistive Category or higher require further scrutiny due to the risk of injury to both the citizen and officer.

PROCEDURES:

I. General Use of Force Reporting Requirements

A. Chief's Report (OPD Form 214) Requirements.

1. Officers will document in detail their own use of force and the individual justification for the force used on a Chief's Report when an interaction with a citizen results in an Officer Response from the Actively Resistive Subject Category or higher.
 - a. This report will be completed in addition to any other official reports completed for the incident.
2. Officers ARE NOT required to complete a Chief's Report to document the use of handcuffs or strength techniques.
3. The officer will document the following information in the Chief's Report either via check-box/text-box or in the narrative portion of the report:
 - a. Citizen actions and resistance offered which led the officer to respond with force.
 - b. Any attempts to mitigate the need to use force, including commands or other de-escalation tactics.
 - c. Citizen actions once force was used.
 - d. Injuries sustained by the citizen will be described in the narrative portion and indicated via the check-boxes on the form.
 - e. If the citizen received medical attention, officers will indicate where the medical attention was given and if that medical attention was the result of:
 - (1) An injury.
– OR –
 - (2) Required by policy.
4. Use of force involving officer responses from the Passively Resistive Subject Category or lower will not be an identified incident as defined by the Early Intervention Tracking System (EITS) unless the officer's use of force is found to be "Not in Compliance with Policy" (NCP).

5. Officers will complete a Chief's Report regardless of their duty status if the interaction is under the color of official authority and the use of force requires a Chief's Report.
 - a. If officers are off-duty when an incident occurs, they shall complete the Chief's Report immediately upon the start of their next duty shift, unless a command officer directs them to complete the Chief's Report immediately.

B. Use of Force Chief's Report Packets.

1. All reports related to the use of force incident will be attached to the Chief's Report.
 - a. The Chief's Report (OPD Form 214) serves as the cover sheet to the Chief's Report Packet.
2. Chief's Report Packets will be reviewed as described in the OPD "Chief's Reports" policy except when:
 - a. Officers respond from multiple precincts or sections.
 - (1) The Chief's Report Packet will be forwarded through the geographic precinct chain of command when the incident involves two or more submitting officers from different chains of command.
 - b. Use of force occurs during off-duty employment.
 - (1) If on-duty officers are called to assist the reporting off-duty officer, and on-duty officers are required to complete a Chief's Report, the precinct captain for the on-duty officers will review the entire incident and consult the off-duty officer's captain prior to making any final recommendations.
 - (2) If no on-duty officers are called to assist one or more reporting off-duty officers, the off-duty officer's chain of command will review the entire incident and consult with the other off-duty officer's captain prior to making any final recommendations. The precinct captain where the incident occurred will receive a copy of the original reports and Chief's Report.

C. Annual Use of Force Analysis.

1. The Research and Planning Unit will be responsible for completing an annual Use of Force Analysis examining the Department's use of force activities, policies, and practices.

D. Safety Review Board End of Year Summary.

1. The Chairperson of the Safety Review Board may provide an end of year summary that identifies emerging trends or changes in use of force by officers as well as training recommendations if applicable.
 - a. The summary will be forwarded to the Office of the Chief of Police.

II. Carotid Restraint Control Hold (CRCH)/Lateral Vascular Neck Restraint (LVNR) Reporting Guidelines

- A. Officers will complete a Chief's Report when the CRCH or LVNR is used, regardless of success of the hold, or whether the officer was unable to successfully apply the hold for any reason.

B. The Chief's Report will include the following information:

1. A brief synopsis of the interaction will be completed listing the subject's behavior, including the Subject Interaction Category, or circumstances that led the officer to believe the use of the CRCH and/or LVNR was appropriate.
 - a. The officer will check the box to indicate whether the CRCH and/or LVNR was used as a Control Technique or to Prevent Destruction of Evidence
2. Details about the application of the CRCH and/or LVNR including:
 - a. The use of loud, repetitive, verbal commands.
 - b. If LVNR is applied then officers will include the Level (1, 2, or 3) of LVNR used:
 - (1) Level 1 – Minimum Compression (Forearms horizontal to ground).
 - (2) Level 2 – Moderate Compression (Forearms at 20 degrees).
 - (3) Level 3 – Maximum Compression (Forearms at 45 degrees).
 - c. Relaxing of the CRCH and/or LVNR hold with compliance by the suspect (if compliance achieved).
 - d. Whether the suspect lost consciousness and, if so, the medical attention that was provided.

NOTE: Medical attention is required whenever a subject loses consciousness.
 - e. Whether evidence was obtained if the CRCH and/or LVNR were used to obtain evidence.

C. In the event the subject is injured by the application of the CRCH or LVNR, Section VIII or IX will be followed as appropriate.

III. Chemical Agent Reporting Guidelines

A. Officers will complete a Chief's Report whenever a chemical agent is targeted at a specific person or group of people. A Chief's Report is not required when a chemical agent is used on an animal.

B. The Chief's Report will include the following information:

1. A brief synopsis of the interaction, including the Subject Interaction Category.
2. The amount of chemical agent used by the officer(s) (as denoted in number and duration of sprays in seconds).
3. The approximate distance from the subject at which the agent was deployed.
4. The officer's actions after the deployment of the chemical agent.
5. Whether professional medical attention was offered and/or first aid measures were taken (including times administered).
6. Any instructions given regarding decontamination.

- C. If a citizen reports to an OPD officer that they were injured or exposed to a chemical agent, and the citizen was not the intended target of the chemical agent, or was part of a large crowd that was dispersed, the officer who receives the information will:
1. Complete an Incident Report (OPD Form 189).
 - a. Officers who complete an electronic Incident Report will select the “Non-Criminal” Incident Type and enter “Injury” in the “Offense” field.
 - b. Officers who complete a paper Incident Report will check the “Non-Criminal” box and enter “Injury” in the “Offense” box.
 2. Complete a Chief’s Report in order to initiate a review of the incident and document the possibility of liability against the City.
 3. The reviewing supervisor will attempt to identify the original event that caused the suspected injury so that the injury can be appropriately linked to the correct incident.

IV. Electronic Control Device (ECD) Reporting Guidelines

- A. Officers will complete a Chief’s Report when an ECD is deployed.
1. Forensic Investigations will be requested to take photographs when a subject is struck by any probe that breaks the skin, or a ‘drive stun’ is deployed.
 - a. Photos will be taken of the entire area of the subject’s body that was struck as well as any secondary injuries received from/after the deployment.
- B. Officers will document the following information either via check-box/text-box or in the narrative portion of the report:
1. The ECD weapon serial number.
 2. The cartridge serial number.
 3. The number and duration of energy cycles given to subject.
 4. Any medical treatment given to the subject.
 5. A brief synopsis of the interaction, including the Subject Interaction Category.
 6. The approximate distance in which the officer engaged the subject.
 7. The location of both probes (or ‘drive stun’ contact) on the subject’s body.
 8. The subject’s actions after being struck by the ECD.
 9. Any injuries the subject received

NOTE: Officers will differentiate between secondary injuries that may occur from subject falling to the ground and primary injuries received directly from the ECD.

- C. In the event the subject is injured by the deployment of an ECD, Section VIII or IX will be followed as appropriate.
1. The Chief’s Report is the only required report when an ECD is deployed on an animal.

D. ECD Data Port Download.

1. The OPD ECD Coordinator will track ECD data port information annually.
2. In the event of a questionable deployment, or deployment leading to serious injury, the ECD data port information may be downloaded at the request of the Internal Affairs or Homicide Unit.

V. Impact Weapon Reporting Guidelines

A. Officers will complete a Chief's Report when an impact weapon, including an improvised impact weapon, is used to subdue a subject.

1. If an improvised weapon is used, officers will detail the rare and unique circumstances justifying the use of the improvised weapon in the Chief's Report.

B. The Chief's Report will include the following information:

1. A brief synopsis of the interaction, including:
 - a. The officer's observations and response.
 - b. The Subject Interaction Category including the subject's actions, comments and demeanor.
 - c. The Officer Response Technique(s) used to subdue the subject.
2. The method of application.
 - a. Forward strike, backhand strike, forward block, backhand block, or other method.
3. The number of strikes.
4. The precise part of the subject's body struck including:
 - a. Whether the part of the body struck was a Low Lethality or Vital Target Area.
 - b. If the part of the subject's body struck was not the officer's intended Target Area, include the circumstances explaining why the intended Target Area was not struck.
5. The nature of any injuries.
6. Who offered or requested medical treatment and the nature and location of any treatment.
 - a. If medical attention is refused, the exact time, day, date, and exact words used by the subject to refuse treatment will be included.

C. In the event the subject is injured by the use of an impact weapon, Section VIII or IX, as appropriate, will be followed.

VI. Less-Lethal Projectile Reporting Guidelines

A. Officers will complete a Chief's Report when less-lethal weapon systems are used.

1. When a subject is struck by a less-lethal projectile, OPD Forensic Investigations employees will be requested to take photos of the area of the subject's body that has been struck.
- B. The Chief's Report will include the following information:
1. A brief synopsis of the interaction, including the Subject Interaction Category.
 2. The type of less-lethal weapon system and projectile deployed.
 3. The number of less-lethal rounds fired at the subject and where those rounds impacted on the subject's person, if known.
 4. The distance the officer engaged the subject with the less-lethal weapon system.
 5. The subject's actions after being struck by the less-lethal rounds.
 6. Any professional medical attention offered and/or the first-aid measures taken, including the time(s) administered.
 7. Any instructions given regarding decontamination.
- C. An Incident Report will be completed.
1. Officers who complete an electronic Incident Report will select the "Non-Criminal" Incident Type and enter "Injury" in the "Offense" field.
 2. Officers who complete a paper Incident Report will check the "Non-Criminal" box and enter "Injury" in the "Offense" box.
- NOTE:** An Incident Report is not required if a less-lethal weapon system or projectile is used on an animal. Only the Chief's Report will be completed in this circumstance.
- D. The OPD Safety Review Board will forward a copy of the Chief's Report Packet to the Training Unit so each incident may be evaluated to determine the effectiveness of the less-lethal weapon system.

VII. Discharge of Firearms

- A. Officers will complete a Chief's Report when an officer discharges a firearm either intentionally or accidentally.
1. A Chief's Report is not required when:
 - a. The discharge is during an OPD training or qualification shoot.

EXCEPTION: A Chief's Report will be completed if the officer's discharge of the firearm is believed to be "Not in Compliance with Policy" (NCP). A command officer will determine if the firearm discharge was possibly NCP.
 - b. The discharge is for practice while the officer is off-duty.
 2. The Chief's Report will be completed in accordance with Section IX of this policy if the discharge results in serious injury and/or death.
- B. The Chief's Report will include the following information:

1. A brief synopsis of the details of the discharge.
 2. The type of firearm discharged.
 3. The number of shots fired.
 4. Any known damage to property caused by the discharge.
- C. An Incident Report will be completed if any property with a known owner, including an animal, is damaged or destroyed.
1. Officers who complete an electronic Incident Report will select the “Non-Criminal” Incident Type and enter “Non-Criminal DOP” in the “Offense” field.
 2. Officers who complete a paper Incident Report will check the “Non-Criminal” box and enter “DOP” in the “Offense” box.
- D. All other reports concerning the incident will be completed per OPD policy.

VIII. Use of Force Involving Non-Serious Injury

- A. Officers will complete a Chief’s Report when an officer’s interaction with a subject causes any injury.
1. An injury is an actual injury visible to the officer or an injury identified by the subject.
 2. A Chief’s Report is required if the subject alleges they are injured.
- B. The Chief’s Report will include the following information:
1. A brief synopsis of the interaction, including the Subject Interaction Category.
 2. The type of Officer Response technique used.
 3. A description of the actual injury or the subject’s claim of injury.
 4. The subject’s actions after the application of the Officer Response technique.
 5. Any professional medical attention offered and/or the first-aid measures taken, including the time(s) administered.
- C. An Incident Report will be completed.
1. Officers who complete an electronic Incident Report will select the “Non-Criminal” Incident Type and enter “Injury” in the “Offense” field.
 2. Officers who complete a paper Incident Report will check the “Non-Criminal” box and enter “Injury” in the “Offense” box.
- D. All other reports concerning the incident will be completed per OPD policy.

IX. Use of Force Involving Serious Injury and/or Death

- A. Officers will complete a Chief’s Report when an officer’s use of force causes serious injury or death.
- B. The Chief’s Report will be completed by or at the direction of the command officer in charge of investigating the incident.

- C. All other reports concerning the incident will be completed at the direction of the command officer in charge of investigating the incident.

X. Canine/Police Service Dog Use of Force

- A. A Chief's Report will be completed when a Canine/Police Service Dog (PSD) deployment results in a use of force against a subject.
- B. The Chief's Report will be completed by or at the direction of the Canine Unit Sergeant in accordance with Canine Unit Use of Force Investigations procedures.
- C. All other reports concerning the incident will be completed per OPD policy.
 - 1. A copy of all other reports will be sent to the Canine Unit Sergeant.
 - 2. The Canine Unit Sergeant will assemble the Chief's Report Packet and submit the Packet per this policy.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders are #8-13, 12-14, 12-14 Supplement #1, 67-15, and 18-16.

II. Accreditation Standards

- A. CALEA Accreditation chapter 1 is relevant to this policy.

FORENSIC INVESTIGATIONS SECTION

POLICY:

It is the policy of the Omaha Police Department (OPD) to maintain the OPD Forensic Investigations Section, in order to provide evidence collection and analysis services in support of other OPD units and other local law enforcement agencies. The OPD Forensic Investigations Section is staffed 24-hours per day, 7 days per week. Supervisors of OPD units in need of evidence collection and/or analysis services may contact the OPD Forensic Investigations Section directly.

PROCEDURE:

I. Request for OPD Forensic Investigations Examination/Analysis Services

- A. OPD Forensic Investigations Section employees conduct various examinations/analyses upon request by other OPD units.
 - 1. The requesting unit must complete a Request for Forensic Investigations Services form (OPD Form 140) and submit the completed form to the OPD Forensic Investigations Section.
- B. Detectives and/or supervisors of other OPD units who need evidence collection, documentation, and preservation services may contact the OPD Forensic Investigations Section.
- C. The respective unit command officer(s) and/or investigating detective(s) will consult with OPD Forensic Investigations Section employees to arrange for appropriate storage steps to be taken to preserve perishable evidence until it can be delivered to the designated laboratory for analysis.

II. Forensic Investigations Safety and Security

A. The OPD Forensic Investigations Section offices and work areas are restricted access areas. For the safety of all personnel and for the purpose of maintaining evidence and records security, all employees conducting business with the OPD Forensic Investigations Section and officers with persons in police custody will comply with the following restrictions:

1. Officers will not bring persons into the OPD Forensic Investigations Section areas.
 - a. Officers who require forensic services related to a person in their custody will use an interview room in CIB and/or other designated processing rooms for this purpose.
2. The OPD Forensic Investigations Section areas are restricted to employees specifically assigned to the Forensic Investigations Section.
 - a. OPD employees who are not specifically assigned to the Forensic Investigations must sign-in and out of the Forensic Investigations Section and must be escorted by Forensic Investigations Section employees while they are in these areas.

NOTE: The OPD Forensic Investigations Section houses chemicals and evidence in various stages of documentation and analysis. To maintain evidence integrity, chain of custody, and personnel safety, the Forensic Investigations Section is off limits unless authorized by the on-duty Forensic Investigations Section supervisor.

III. Gunshot Residue Tests

A. Gunshot Residue (GSR) Tests are used to determine the presence of trace evidence indicative of the firing of a weapon.

1. For GSR tests on clothing and/or other material to be valid, the following procedures should be used:
 - a. To properly document the chain of custody, each time the item changes custody to a different person/unit, the change will be documented either in an official OPD report or via the OPD Tracker (evidence management) system, as applicable.
 - b. All wet or bloody items must be air dried. Fans, forced heat, etc. will not be used to dry items.
 - c. The items must be subjected to a minimal amount of handling, folding or shaking.
 - d. Both sides of any apparent bullet hole should be protected by clean paper after which the item can be carefully folded and transported to the OPD Forensic Investigations Section where normal evidence procedures will be followed.
2. Items such as doors, windows, vehicles, etc., should be protected so that field GSR tests can be completed at the scene.
3. Officers who believe a GSR test should be completed should contact the responsible Criminal Investigations Bureau (CIB) detective who will request testing by the OPD Forensic Investigations Section as needed.

4. Officers who work with hospital emergency personnel will take possession of items to be tested as soon as possible. This will help to prevent the inadvertent loss of trace evidence by mishandling of the items.
- B. Suspects' hands or skin may be GSR tested, if the following legal tests are met:
1. Police detention, whether at the scene or at a police facility, must be based upon the probable cause to arrest at the time of detention (incident to a lawful arrest).
 2. The detention should be only long enough to accomplish the physical GSR testing and incidental questioning.
 3. The scope of the search of the suspect must be very limited so as to preserve the highly evanescent evidence found on the suspect's person.
 4. The officers on the scene should have reasonable cause to believe that such evanescent evidence can be found on the suspect's person.
 5. The evidence tested for must be of a highly destructible nature, which would make it impractical, if not impossible, to obtain a search warrant.
- C. The Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives, along with other agencies, will NOT accept GSR tests for analysis if the tests are completed under the following circumstances:
1. The suspect's hands have been washed or fingerprinted between the time of firing of the weapon and the test.
 2. Six (6) or more hours have elapsed between the firing and the tests.
- D. Officers/Detectives who feel they need a GSR test should bring the subject to the OPD Central Headquarters and coordinate with Forensic Investigations Section employees to complete the test.
1. This test may also be completed in a hospital in the case of an injured suspect, or in the morgue in the case of a deceased subject.
 2. If the test cannot be administered at an OPD facility, the officer should contact the responsible CIB detective who will contact the Forensic Investigations employees to make alternative arrangements.
- E. A Gunshot Residue Information Report (OPD Form 79) will be completed by the Forensic Investigations Section employee(s) to document the GSR test.

IV. Fingerprint Detection

- A. The OPD Forensic Investigations Section utilizes both conventional fingerprint detection techniques as well as forensic alternative light source (ALS) equipment. ALS equipment detects latent fingerprints by illumination using dye stains and powder developers which cause latent prints to fluoresce. Although this equipment does not guarantee complete latent development success in all situations, it works extremely well under certain conditions.
1. The use of ALS is limited mostly to homicide investigations and other selected major crime scenes.
 2. While the ALS systems are portable, they are used primarily within the OPD Forensic Investigations Section on major crime scenes where the commanding CIB detective feels there may be an application and a need for ALS fingerprint detection, the

detective should call the on-duty Forensic Investigations Section Shift Supervisor and provide the crime scene details.

3. The Forensic Investigations Section Shift Supervisor will then determine if conventional and/or ALS equipment will be used on the scene.

WARNING: The ALS equipment emits a bright, high-intensity light through a fiber optic cable which appears blue to the naked eye. Employees MUST NOT look directly at the bright blue light without the proper goggles or filters because the light has the potential to cause permanent eye damage.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #94-75, 24-86, 16-89, 75-91, 37-03, 26-14, 62-14, and 57-15.

II. CALEA Accreditation Standards

- A. Relevant CALEA Accreditation Standards include chapter 83.

FORENSIC LABORATORY EXAMINATION REQUESTS

POLICY:

It is the policy of the Omaha Police Department (OPD) that physical evidence worthy of laboratory analysis will be sent to the appropriate forensic laboratory. The respective unit command officer(s) and/or investigating detective(s) will make certain all the evidence is submitted to the appropriate outside forensic lab.

PROCEDURE:

I. Outside Forensic Laboratory Examination Requests Procedure

- A. Physical evidence collected from a crime scene, victim, or suspect will be reviewed by the detective assigned to the case. After review and consultation with the appropriate CIB squad/unit command officer, the detective will make certain that evidence worthy of lab analysis is submitted to the proper forensic lab in a timely fashion.
- B. All physical evidence that has been selected for lab analysis will be separated from other evidence.
- C. Appropriate lab requests will be completed for all items selected for analysis.
- D. Forensic laboratory examination requests will include a request for a written report of laboratory findings from the examining laboratory.
 1. This may be accomplished via an evidence transmittal form or the creation of a transmittal letter with appropriate language.
- E. All OPD employees who collect forensic evidence will make certain the evidence is packaged appropriately according to the type of evidence and forensic analysis to be completed.

- F. Transportation of evidence to the outside forensic laboratory is the responsibility of the individual unit or detective that requests the analysis.
- G. Evidence submitted to the Nebraska State Patrol Crime Lab for examination will be accompanied by Nebraska State Patrol Form NSP 750.
- H. Evidence submitted to the Federal Bureau of Investigation will be submitted in a format prescribed by the FBI.
- I. Laboratory results will be provided in writing and will be reviewed by case detectives and their sergeants.
- J. Chain of custody principles will be carefully followed for all evidence submitted to an outside forensic laboratory.

II. OPD Forensic Investigations Examination Requests

- A. Detectives or OPD units who need OPD Forensic Investigations examinations or analysis services will submit a Request for Forensic Investigations Services (OPD Form 140) to the OPD Forensic Investigations Section.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #32-95 and 28-14.

II. Accreditation Standards

- A. CALEA Accreditation standards 83.2.7 and 83.3.2 are relevant to this policy.

FUGITIVES FROM JUSTICE - COUNTY ATTORNEY NOTIFICATION

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers assigned to the Criminal Investigations Bureau (CIB), receiving information that a suspect, or Military Deserter, currently being sought on a warrant has fled the jurisdiction, shall alert the Fugitive Squad. The Fugitive Squad shall coordinate communication with the Douglas County (DC) Attorney.

PROCEDURE:

I. County Attorney Review and Communication

- A. Felony Warrants are reviewed by the Douglas County Deputy Attorneys. Extradition limits will be detailed by the DC Deputy Attorneys and faxed to OPD NCIC.
 - 1. Officers shall activate a warrant for a felony case and complete OPD Form 23 "Wanted" and submit to NCIC.
 - 2. Officers shall take into consideration the seriousness of the crime and the wanted individual's level of potential danger when determining extradition limits. Officers may call the Douglas County Attorney for guidance.

3. The Fugitive Squad shall check the extradition limits to be sure that there is no discrepancy. If the limits are different in the OPD file, the limits shall be changed to match the DC directive.
 4. The DC Form shall be filed in the active felony file, housed in the Felony Warrant file cabinet at OPD Central Headquarters on the 3rd floor.
- B. OPD officers notified that a wanted party has fled the area shall contact the Fugitive Squad.
1. The Fugitive Squad shall coordinate with the holding jurisdiction and the Douglas County Attorney regarding transportation arrangements.

II. Suspects Who Have Fled Nebraska

- A. When a CIB officer receives information that a suspect currently being sought on a warrant and entered in either the NCIS or NCIC computer system has fled the jurisdiction, they shall-contact the Fugitive Squad.
- B. When this information is received by the Fugitive Squad, a case review will be initiated.
- C. The Fugitive Squad officer will contact the Douglas County Attorney's Office if changes of extradition status are necessary.

III. Booking Fugitives

- A. Officers shall refer to the "Booking – General Procedures" policy procedures when booking Inter-State and In-State Fugitives.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #67-90 and 48-15.

FUGITIVES FROM JUSTICE - ESCAPEES FROM WORK RELEASE

POLICY:

It is the policy of the Omaha Police Department (OPD) that persons wanted by the Nebraska Department of Corrections or the Douglas County Work Release Center for escape from work release will be booked on the charge of Fugitive from Justice Within the State or Fugitive from Justice Within Douglas County (Nebraska Revised Statute [§29-408](#)).

PROCEDURE:

I. Confirmation of Status as Escapee

- A. If an officer apprehends a person who is entered in the NCIS by the Nebraska Department of Corrections as wanted for escape from work release or who the officer has reason to believe is a recent escapee from work release, the officer will:
 1. Confirm the Wanted as with any other NCIC/NCIS hit.
 - a. If the Wanted is not entered in NCIC/NCIS, contact the appropriate work release center to confirm the status of the subject (see PPM Appendix A for phone numbers).

- B. If the subject is Wanted, arrest the subject as a Fugitive from Justice and transport the subject to the Douglas County Detention Center (DCDC) for booking.

II. Booking

- A. Book the subject on the charge of Fugitive from Justice Within the State or Fugitive from Justice Within Douglas County, as well as any other charges arising from the contact (Nebraska Revised Statute [§29-408](#)).
 - 1. If the subject has not been entered into NCIC/NCIS, include in the reports the name of the person at the Work Release Center who confirmed the subject's status.
- B. If the escapee is an "In-State" Fugitive, DCDC will send a NLETS message to the Nebraska Department of Corrections advising the suspect was arrested.
 - 1. If there are charges other than Fugitive from Justice, DCDC will include that information in the message and inform them when the prisoner may be picked up.
- C. If the escapee is an "In-County" Fugitive from a Douglas County Work Release Center, include All Points Bulletin/Alert details in the PortalOne Booking Arrest Report.

III. Reports

- A. OPD shall not make reports of escape from the Work Release Center or obtain warrants or make Wanted Person reports on persons who have escaped from a Work Release Center.

REFERENCES:

I. Laws

- A. Nebraska Revised Statute [§29-408](#) is referenced in this policy.

I. Previous OPD Orders

- A. Previous OPD General Orders include #108-95 and 47-15.

FURLOUGHS

PREAMBLE:

As part of the Omaha Police Department's work to enhance public safety, the Gang Unit and Intelligence Squad review the weekly listing of inmates eligible for furlough provided to the Department by the Nebraska Department of Corrections (NDOC). The Gang Unit and Intelligence Squad provide feedback and information to the NDOC to aid in the furlough decision.

POLICY:

It is the policy of the Omaha Police Department (OPD) to be aware of furloughed inmates when possible and to disseminate information to sworn OPD command. When officers encounter Nebraska Penal or Correctional Complex inmates, they will verify the inmates' status to make certain the inmates are in compliance with the conditions of their furlough pass.

PROCEDURE:

I. Confirmation of Furlough Status

- A. When officers encounter inmates on furlough, they shall verify the inmates have their identification cards and furlough papers in their possession.
1. Officers will review the pass information and verify the inmates comply with the date and time parameters of the furlough pass.
 2. If inmates are not within the parameters of their furlough or if officers have questions about an inmate's paperwork, officers will contact the OPD Information Channel for verification of furlough parameters and to verify the inmate is not an escapee.
 - a. Furlough paperwork will contain the facility and corresponding telephone number. The Omaha Community Corrections Center and the Lincoln Community Corrections Center phone numbers are located in PPM Appendix
 3. The OPD Information Operator shall call Nebraska Penal or appropriate Correctional Complex authorities through designated twenty-four hour telephone numbers when officers request the status of inmates in order to report the status to the OPD officer.
 - a. If inmates are in compliance with pass parameters, no action is required.
 - b. If inmates are not in compliance with pass parameters, and the correction agency requests the inmate's return, officers shall detain and transport the inmate to Douglas County Detention Center (DCDC) for holding. DCDC will contact the appropriate correction center for transfer.
- B. Officers will report any remarkable or suspicious inmate activity via an Information Report (PortalONE/OPD Form 42).
1. Information Reports shall be forwarded to the appropriate Criminal Investigations Bureau unit.

EXAMPLES: Suspicious gang activity should be forwarded to the Gang Unit; sex offenders loitering around schools should be forwarded to the Special Victims Unit, etc.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #46-91 and #41-15.

FURLOUGHS - PRISON INMATES IN THE OMAHA AREA – RESCINDED/REMOVED

This policy has been rescinded per General Order #41-15.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #46-91 and 41-15.

GRAFFITI REPORTING PROCEDURES

POLICY:

It is the policy of the Omaha Police Department (OPD) to track reports of graffiti vandalism and to investigate graffiti vandalism cases as appropriate.

DEFINITIONS:

Grffiti: Any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched, or etched on a rock, tree, wall, bridge, fence, gate, building, or other structure. Graffiti does not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or an authorized agent for such owner or tenant (NRS §28-524).

Unauthorized Application of Graffiti: Knowingly and intentionally applying graffiti of any type on any building, public or private, or any other tangible property owned by any person, firm, or corporation or any public entity or instrumentality, without the express permission of the owner or operator of the property (NRS §28-524)

PROCEDURE:

I. Graffiti Complaints – Cold Reports

- A. The OPD may receive cold report calls for graffiti through either a Mayor's Hotline Complaint or directly from the victim.
 1. Mayor's Hotline Complaint
 - a. The Mayor's Hotline (see Appendix A for the phone number) will create an active complaint and forward the complaint to the Public Works Department (Graffiti Van Unit).
 - b. The Mayor's Hotline employees will attempt to obtain the victim's verbal consent to remove the graffiti and will record the victim's response on the complaint.
 - c. The Public Works Department will assign an employee to photograph the graffiti who will:
 - (1) Send the photographs to the OPD Gang Unit for review if the photographs contain follow-up information (i.e., monikers).
 - (2) Upload all photos to the Graffiti Tracker Database.
 - d. The Public Works employee will record the following on the Hotline Complaint:
 - (1) The graffiti's location (i.e., exact numerical address).
 - (2) Other pertinent information (i.e., the color of paint(s) and description of symbols and words, etc.).
 - (3) Any additional information about the graffiti vandalism provided by the victim (i.e., when the graffiti occurred and any suspect information).
 - (a) If the employee speaks to the victim of the graffiti vandalism, the employee will provide a Consent and Release of Liability

for Graffiti Abatement Form (Public Works Department Form) to the victim.

- e. The Telephone Report Squad (TRS) obtains the Hotline Complaints from the Public Works Department.
 - (1) TRS will complete an original Incident Report (OPD Form 189) and/or Information Report (OPD Form 42), depending on the circumstances, using information from the Hotline Complaint.

2. TRS may receive cold report calls for graffiti vandalism directly from a victim.

- a. TRS will advise the victim of the procedure for calling the Mayor's Hotline to report these incidents.
 - (1) If the reporting caller is not the victim, TRS will transfer the call to the Mayor's Hotline (See [PPM Appendix A](#) for the phone number).
 - (2) If the reporting caller is the victim, TRS may complete the report if the victim prefers to make the report with TRS rather than the Mayor's Hotline.

b. If TRS completes the report, TRS will ask the victim for verbal consent to have Public Works remove the graffiti vandalism.

NOTE: The City may remove graffiti from private property with the permission of the property owner but is NOT required to do so according to Omaha Municipal code Sec. 18-65. (See Section III of this policy).

- (1) TRS will record the victim's response in the narrative of the Incident Report.
- (2) If the victim wishes to remove the graffiti themselves, TRS will ask the victim to take photographs to be provided to the police.
- c. TRS will print and fax a copy of the Incident Report to the Public Works Department (see [PPM Appendix A](#) for the fax number).
 - (1) When faxing the Incident Report, TRS will send the report to the attention of the Public Works Specialist.

II. Graffiti Complaints – Hot Reports

A. Officers will be dispatched to “hot” report calls of graffiti vandalism.

- 1. The responding officer will complete an Incident Report and take two photographs of the graffiti.
 - a. Officers may use Domestic Violence cameras to photograph the graffiti if they are not equipped with a camera specifically for graffiti purposes.
 - b. Officers will call the Forensic Investigations Section to photograph the graffiti in cases of suspected hate crimes.
 - c. The officer will book one photograph into the Evidence and Property Unit.
 - d. The second photograph will be forwarded to the OPD Gang Unit along with the PortalOne report number and RB number related to the incident.

2. The officer will have the victim complete the Consent and Release of Liability for Graffiti Abatement Form (Public Works Department Form).
 - a. Officers will forward the original Consent and Release of Liability for Graffiti Abatement Form through interdepartmental mail to the Public Works Department.
 - b. The Consent and Release of Liability for Graffiti Abatement Form (Public Works Department Form) is available in the Police Supply Unit.
3. OPD officers will indicate in the narrative of their report that consent was obtained and the Consent and Release of Liability for Graffiti Abatement Form was forwarded to Public Works.

III. Graffiti Eradication

- A. Graffiti eradication will be expedited by obtaining written or verbal consent.
- B. A Consent and Release of Liability for Graffiti Abatement Form (Public Works Department Form) is required by ordinance, before the Public Work Department's Graffiti Van Unit can work on private property.

NOTE: Depending on the circumstances, this form may be provided to the victim by either a Public Works employee or an OPD officer.
- C. OPD employees will be aware that the City may remove graffiti from private property with the permission of the property owner but is NOT required to do so according to Omaha Municipal code Sec. 18-65.
 1. Omaha Municipal Code Sec. 18-65 states that property owners are ultimately responsible for the removal of graffiti from their private property.
 - a. The City may also order property owners to remove graffiti from their property (Sec. 18-66).
 2. If the City does remove the graffiti, the City is not required to return the surface to its original condition, and the City is not responsible for minor damage caused by either the graffiti or the removal of the graffiti.

IV. Arrest Information

- A. The charge of Unauthorized Application of Graffiti refers only to the unauthorized application of graffiti and does not require proof of any permanent damage to property.
- B. Unauthorized Application of Graffiti is a Class III Misdemeanor for a first offense, and a Class IV Felony for second and subsequent offenses (NRS §28-524).
- C. When making graffiti arrests, officers will proceed as follows:
 1. If a graffiti incident results in damage UNDER \$1,500.00, and is a first offense (NRS §28-519), the offender will be arrested for Unauthorized Application of Graffiti using NRS §28-524.
 - a. This offense will be a Class III Misdemeanor.
 2. If a graffiti incident results in damage UNDER \$1,500.00, and the offender has been convicted of violating NRS §28-524 in the past, the offender will be arrested for Unauthorized Application of Graffiti (NRS §28-524).

- a. These offenses will be Class IV Felonies.

NOTE: Subsequent graffiti offenses are Class IV felonies under State Statute 28-524. The felony charge in this case is NOT based on the underlying damage done to the property.

3. If a graffiti incident results in damage OVER \$1,500.00, and the suspect has no previous graffiti conviction (occurring after May 27, 2009), the offender will be arrested for Felony Criminal Mischief using NRS §28-519.
 - a. Officers will note that the crime is graffiti-related in the “Remarks” section.
 - b. The felony charge will be based upon the underlying damage done to the property during the application of graffiti.
4. If a graffiti incident results in damage OVER \$1,500.00, and the offender has one or more previous convictions for the Unauthorized Application of Graffiti (NRS §28-524), the offender will be arrested for Felony Unauthorized Application of Graffiti (NRS §28-524).

V. Incident Reports

- A. The Telephone Response Unit (TRS) will send a copy and/or email notification of all graffiti Incident Reports to the Gang Unit.
 1. The email will contain the PortalOne report number, RB number, and victim’s name and date of birth related to the incident.
 2. The Gang Unit will investigate graffiti cases as appropriate.
- B. If there is a Destruction of Property crime in addition to the graffiti vandalism, that offense should be listed separately on the same Incident Report (OPD Form 189).
- C. In all cases, employees will complete reports in a clear and concise manner and provide all available and pertinent information.
 1. The narrative for graffiti vandalism reports will include descriptions of the symbols and words used, as well as the color of paint.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes (NRS) §28-524 and 28-519 are referenced in this policy.
- B. Omaha Municipal Code §§18-65 and 18-66 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include the following: #25-99, 24-03, 24-03 Supplement #1, 15-09, 29-12, 56-14, and 19-15.

HANDCUFFS AND RESTRAINTS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers will properly restrain and search all persons arrested and taken into custody, and will exercise reasonable care in the use of restraining devices.

DEFINITIONS:

Hobbles: Soft leg restraints used to immobilize the legs of combative prisoners. These may include flexible handcuffs, commercial leg restraint devices, or lengths of approximately half-inch diameter cotton or nylon rope with a fixed loop on the end.

Hog Tying: Placing a person face down with their hands handcuffed or otherwise restrained behind their back and their legs secured to the handcuffs or hand restraints.

Prone Position: A bodily arrangement in which a person lies or is placed face down.

Reasonable Suspicion: Specific, reasonable inferences which the officer is entitled to draw from the facts in light of their experience. Reasonable suspicion is something less than the probable cause standard and will not support an arrest. Reasonable Suspicion is established by three building blocks: 1) Specific articulated facts, 2) Rational inferences, and 3) Plausible conclusions.

Restraint/Restraining Device: A tool used to restrain the movement of a detainee, such as handcuffs or restraining straps.

PROCEDURE:

I. Detaining Persons

- A. When placing a suspect in custody, officers will make a thorough and complete search of the person prior to transporting that person.
- B. Citizens who are detained for investigative purposes, for the issuance of a traffic citation, or an identification check will not be handcuffed or restrained unless officers are able to justify a reasonable suspicion that the person or circumstances pose a danger to the officer or the public.
- C. Officers issuing a citation for Driving Under Suspension shall use good judgment and discretion when deciding whether or not to place the citizen in handcuffs.
- D. Officers detaining persons for a short period of time for a vehicle search will adhere to the current policies and procedures located within the "Vehicle – Searches" policy.

II. Use of Handcuffs

- A. Persons arrested and taken into custody will be handcuffed unless they fall into one of the following exceptions, in which case handcuffing will be at the officer's discretion:
 1. Elderly, disabled, ill, or injured persons who do not represent an apparent risk to others and are incapacitated.

NOTE: Officers are reminded, persons confined to a wheelchair may have tremendous upper body strength and caution should be exercised.

2. Juveniles under the age of 16 who do not represent an apparent risk to others, or risk of escape.

B. Whenever possible, handcuffs will be applied behind the back, palms out, and double locked.

III. Use of Other Restraints

A. Temporary devices, such as flex-cuffs or cord-cuffs, may be used when conventional handcuffs are unavailable or impractical.

B. A restraint cord may be used as a waist belt to secure handcuffs.

C. Officers may immobilize the legs of combative prisoners with soft leg restraints, commonly known as "hobbles."

1. Officers shall complete defensive tactics training in proper leg restraint procedures before attempting to immobilize the legs of prisoners.

D. When leg restraints are used, the officer shall state in the PortalOne Booking/Arrest Report that "the subject's legs had to be immobilized with leg restraints" and articulate why.

IV. Restraint Guidelines

A. Officers assume the responsibility for the safety and security of the person taken into custody and their personal property.

B. Officers who have custody of a handcuffed person will check the handcuffs after the application and make necessary adjustments.

C. If a restrained subject is transported by ambulance, an officer shall ride in the ambulance with the subject.

D. Absent exigent circumstances, persons in restraints will not be left unsupervised, including those who are placed in the back seat of a cruiser with a cage.

1. Restraints will not be attached to vehicles, or immovable objects.

E. No person shall be transported in a prone position, or in any other position that may restrict their breathing.

NOTE: The restraint position known as "Hog tying" is strictly prohibited.

F. When transporting persons in leg restraints, the trailing end of the restraint shall be anchored (pinched) in the passenger door of the vehicle so as not to catch on anything while the vehicle is motion.

G. Officers will assist prisoners when walking up and down stairs and on questionable footing.

V. Requesting Assistance

A. Officers working alone will request assistance to initiate an arrest.

B. Prior to initiating an arrest, officers working alone will request assistance when there is more than one person taken into custody or when the person is presumed dangerous.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #34-74, #73-85, #15-92, #45-97, #25-05, #6-10, and #30-16.

II. Accreditation Standards

- A. CALEA accreditation standards 70.2.1 & 71.3.2 are relevant to this policy.

HATE/BIAS CRIMES

POLICY:

It is the policy of the Omaha Police Department (OPD) to investigate all Hate/Bias Crimes, gather information related to such crimes, and report all Hate/Bias Crime statistics to the Nebraska Commission on Law Enforcement and Criminal Justice, as outlined by Nebraska Revised Statutes and the Federal Bureau of Investigation.

DEFINITIONS:

Hate/Bias Crime: A criminal act committed against a person or a person's property because of that person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability, or because of that person's association with someone from any of those categories.

PROCEDURE:

I. Penalty Enhancement

- A. Nebraska Revised Statutes §28-111 through §28-114 provide for penalty enhancements in Hate/Bias Crime cases.

II. Identifying Hate/Bias Crimes

- A. The OPD is responsible for the proper identification of Hate/Bias Crimes. Toward that end, a two-tier decision making process shall be utilized.

1. Tier I: It shall be the responsibility of the responding Uniform Patrol Bureau (UPB) officer to evaluate the circumstances of the incident and to look for any indication that the suspect was motivated as a result of hate/bias. If so, the responding officer will immediately contact the Criminal Investigations Bureau (CIB) command officer or Field Investigations officer.
 - a. If it is determined that a Hate/Bias Crime has been committed, a CIB investigator will be dispatched to the scene for immediate follow-up.
 - (1) The UPB officer will complete an Incident Report (PortalOne/OPD Form 189), with the offense/hate/bias box coded.
 - (2) The officer will place a copy of the report(s) in the CIB's "Hate/Bias Crimes" box located near the 4th floor console.
 - b. If the incident is being reported as general information or for background purposes only and it appears to be motivated by hate/bias, an Information Report will be completed by the responding UPB officer.

- c. The Telephone Report Squad will be responsible for answering the Hate Crimes Hot Line (444-HATE).
 - (1) If it is determined that the caller is reporting a Hate/Bias Crime and immediate police action is necessary, the call will be referred to 911 for cruiser dispatch.
 - (2) If the caller wishes to report an incident as general information or for background purposes only and it appears to be motivated by hate/bias, an Information Report (PortalOne/OPD Form 42) will be completed by Telephone Report Squad.
 - (a) If a paper Information Report is completed, the original Information Report will be submitted to the Records Unit, and a copy of the report will be faxed to CIB – Attention “Hate/Bias Crimes” (See PPM Appendix “A” for the fax number).
 - (b) If the Information Report is completed in PortalOne the employee who completes the report will select the “Other” Unit check-box under the “Attention Units” options in the report and will then enter “Hate/Bias Crimes” in the text box that appears.
 - d. It will be the responsibility of the CIB Criminal Investigations Section Administration Sergeant to review all reports submitted to CIB - Attention “Hate/Bias Crimes” and forward copies to the appropriate units.
2. Tier II: The CIB will review and investigate the incident. A final determination will be made as to whether a Hate/Bias Crime actually occurred.
- a. The lieutenant, or designee, of the Unit assigned for follow-up will make certain the Incident Report is completed to document the Hate/Bias Crime and that a copy is forwarded to the Crime Analysis Squad.
 - b. A copy of all reports regarding the incident will be forwarded to the Narcotics Unit, which is designated as the Department’s repository for all reported Hate/Bias Crimes.
 - (1) The Narcotics Unit will not investigate these crimes. They will retain the reports for information/records purposes.
 - c. The Crime Analysis Squad will also maintain data documenting the number of Hate/Bias Crimes reported to the Department.
 - d. The Crime Analysis Squad is responsible for providing statistics regarding Hate/Bias Crimes to the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Revised Statute §28-114).
3. The Omaha Office of the FBI will be notified of incidents identified as Hate/Bias Crimes and incidents of civil rights violations.
- a. When CIB unit commanders are made aware of any incident as described above, they will notify the CIB Criminal Investigations Section Captain.
 - b. The CIB Criminal Investigations Section Captain shall advise the White Collar Crimes Squad (Squad 4) of the Omaha Office of the FBI.
 - c. Though the above incidents come under the purview of the federal government, the FBI will not automatically investigate them. However, notification of the FBI regarding these incidents is required.

REFERENCES:

I. Laws

A. Nebraska Revised Statutes §28-111 through 28-114 are relevant to this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #63-97, #38-98, #36-01, #19-15, and #73-15.

III. Accreditation Standards

A. CALEA Accreditation standard 1.2.9 is relevant to this policy.

HAZARDOUS WASTE DISPOSAL

PREAMBLE:

A large variety of hazardous materials, such as toxic and corrosive chemicals, explosive and flammable liquids and gases, radiological substances, and etiological agents are used, manufactured, stored, or are transported through the City of Omaha. Proper handling and disposal of hazardous materials requires the expertise of other governmental and private agencies. The definitions of hazardous materials in this policy are for reference only and do not cover the full spectrum of materials that may be encountered by officers.

POLICY:

It is the policy of the Omaha Police Department (OPD) to contact the Omaha Fire Department (OFD) or the appropriate OPD unit/squad (e.g., OPD Bomb Squad) to dispose of hazardous waste. Officers will not accept any material or substance that may be considered hazardous. OPD employees may refer to the "IMS – Unusual Occurrences – Hazardous Materials" policy for policies/ procedures for responding to hazardous materials incidents.

DEFINITIONS:

Hazardous Material (Department of Transportation (DOT)): Any substance or material that could adversely affect the safety of the public, handlers, or carriers during transportation (See the USDOT Hazardous Materials Table for more details (49 CFR §172.101)).

Hazardous Material (Environmental Protection Agency (EPA) and U.S. Occupational Safety and Health Administration (OSHA)): Any substance or chemical that is a health hazard or physical hazard including: chemicals that are carcinogens, toxic agents, irritants, corrosives, sensitizers; agents that act on the hematopoietic system; agents that damage the lungs, skin, eyes, or mucous membranes; chemicals that are combustible, explosive, flammable, oxidizers, pyrophorics, unstable-reactive or water reactive; chemicals that in the course of normal handling, use, or storage may produce or release dusts, gases, fumes, vapors, mists, or smoke that may have any of the previously mentioned characteristics; and any item or chemical that can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (29 CFR §1910.1200 and 40 CFR §355).

Hazardous Waste (EPA): Waste that is dangerous or potentially harmful to peoples' health or the environment, including liquids, solids, gases, or sludges. Hazardous Waste may include discarded commercial products, such as cleaning fluids, pesticides, or the by-products of manufacturing processes.

PROCEDURE:

I. Officer Responsibilities

- A. Officers responding to calls to dispose of hazardous waste will:
1. Obtain as much information as possible about the person(s) that is requesting disposal of the hazardous waste.
 2. Determine how the person(s) came into possession of such materials.
 3. Forward the information to the proper OPD / OFD unit for further investigation, if warranted.
- NOTE:** Officers WILL NOT accept any chemicals or other hazardous materials.
- B. The OFD is the designated Emergency Response Authority for the City of Omaha and has expertise in handling hazardous materials in compliance with Federal regulations.
- C. Officers will request that the OFD's Hazardous Material Response Team respond to the location if necessary.
1. The OFD will be responsible for making certain the hazardous material is stable and will advise the person(s) of the proper authority to contact for proper disposal.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders: #56-99 and #33-16.

HEARING IMPAIRED PERSONS

POLICY:

It is the Policy of the Omaha Police Department (OPD) to provide or facilitate the appropriate assistance or services necessary to ensure effective communication and aid as required when encountering individuals who are hearing impaired.

PROCEDURE:

I. Communicating With Hearing-Impaired Violators

- A. A qualified interpreter is required whenever an officer is unable to communicate an individual's Miranda Warning and any associated criminal charges.
1. Officers shall transport any hearing-impaired arrests to Central Police Headquarters (CPHQ), where the arresting officer shall convey the information through the use of an interpreter. Upon completion, the officer shall cite or book the suspect at the Douglas County Department of Corrections, and will make any necessary consular notifications.
- B. Individuals suspected of non-criminal violations (such as non-criminal traffic infractions) shall be issued a citation without the use of an interpreter. In this situation, officers shall follow the procedures detailed below in Section V, Citizen Contact Brochure and Requesting Cooperation Card.

II. Availability of Interpreters

- A. The Police Services Bureau's Front Desk Squad (see PPM Appendix A for phone number) will maintain a directory of qualified interpreters for hearing-impaired individuals.
- B. Officers who require the use of an interpreter should contact the Front Desk at CPHQ. If an interpreter is used, the requesting officer shall document the use of an interpreter on an Inter-Office Communication (IOC).
 - 1. The IOC shall be forwarded through the chain of command to the Chief of Police within 24 hours.
 - 2. The IOC will include the interpreter's name, amount of time spent on the call, and the RB number, if applicable.

III. Interrogating and Interviewing

- A. Officers who communicate effectively by writing questions on a note pad and receiving written responses, in return, will proceed with an interrogation or interview.
- B. If written communication becomes ineffective, the officer shall immediately discontinue the questioning and summon an interpreter.
- C. Officers shall contact the Front Desk at CPHQ (see PPM Appendix A for phone number) to request a sign language interpreter.
- D. If an interpreter is not available at CPHQ, the Front Desk shall contact the Nebraska Commission for the Deaf and Hard of Hearing Sign Language Referral Service (see PPM Appendix A for phone number).
 - 1. This service is available for calls during regular business hours, which are 8:00 am – 5:00 pm, Monday through Friday, except for holidays.
- E. If it is determined an interpreter will not be summoned, the officer shall document the reasons why in the PortalOne Incident Report.
- F. The Nebraska Commission for the Deaf and Hard of Hearing has established an "Emergency After-Hours Sign Language Interpreter Referral List."
 - 1. The list identifies interpreters who are available between 5:00 pm and 8:00 am Monday through Friday, and on weekends.
 - 2. This service is to be used for emergencies only, and can be accessed at http://www.ncdhh.ne.gov/Referral_service/after_hours.html by clicking on the "After Hours List for Nebraska" link.

IV. Victim or Witness Interviewing

- A. If the investigation involves a serious offense, the officer will request an interpreter be dispatched to the victim or witness location by calling the Front Desk at CPHQ (see PPM Appendix A for phone number).
- B. If an interpreter is unavailable to respond, the officer should try to communicate to the victim or witness the need to come to CPHQ to meet with an interpreter.
- C. Officers shall attempt the following methods of communication when an interpreter is unavailable:

1. Speech supplemented by gestures and visual aids.
2. Using a pad and pencil.
3. Speaking orally, slowly, distinctly, and directly in the individual's line of sight to make lip reading possible.

V. Citizen Contact Brochure and Requesting Cooperation Card

- A. Officers shall carry the OPD Form 211 (Citizen Contact Brochure) and the OPD Form 211A (Requesting Cooperation Card) for use during traffic stops or arrest situations where hearing-impaired citizens are detected.

NOTE: OPD Forms 211 and 211A are printed in English and Spanish.

- B. Upon encountering an individual who is hearing-impaired, officers will present the OPD Form 211A (Requesting Cooperation Card). The OPD form 211A provides information to the individual as to what is expected.
- C. Next, officers will present the OPD Form 211 (Citizen Contact Brochure) to the individual. The OPD Form 211 will assist the officer in advising the individual of the action being taken (issuance of a citation, physical arrest, towing of a vehicle, or release).
- D. To communicate with hearing-impaired individuals who cannot read, an officer shall request the use of an interpreter through their First Line Supervisor.

VI. Nebraska Relay Service

- A. The Nebraska Relay Service is available to all officers needing communication assistance when encountering hearing impaired individuals (See PPM Appendix A for phone numbers).

VII. Completing the Report

- A. All identifying information on the interpreter must be included in the PortalOne Incident Report and in the Inter-Office Communication. Lastly, written questions and responses relating to an interrogation or interview deemed as evidence will be booked into Evidence/Property as evidence.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #54-95, #9-98, #50-06, #24-08, #29-10, and #81-15.

HELICOPTER ASSISTANCE

POLICY:

It is the policy of the Omaha Police Department (OPD) to expedite the assignment of calls to the OPD helicopter and minimize response time.

DEFINITIONS:

ABLE-1: The radio designation assigned to the OPD helicopter. "ABLE" is an acronym for "Airborne Law Enforcement."

Pre-Planned Assignment: For purposes of this policy, a Pre-Planned Assignment is an operation or event that involves use of the police helicopter and is planned with the assistance of the Air Support Unit.

PROCEDURE:

I. Air Support Unit On-Duty Hours

- A. The helicopter's assigned hours of operation will generally be from 1500 to 0300 hours, but may vary based on peak hours of need.
- B. When Air Support Unit (ASU) officers begin their shifts, they shall notify 911 they are on-duty.
 - 1. When the helicopter goes airborne, ABLE-1 will hit in service on Cruiser Northwest Channel #1.
 - 2. At that time, the 911 dispatcher will simulcast notification that ABLE-1 is in service.
- C. If/When the helicopter is unavailable due to a particular assignment, the helicopter crew will hit 10-7 on the frequency assigned to that part of the city.
 - 1. Able-1 will also advise the 911 dispatcher when they are 10-7, i.e., for signal "8-0" or when not airborne for other reasons.
 - 2. Prior to leaving at the end of their shift, ASU officers will contact 911 to advise they are off-duty.
- D. While patrolling, ABLE-1 will not hit on-call unless they are dispatched to a location or observe something of importance.
- E. The helicopter will be available during other times for Pre-Planned Assignments, or by call-in for emergencies requiring the use of an aircraft as described in this policy.

II. Requesting Helicopter Assistance

- A. Officers should contact the 911 dispatcher on their primary frequency to request the assistance of the helicopter.
 - 1. The 911 dispatcher will then simulcast instructions for ABLE-1 to switch to the frequency of the requesting officer.
- B. Radio contact should be made to verify that the helicopter is assisting on a call.
 - 1. Ground officers should not assume that because they have visual sight of the helicopter that the helicopter is monitoring their frequency or assisting them on their assignment.

III. Pre-Planned Assignments

- A. In the event of a Pre-Planned Assignment, the coordinating officer will make a request in advance for the use of the helicopter by contacting the ASU Commander. Contact numbers for the ASU Commander are located in PPM Appendix "A."
- B. All Pre-Planned Assignments shall require advanced notice and approval of the ASU Commander.

IV. Emergency Call-In (Air Support Unit Off-Duty Hours)

- A. OPD Requests.
 - 1. Only OPD command officers can request the assistance of the OPD helicopter during non-operational hours. Such requests shall be made by contacting the ASU Commander (see PPM Appendix "A" for the phone number).
 - a. 911 Dispatchers may request helicopter assistance only after the request has been made by an OPD command officer.
- B. Outside Agency Requests.
 - 1. Outside agency requests will be made through 911 Dispatch and directed through the ASU Commander.
- C. General Procedures.
 - 1. The ASU Commander will be briefed on the details of the call-in request to determine if the ASU is capable of assisting.
 - 2. The ASU commander will be notified as soon as possible when there is a need for helicopter assistance.

NOTE: It may take a minimum of 90 minutes to prepare the helicopter for takeoff during an emergency call-in.
 - 3. If the weather is questionable, the ASU Commander will determine if the helicopter can be safely flown.
 - a. Because weather can change rapidly and different weather conditions may exist in different parts of the city, it is ultimately the pilot's decision whether or not it is safe to fly.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #36-97 and #88-15.

II. Accreditation Standards

- A. CALEA standard 41.1.3 is relevant to this policy.

HELP AN OFFICER / FIREFIGHTER CALLS

POLICY:

It is the policy of the Omaha Police Department (OPD) that "Help an Officer" and "Help a Firefighter" calls will be dispatched and responded to at the highest level of priority.

PROCEDURE:

I. Response Procedures – "Help an Officer" or "Help a Firefighter" Calls

- A. When a "Help an Officer" or "Help a Firefighter" call is received by 911 Dispatch, a repetitive high-low tone shall be broadcast over the radio.

1. The high-low tone will be followed three (3) times by the 911 Dispatcher's broadcast of the "Help an Officer" and/or "Help a Firefighter" call along with the officer's/firefighter's location.
 2. The triple statement will be followed immediately by a very clear and concise reason for the "Help" call.
 3. The air will be cleared on the primary channel where the "Help" is located.
- B. Uniform Patrol Bureau (UPB) district cars shall be dispatched by 911 as described in the OPD "Radio Procedures – Dispatch, Talk Groups, and Call Prioritization" policy. Officers who are dispatched by 911 shall respond at EXPEDITE STATUS.
- C. The UPB supervisor of the "Help" call area will be dispatched to the scene.
- D. If the area's UPB supervisor is not available, the nearest available UPB supervisor will be dispatched to the scene.
1. The UPB supervisor shall respond at EXPEDITE STATUS.

II. Additional Response Procedures and Supervisor Responsibilities

- A. Once initial officers and supervisors have been dispatched, any other OPD units in the vicinity may respond. Responding OPD units assigned to the same radio channel that is cleared for the "Help" call will immediately notify their assigned dispatch that they are responding to the "Help" call. Responding OPD units assigned to other radio channels will notify their primary radio channel that they are responding to the "Help" call.

NOTE: Officers responding should be aware of radio traffic on the radio channel that is cleared. If radio traffic on the radio channel cleared for the "Help" call is busy, responding officers assigned to this channel may advise radio they are responding using an alternate dispatch channel.

1. To ensure Officer Safety, 911 Dispatch will ping all responding officers' portable radios to determine the exact location and to direct responding officers to the scene to assist.

NOTE: Officers responding to the "Help" call are reminded to drive with due regard and to utilize emergency equipment (i.e., sirens, lights, etc.) (see the OPD "Vehicles – Police Vehicles/Operation" policy for additional details).

- B. Regardless of Bureau assignment, the first sworn supervisor/command officer on the scene will be in command until a UPB supervisor arrives.
1. The UPB on-scene supervisor will relieve the initial commanding supervisor upon arrival at the scene.
- C. As soon as practical, officers at the scene will advise 911 that the situation is secure.
- D. The 911 Dispatcher will cancel any additional units that are en route to the call.
1. All additional responding units shall turn away from the area if they have not already arrived at the scene.
- E. Once the "Help" scene has been secured, the on-scene supervisor shall make certain that any officers who are not needed at the scene are either directed to return to service immediately or to move away from the scene and stand by for further instructions.

III. Documentation/Reporting of “Help an Officer” or “Help a Firefighter” Calls

- A. In ALL “Help an Officer” and “Help a Firefighter” call incidents, an Overnight email shall be completed in order to document the incident and inform command.

EXCEPTION: An Overnight email is not required if the “Help” call is cancelled before backup officers arrive.

- B. In serious and unusual “Help an Officer” or “Help a Firefighter” situations, an Inter-Office Communication may need to be completed in addition to the Overnight email. The Inter-Office Communication will document any serious or unusual issues/problems related to the incident.

1. The on-scene supervisor will evaluate the seriousness of the situation and will determine whether or not an Inter-Office Communication needs to be prepared and forwarded to the Captain of the precinct.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #11-92, #22-96, #72-15, and #28-16.

HOMELESS INDIVIDUALS

POLICY:

It is the policy of the Omaha Police Department (OPD) that under specific circumstances and temperatures, officers may provide assistance in placing and transporting homeless individuals who wish to go to an emergency shelter.

DEFINITIONS:

Inclement Weather: Inclement weather can include any kind of extreme weather, usually severe cold, snow or ice, tornados, flooding, or other natural perils.

PROCEDURE:

I. Transportation:

- A. Officers may transport any homeless individual to an emergency shelter during inclement weather periods after verifying the individual wishes to seek shelter.
- B. Officers shall refer to the OPD Civil Protective Custody and Mental Health Response Policies when encountering individuals who are homeless, incapacitated, and/or unable to care for themselves.
- C. Officers shall request emergency medical service for any homeless individual found to be in need of urgent medical care.

II. Shelter Placement:

- A. The Siena/Francis House, located at 1702 Nicholas Street, has volunteered space to accommodate homeless men, women, and children.
- B. Officers assisting in placement of a homeless individual shall follow these procedures:

1. Contact the OPD Information Channel and ask the Operator to telephone the Siena/Francis House.
2. The Operator will verify that a bed is available.
3. If a bed is available, the officer will transport the homeless individual to the Siena/Francis House.
4. If no beds are available at the Siena/Francis House, officers shall check with the Open Door Mission, through the Information Channel.

NOTE: Officers are reminded that officer safety will be maintained throughout all dealings with the public.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #86-86 and #77-15.
- B. Previous OPD Information Orders include the following: #352-90.

HONOR GUARD ATTENDANCE - FUNERALS OF POLICE OFFICERS – RESCINDED/REMOVED

This policy is rescinded per General Order #56-15.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Orders include: #30-85, #32-97, #30-08 and #56-15.

HOSPITAL CATCHMENT ZONE – RESCINDED/REMOVED

This policy is rescinded per General Order #34-16.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Orders include: #132-89, #6-90, and #34-16.

HOSPITAL GUARDS AND OTHER HOSPITALIZATIONS

This policy is rescinded per General Order #34-16.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Orders include: #40-97, #10-98, #28-10, and #34-16.

HOSPITAL PROCEDURES

POLICY:

It is the policy of the Omaha Police Department (OPD) to transport sick or injured persons to hospitals in the appropriate Emergency Medical Service (EMS) catchment area and to place a guard on felony arrestees who require hospitalization prior to formal booking when appropriate.

PROCEDURE:

I. Transportation of Subjects to Hospitals

- A. In order to provide the best emergency medical care possible, the Omaha Fire Department (OFD) and area hospitals have divided the City of Omaha into Emergency Medical Service (EMS) catchment areas.
- B. Officers may transport persons who are suffering from minor, non-emergency injuries or illnesses that do not require an OFD Rescue Squad to a hospital within the appropriate EMS catchment area.
 - 1. The appropriate EMS catchment area will be determined by the location of the call and/or where the officer first encountered the individual.
 - 2. Officers may contact 911 Dispatch to determine which hospital to transport an individual to within a specified catchment area.
 - 3. Officers will notify their supervisor or another command officer prior to transporting a person to a hospital.

II. Hospitalization of Suspects

- A. There is NO provision for placing a written or verbal "Hospital Hold" on any suspect (felony or misdemeanor) who requires hospitalization.
- B. If the suspect is being treated at a CHI-affiliated hospital or the Lasting Hope Recovery Center, officers may request notification of discharge by completing and submitting the CHI Health "Administrative Request, Attestation, and Verification for PHI Disclosures to Law Enforcement" form (CHI Health form).
 - 1. Prior to submitting a request for notification of discharge, officers will receive approval as follows:
 - a. Accident Investigators will receive approval from a sergeant or above.
 - b. Officers will receive approval from the UPB on-duty field lieutenant or a CIB sergeant or above.

NOTE: If the suspect is being treated at a hospital or facility that is NOT affiliated with CHI Health, officers SHALL NOT request notification of discharge.

- C. Officers will adhere to the following hospital procedures for misdemeanor arrests:
 - 1. Officers will issue citation(s) before hospitalization, if possible.
 - a. If unable to issue citation(s) prior to hospitalization, officers will issue a warrant.
 - b. Misdemeanor arrestees may also be released on their own recognizance by the duty judge, via the Front Desk Duty Sergeant.
 - 2. A hospital guard may be placed to guard the subject of a misdemeanor arrest ONLY under extreme conditions and with the approval of a captain or above.
- D. If an officer comes into contact with a hospitalized subject who has a warrant on file, the officer will obtain a home address, business address (if possible), and any other information that will assist in locating the person upon their release.

1. The follow-up information will be documented in a Supplementary Report and/or Information Report and forwarded to the Fugitive Squad.
2. The Fugitive Squad will attach a copy of the Supplementary Report and/or Information Report to the warrant file on the subject.

III. Hospital Guard

- A. Officers will request a hospital guard via chain of command and will provide details of the incident and the extent of the injuries.
- B. Requests for hospital guards will be reviewed and/or approved by a CIB or UPB captain or above as follows:
 1. Felony Traffic Arrest – UPB.
 2. Felony Criminal Arrest – UPB or CIB.
- C. Once, the hospital guard has been approved, the UPB Captain of the precinct where the incident originated will:
 1. Direct the completion and distribution of the Hospital Guard Form (OPD Form 33).
 2. Assign a UPB officer to guard the subject.
 3. Develop and distribute a hospital guard plan for a minimum of seven (7) days.
 - a. The plan will include the details of the assignment and a 24-hour rotation schedule between the four precincts.
 - (1) The originating precinct will be responsible for the first 48 hours of hospital guard coverage unless staffing levels mandate otherwise.
 - b. Once approved, the plan will be forwarded to all sworn UPB command officers and to the lieutenant of the CIB unit responsible for the follow-up investigation.
- D. The following hospital guard procedures will be followed:
 1. Each officer who acts as a hospital guard will complete a Supplementary Report to document events/activities that occur during their shift.
 2. Officers acting as the hospital guard shall not leave their post without first being relieved by another officer.
 - a. 8-0 and 9-5 arrangements will be made by the officer prior to reporting to the hospital.
 3. Officers will guard the patient from inside the room.
 - a. If the patient is in isolation, the preferred post will be opposite the patient's doorway.
 - b. Officers will coordinate with hospital staff to remove extraneous furniture from the room.
 4. The suspect will be confined to the room, unless they must be moved for medical reasons.

- a. The suspect will not be allowed to leave the room for any other reason, and shall be accompanied by the hospital guard at all times.
5. The OPD has the right to control access to individuals in police custody, including when those individuals are hospitalized.
 - a. For security reasons, officers shall not allow any unauthorized visitors into the room of an individual in police custody.
 - b. A written communication from the authorizing captain noting who will be allowed to visit and for what length of time will be attached to the Hospital Guard Form (OPD Form 33) in the suspect's room.
 - (1) The hospital guard will contact the lieutenant of the CIB unit conducting the follow-up investigation regarding authorized visitors.
 - c. Any persons attempting to visit the suspect will be fully identified and noted in a Supplementary Report.

NOTE: This does not include medical personnel.
 - d. The hospital guard will be in control of the visitations.
 - (1) If the officer feels that a second officer should be present during the visitation it will be incumbent on them to call for a second officer.
 - (2) If at any time the officer feels that the visit should be terminated, it will be terminated and then documented in the officer's Supplementary Report.
 - (3) No physical contact will be allowed between the suspect and any visitor.
 - e. No packages/gifts will be admitted to the room.
 - (1) All necessary items, such as clothing, SHALL be searched before the suspect receives the item.
 - f. For security reasons, the suspect will not be allowed to make or receive phone calls.
 - (1) Medical staff will be instructed to report any inquiries about the suspect (in person or by phone), to the hospital guard.
6. Officers will not discuss the case with the suspect or hospital staff, or give opinions as to the suspect's guilt or innocence.
 - a. If the suspect volunteers any information relative to the case, officers will include it on a Supplementary Report.
7. Restraints will be used as needed to restrict the suspect's ability to escape.
 - a. Officers will coordinate with hospital staff to confirm that the restraint will not cause additional injury or impede medical treatment.
 - b. When utilized, restraints will be checked by officers during the shift-change transition and as needed during the shift.

8. Officers arriving to replace the hospital guard will be briefed by the departing officer on the suspect's condition, charges, escape risk, and any unusual or pertinent information (nurses, doctors, etc. that may be entering the room) before accepting custody of the suspect.
- E. At the time of dismissal, officers assigned to transport the arrestee will:
1. Contact the investigating CIB unit's lieutenant for booking instructions.
 - a. These instructions will include all charges the party is to be booked on, the RB Number, and the serial number of the arresting officer(s).
 2. Book the suspect into the Douglas County Department of Corrections (DCDC) per OPD policies and procedures (see the "Booking – General Procedures" policy for more details).

IV. Reimbursement of Medical Costs

- A. Generally accepted instances where the City IS obligated to pay medical costs when the recipient of the services is not covered by insurance include:
1. A person who is taken from a police facility for treatment unless released from legal custody *first*.
 2. A person who is injured by a police officer in the course of arresting the individual and needs immediate treatment.
 3. A person who is under arrest and taken to a medical facility for treatment before being booked at DCDC.
 4. OPD tests for sexual assault victims.
- B. Generally accepted instances where the City MAY be obligated to pay medical costs when the recipient of the services is not covered by insurance include:
1. The person is considered to be in police custody.
 2. The person has a hospital guard.
 3. Medical personnel are requested to call OPD before releasing the patient.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders: #132-89, #6-90, #40-97, #10-98, #28-10, and #34-16.

III. Accreditation Standards

- A. CALEA Accreditation Standard 70.3.2 applies to this policy.

NARCOTICS

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.

NARCOTICS ARRESTS - PROCESSING – RESCINDED/REMOVED

This policy is rescinded per General Order #8-16.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Order: #8-16.

NARCOTICS – COCAINE TEST KIT – RESCINDED/REMOVED

This policy is rescinded per General Order #8-16.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include: #29-90 and #8-16.

NARCOTICS DOGS – RESCINDED/REMOVED

This policy is rescinded per General Order #9-16.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #32-89, #34-90, #25-07, and #9-16.

NARCOTICS PURCHASE – RESCINDED/REMOVED

This policy is rescinded per General Order #8-16.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include: #85-87 and #8-16.

NEBRASKA ELECTRONIC BENEFITS TRANSFER (EBT) CARD VIOLATIONS

PREAMBLE:

The State of Nebraska issues Electronic Benefits Transfer (EBT) cards to distribute Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamp Program) to Department of Health and Human Services (DHHS) clients. The cards are similar to a debit card in appearance and function.

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers who witness Electronic Benefits Transfer (EBT) card violations, such as illegal possession and/or use of an EBT card, may take enforcement action under Nebraska Revised Statutes (NRS) §68-1017 or 68-1017.01.

I. Third-Party Complaints

- A. Third-party complaints of EBT card violations will be documented in an OPD Information Report.
- B. A copy of the completed report will be forwarded to OPD Fraud Squad.
 - 1. The Fraud Squad will forward copies of reports to the DHHS, as needed.

II. Illegal Use and/or Possession of EBT Cards

- A. Officers may call the Nebraska DHHS in Omaha at 402-595-1258 Monday through Friday, excluding holidays, to verify that a person is the authorized user/beneficiary of an EBT card when necessary for investigatory purposes.
- B. Officers who discover illegal use or possession of EBT cards in arrest or investigatory situations will cite and/or book the suspect(s) as applicable to the offense.
- C. Officers will book the EBT card(s) into the OPD Evidence and Property Unit as evidence, per OPD policies and procedures.

REFERENCES:

I. Laws

- A. NRS §68-1017 and 68-1017.01 are referenced in this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #112-89 and #27-15.

OUTSIDE AGENCIES - REQUESTS TO ASSIST

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide assistance to outside law enforcement agencies with investigations within the city limits of Omaha.

PROCEDURE:

I. Requests to Assist

- A. When a request is made for assistance from an outside law enforcement agency, the following procedure will be followed:
 - 1. An OPD CIB supervisor shall approve the request.
 - 2. An Information Report (PortalOne/OPD Form 42) will be completed by the assisting CIB officer providing the following information:
 - a. An RB number will be assigned to assist the outside agency in referencing reports.
 - b. The name of the agency making the request.
 - c. Name of the person making the request including name, rank and serial number.
 - d. The name and rank of the OPD CIB supervisor who approved the request.
 - e. The results of the investigation.
 - 3. A brief inter-office communication shall be made, via chain of command, to the respective CIB lieutenant containing a synopsis of the investigation and the RB number of Information Report (PortalOne/OPD Form 42).

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #44-93.

II. Other

- A. PPM Monthly Update #12-2015

AGENCY PROPERTY

This policy is rescinded per General Order #43-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #85-00.

BADGE AND/OR HAT SHIELD REPLACEMENT (RESCINDED)

This policy is rescinded per General Order #10-14.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #5-86.

BICYCLE PATROL UNIFORM SPECIFICATIONS (RESCINDED)

This policy is rescinded per General Order #40-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #47-94, and #26-98.

BODY ARMOR

POLICY:

It is the policy of the Omaha Police Department that wearing of body armor is mandatory for those officers, who by the nature of their work assignment, are potentially exposed to a greater degree of danger than officers in other work assignments.

PROCEDURE:

I. Assignments Where Officers are Required to Wear Body Armor

- A. Uniform Patrol Bureau.
 - 1. All officers assigned to the Uniform Patrol Bureau will wear body armor under their uniform shirt.

2. Captains and Lieutenants in uniform may use body armor vests in lieu of wearing body armor under their uniform shirt.
 - a. Captains and Lieutenants in uniform, whether in a marked or unmarked car, who choose not to wear body armor will have a body armor vest with them and readily available.
- B. Criminal Investigation Bureau.
 1. Officers assigned to CIB will wear body armor when circumstances dictate the wearing of body armor for officer safety. The wearing of body armor may be directed by any CIB command officer.
 2. The wearing of body armor by CIB officers is mandatory when:
 - a. An incident is determined by a CIB command officer to be potentially dangerous to the safety of the officers.
 - b. An incident involves the serving of search warrants and/or arrest warrants, both felony and misdemeanor.
 - c. All officers assigned to street responsibilities, such as officers who serve warrants, make arrests, or are assigned to street level investigations.
 3. Officers will wear an "Omaha Police" identifier over their outside clothing for further identification purposes, as dictated by their supervisor.
 - a. This identifier may be on a raid vest or other jacket, clearly marked with "POLICE" or "OMAHA POLICE."
- C. All officers, regardless of rank, working in an off-duty security capacity while in a police uniform will wear their regular body armor under the uniform shirt.
- D. Medical Exceptions: Any deviation from the mandatory wearing of body armor because of health or other reasons, must be in writing and cleared through the officers' respective Deputy Chief.

II. Assignments Where Body Armor is Optional

- A. Employees working an inside assignment are not required to wear body armor.
 1. Inside assignment will be defined as an assignment which precludes the officer from leaving an assigned post for any duration of time during their work shift.
- B. Officers serving warrants or making high-risk arrests must wear their body armor.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include the following: #26-87, 30-87, 104-95, 40-11, and #10-14.

II. Accreditation Standards

- A. CALEA Accreditation standard 41.3.5 is relevant to this policy.

BODY ARMOR FOR CAPTAINS AND LIEUTENANTS (RESCINDED)

POLICY:

This policy is rescinded per General Order #10-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #104-95, and 40-11.

CEREMONIES - Academy Graduation, Funerals, Memorial Services, and Promotions

POLICY:

It is the policy of the Omaha Police Department (OPD) that all sworn employees who participate in academy graduations and promotional ceremonies or who attend police funerals or formal police memorial services will wear the Omaha Police Department Formal Duty Uniform.

PROCEDURE:

I. Academy Graduation

- A. All Training Unit Instructors who attend an Academy Graduation will wear the Formal Duty Uniform.
- B. Police Recruits who are graduating from the Police Academy will wear the Formal Duty Uniform to the graduation ceremony.
- C. Sworn employees who participate in an Academy Graduation will wear the Formal Duty Uniform.
- D. Sworn employees who attend an Academy Graduation will wear the Formal Duty Uniform or Business Dress attire.
- E. Employees who attend an Academy Graduation will wear Business Dress attire.

II. Police Funerals and Police Memorial Services

- A. Sworn employees who participate in police funerals or formal police memorial services as a representative of the Omaha Police Department will wear the Formal Duty Uniform.
 - 1. Sworn employees who wish to wear the Omaha Police uniform to any funeral or formal police memorial services will be considered a representative of the Omaha Police Department and will wear the Formal Duty Uniform.
- B. When the OPD Honor Guard participates in a funeral or police memorial service, the OPD Honor Guard Commander will determine when white gloves are to be worn.
 - 1. Officers who attend funerals or formal police memorial services where the OPD Honor Guard is not present will wear white gloves at their personal discretion.

III. Promotion Ceremonies

- A. Sworn employees actually participating in an OPD promotion ceremony will wear the Formal Duty Uniform.
 - 1. Sworn employees who participate in any uniformed promotion ceremony and wish to wear the Omaha Police uniform will wear the Formal Duty Uniform.

- B. Sworn employees being promoted will be in the uniform of the promoted rank.
 - 1. The OPD will provide the hat shield, badge, and collar insignia for the employee being promoted.
- C. Sworn employees simply attending the ceremony in uniform will wear the authorized Standard Duty Uniform.

REFERENCES:

I. Previous OPD Orders

- A. Previous General Orders include the following: #38-91 and 10-14.

OPTIONAL BUSINESS CASUAL ATTIRE FOR SWORN NON-UNIFORM PERSONNEL (RESCINDED)

This policy is rescinded per General Order #41-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #26-02.

COLLECTIBLE EQUIPMENT

POLICY:

It is the policy of the Omaha Police Department (OPD) to allow authorized persons to purchase specified OPD equipment for collection purposes only. The costs of collectible OPD equipment (including the purchase price and any repair or replacement) are the responsibility of the purchaser.

PROCEDURE:

I. Omaha Police Department Badges

- A. Tri-Color Sergeant Badge.
 - 1. Officers who have attained the rank of Sergeant and above may purchase a tri-color badge in addition to their authorized uniform badge.
 - a. Sergeants who wish to purchase a tri-color sergeant's badge will forward their request via an Inter-Office Communication to their Bureau Commander for approval.
 - b. After an officer's request to purchase a tri-color sergeant's badge is approved, the Police Supply Unit will provide them with a written authorization to be taken to the J.P. Cooke Company where the order will be

placed. Officers are responsible for making payment directly to J.P. Cooke Company at the time that the order is placed.

- c. The tri-color badge number will correspond with the officer's authorized uniform badge number.
2. The tri-color badge will not be worn with the police uniform or while on-duty in plain clothes.
3. At no time will the tri-color badge be used for official identification.

B. Commemorative Badges.

1. Periodically, the Chief of Police may allow the production of commemorative Omaha Police Department badges. These badges may be available for purchase by current and previous sworn officers of the Omaha Police Department.
2. Commemorative badges may only be purchased for ranks achieved by the officer.
3. The Chief of Police may authorize the wearing of commemorative badges on-duty for a specified period.
 - a. Once the period authorized for wear by the Chief of Police has passed, commemorative badges will not be worn by on-duty officers.

II. Purchase of OPD Collectible Equipment

A. Current Officers.

1. An officer who wishes to purchase an item of collectible OPD equipment must forward an Inter-Office Communication to their Bureau commander requesting approval of the purchase.
2. After the Bureau commander approves the request, they will forward the Inter-Office Communication to the Police Supply Unit.
3. After receipt of the approval, the Police Supply Unit will provide the officer with written authorization that will be taken to the vendor with whom the order will be placed.
4. Officers are responsible for making payment directly to the vendor at the time that the order is placed.
5. Officers will pick up or make arrangements for delivery of the collectible items.

B. Collectors and Retired Officers.

1. Collectors and retired officers who wish to purchase an item of collectible OPD equipment must address a written request to the Office of the Chief of Police.
2. If the Chief of Police or their designee approves the request to purchase collectible OPD equipment, a written approval will be sent to the collector or retired officer.
3. After receiving the written approval, the collector or retired officer will present it to the vendor with whom the order will be placed.
4. Collectors and retired officers are responsible for making payment directly to the vendor at the time that an order is placed.

5. Collectors and retired officers will pick up or make arrangements for delivery of their collectible items.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #70-02 and 10-14.

COMPANION EQUIPMENT

POLICY:

It is the policy of the Omaha Police Department (OPD) that all sworn employees while on duty will carry only authorized companion equipment. Sworn employees will have the companion equipment appropriate for their assignment with them and available for use. Unless otherwise noted, it is the responsibility of each sworn employee to purchase and maintain their companion equipment.

I. Attaché, Briefcase, or Duty Bag

- A. Will be black in color.
- B. Will be of one of the following materials:
 1. Leather.
 2. Plastic.
 3. Fiberglass.
 4. Nylon.
- C. Maximum size twenty (20") inches long by fourteen (14") inches high (excluding straps) and fourteen (14") inches wide including supplementary pouches.
- D. There will be no badges, insignias, decals, or other decorations permitted on the outside of briefcases. Duty bags and attaché cases may have appropriate OPD insignias and/or badges.
- E. Sworn employees will maintain an adequate supply of all necessary police reports and citations with them at all times during a tour of duty.
- F. The bag or case is optional equipment for all employees assigned to Central Police Headquarters duties.

II. Badge

- A. The Authorized Police Badge is the raised shield badge issued to sworn employees by the Omaha Police Department as Organizational Equipment.
 1. Whenever the police uniform is worn, the Authorized Police Badge will be worn on the prescribed badge tab.
 2. When sworn employees are in plainclothes, the Authorized Police Badge will be worn in a visible location, either on the sworn employees' belt or in a badge holder

worn around the neck. The only badge other than the Authorized Police Badge authorized for wear in plainclothes is the Optional Detective Badge.

3. When a sworn employee is acting in their official capacity, and anyone asks the sworn employee for identification, the sworn employee will give their name and badge number to the person who made the request.
4. The possession of more than one Authorized Police Badge is prohibited with the exception of the Optional Detective Badge.
5. Purchases of badges are allowed when sworn employees are promoted or when a sworn employee resigns in good standing.

B. Optional Detective Badge.

1. The OPD will allow officers who work in an investigative function to wear an Optional Detective Badge. The badge is identical to the current Authorized Police Badge with the exception of the word "Detective" replacing the word "Officer."
2. Officers who are interested in obtaining an Optional Detective Badge should forward an Inter-Office Communication requesting approval to purchase the badge to the CIB Deputy Chief. If approved, the request will be forwarded to the Police Supply Unit. Officers must pre-pay for the Optional Detective Badge, which will be ordered with the officer's serial number printed on it.
3. The Optional Detective Badge cannot be worn with the OPD uniform. Officers must maintain their current Authorized Police Badge for use with the uniform.
4. If an officer obtains an Optional Detective Badge and leaves their investigative assignment, the officer will maintain ownership of the Optional Detective Badge, but will not use it until such time as the officer returns to an investigative function.
5. Command officers are not eligible for an Optional Detective Badge.

C. Optional Wallet Badge.

1. Sworn employees may purchase an Optional Wallet Badge. Officers are responsible for the cost of the Optional Wallet Badge and for any future repair or replacement costs.
 - a. Ordering Procedure.
 - (1) Sworn employees who are interested in obtaining an Optional Wallet Badge should contact the Police Supply Unit.
 - (2) The Police Supply Unit will provide the sworn employee with written authorization that will be taken to the J. P. Cooke Company where their order will be placed. Sworn employees are responsible for making payment directly to the J. P. Cooke Company at the time the order is placed.
 - (3) It is the responsibility of the sworn employee to pick up the Optional Wallet Badge once the order is complete.
 - b. Optional Detective Badges will also be allowed in this style if the prescribed criteria are met as described in this policy.
 - c. Badge Numbers.

(1) Optional Wallet Badge numbers will correspond with sworn employees' Authorized Police Badge number.

2. The Optional Wallet Badge does not take the place of the Authorized Police Badge. On-duty sworn employees will wear the Authorized Police Badge in accordance with this policy.

D. All badges are considered sensitive equipment.

III. Equipment Bag (Optional)

A. Sworn employees sometimes must have equipment with them that cannot be carried in the authorized attaché, briefcase or duty bag.

B. The equipment bag must be black in color.

IV. Flashlight (optional)

A. The flashlight will be of a conventional style and material, not to be used for any other duty such as discharging chemicals, etc., and will not contain more than five (5) batteries.

B. Weight, not including batteries, will not exceed seventeen (17) ounces.

V. Handcuffs

A. Handcuffs will be forged steel, with a self-locking, swing-through ratchet type cuff with a double lock. Handcuffs will be traditional chain or hinged, and silver or black in color only.

B. One set of handcuffs are issued to each sworn employee.

C. All sworn employees will carry handcuffs when on duty.

VI. Police Helmet

A. Uniform Patrol officers will carry their issued police helmets while on duty.

B. Plainclothes officers will have their issued police helmets readily available while on duty.

VII. Identification Card

A. The Identification (ID) Card and Authorized Police Badge will be carried on the sworn employees' person at all times while the sworn employee is on-duty, whether in plainclothes or in uniform. The only exception is an undercover assignment.

B. Identification cards are issued by the OPD and are considered sensitive equipment.

VIII. Nameplate

A. The nameplate will be metal, at least one-half (1/2") inch in height and will not exceed two and one-half (2-1/2") inches in length. Silver metal nameplates are authorized for police officers, gold metal nameplates for command. The lettering inscribed on the nameplate will be black. The nameplate may have either clutch-type (two-pronged) with clasp or safety pin type fasteners.

B. Sworn employees will wear the nameplate on their uniform shirt, centered and attached just below the top seam of the pocket flap of the right front pocket.

C. Nameplates are issued by the Police Supply Unit.

IX. Rainwear

- A. Sworn employees will be issued a raincoat. See [Appendix B](#) for specifications.
- B. Uniform Patrol officers will have their raincoats with them while on duty.
- C. Plainclothes officers will have their issued police raincoats readily available while on duty.

X. Traffic Control Vest

- A. A high visibility, American National Standards Institute (ANSI) compliant traffic control vest is mandatory companion equipment for all sergeants and officers assigned to the Uniform Patrol Bureau and will be carried when on-duty.
- B. Sworn employees issued the vests are required to properly wear the vest when they direct traffic during their tour of duty.
- C. Sworn employees will return the vest to the Police Supply Unit when they enter an assignment which does not require the use of a traffic vest.

XI. Whistle

- A. The whistle will be black in color, made of either metal or plastic.

REFERENCES:

I. Previous OPD Orders

- A. Previous General Orders include the following: #7-75, 5-82, 15-82, 70-85, 86-88, 131-89, 45-94 20-99, 53-99, 6-03, 5-08, and 10-14.

II. Accreditation Standards

- A. CALEA Accreditation standard 22.2.7 is relevant to this policy.

COURT ATTIRE (RESCINDED)

This policy is rescinded per General Order #41-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #84-94 and #12-04.

DRESS CODE

PREAMBLE:

When developing procedures for dress, hair, jewelry and grooming standards, the Omaha Police Department strives to attain uniformity of appearance, esprit de corps, and implement policies and

procedures which will not have an adverse impact on police discipline and/or cause great public dissatisfaction. Personal appearance and grooming are important for everyone but they hold special significance for the Police Officers and Police Department Employees who are in constant contact with the public.

The Omaha Police Department does not prescribe to any specific clothing or hair styles. A wide variety of fashion and styles, if presented and maintained in a neat manner, are acceptable.

POLICY:

It is the policy of the Omaha Police Department for all employees to present a neat and professional appearance at all times while on duty in order to project an image of professionalism, competence and pride. It is necessary to restrict certain apparel and grooming practices so as not to endanger the employee's safety or impede their performance of duties. All employees will wear conservative clothing and hairstyles that conform to the OPD Dress Code.

DEFINITIONS:

Business Dress: Professional appearing clothing that will be worn as directed by policy by all employees while on duty to present a professional appearance. Specific fashion, color and styles are not mandated but should be conservative in nature.

Business Casual Dress: A less formal variation of Business Dress that will be worn as directed by policy by all employees while on duty to present a uniform standard of dress. Specific fashion, color and styles are not mandated but should be conservative in nature.

Casual Dress: Informal clothing that may be worn by non-sworn employees as determined by policy. Sworn employees may wear Casual Dress in limited circumstances.

Non-Sworn Uniform: A uniform required to be worn for specific non-sworn assignments within the Omaha Police Department.

PROCEDURE:

I. Clothing, Apparel and Accessories

- A. Employees are expected to use common sense in determining what is appropriate, keeping in mind that work attire should complement an environment that reflects efficiency, order, and professionalism. Employees will make certain their uniform and/or clothing is in good repair and clean at all times.
 1. Employees will not wear articles of clothing and/or accessory items that are inappropriate or offensive to the public. The following is not allowed:
 - a. Ripped or torn clothing.
 - b. Revealing attire.
 - c. Logos on clothing which are drug and/or alcohol related or are obscene or inappropriate.
 - d. Cut off shorts, shorts, tank/tube tops, halters, baseball caps/hats, or thong sandals.
 2. Employees will wear official OPD uniforms or Business Dress attire.
 3. Sworn employees are required to carry their valid driver's license on their person when on duty. Non-Sworn employees must have a valid driver's license on their person when operating any City vehicle.

4. Sworn employees have the option of wearing Business Casual Dress on Fridays, Saturdays, Sundays, and holidays unless they are scheduled to appear in court.
5. Non-sworn employees have the option of wearing Business Casual Dress and may wear Casual Dress on Fridays, Saturdays, Sundays, and holidays as well as the day before all announced City of Omaha holidays unless they are scheduled to appear in court.
6. Business Casual Dress and Casual Dress attire will not be worn by employees who attend meetings and represent the Omaha Police Department or are assigned to duties where they are required to wear a uniform and exposure to the public is routine and expected.

NOTE: The respective Bureau head will determine the appropriate plainclothes/civilian dress for a given assignment. Specialized dress for specific investigations may be approved by the respective Unit Commander.

B. Court attire.

1. Sworn employees who appear in court to testify will wear Business Dress attire or an official OPD duty uniform in accordance with the "Uniform" policy.
2. Non-Sworn employees who appear in court to testify will wear Business Dress attire or their official Non-Sworn Uniform.

C. Supervisors are responsible for monitoring an employee's appearance for compliance with this Dress Code and may require employees to change their clothing and apparel to conform to this Dress Code.

2. Employees who come to work in clothing and/or apparel that does not comply with this Dress Code may be sent home to change into appropriate clothing.
 - a. Employees should be marked for the appropriate leave for the period they are absent in order to change their clothing, per applicable bargaining unit contracts.

D. Business Dress attire.

1. Business Dress attire for male employees will consist of the following:
 - a. Button front dress shirt with collar buttoned at the neck.
 - b. Conservative business necktie.
 - c. Normal business trousers.
 - d. Polished business or dress shoes.
 - e. Suit or sport coat.
2. Business Dress attire for female employees will consist of a combination of the following:
 - a. Suit.
 - b. Dress.
 - c. Blouse with slacks or skirt.
 - d. Pant suits.

- e. Polished business or dress shoes.
 - 3. Employees will ensure their Business Dress clothing is in good repair, clean and neatly pressed at all times.
- E. Business Casual Dress attire will consist of a combination of the following:
- 1. Button front dress shirt with collar (tie not required).
 - 2. Blouse (females only).
 - 3. Mock turtleneck shirt.
 - 4. Turtleneck shirt.
 - 5. Dress polo style shirt.
 - 6. Front button shirt with collar.
 - 7. Sweater or cardigan.
 - 8. Dress or casual pants (e.g., Dockers, Khakis).
 - a. Denim, jeans (any color) and cargo pants are prohibited.
 - 9. Casual skirt at a modest length (females only).
 - 10. Faux leather or leather shoes (e.g., loafers, Dr. Martens).
 - a. Socks or hosiery is required with all footwear.
 - b. Sandals and open-toe shoes are prohibited.
 - 11. Blazers, sport coats, jackets or equivalent.
 - a. Sworn employees will have this item available at all times to cover firearms from public view when the employee is not within a police facility.
 - b. Jackets will not be gathered or banded at the waistband.
- F. Casual Dress attire may consist of any of the following:
- 1. Crewneck shirts.
 - 2. Sweatshirts.
 - 3. Utility trousers, including jeans and cargo pants.
 - 4. Work shoes or boots.
 - a. Socks or hosiery is required with all footwear.
 - b. Sandals and open-toe shoes are prohibited.
- G. Non-Sworn Uniforms.
- 1. Certain non-sworn positions in the department, such as the Front Desk Squad and Forensic Investigations Section, require official uniforms.
 - a. Non-sworn uniform positions are determined by the Chief of Police or their designee.

- b. The Chief of Police or his designee will determine the specifications for all Non-Sworn Uniforms. The Police Supply Unit will maintain a list of authorized Non-Sworn Uniforms.
2. Non-sworn employees assigned to uniformed positions shall wear only clothing, apparel and accessories authorized for wear with their official Non-Sworn Uniform.
3. Non-sworn employees will be issued Non-Sworn Uniforms according to the applicable bargaining unit contract.
 - a. Additional Non-Sworn Uniforms may be purchased by non-sworn employees but must be identical to the issued Non-Sworn Uniform.

H. Jewelry.

1. Earrings.
 - a. Earrings will not be allowed for male sworn officers.
 - b. Female sworn employees and non-sworn employees wearing a Non-Sworn Uniform will be allowed one earring of post or stud type in each ear lobe. No wire or dangling-type earring will be allowed.
 - (1) Earrings worn with official uniforms will be silver, gold or pearl.
 - c. Non-sworn employees who do not wear official uniforms may wear one earring of a conservative type.
2. Watches may be worn by all employees.
3. Rings may be worn by all employees.
 - a. No more than two rings may be worn at any time.
 - (1) A wedding band set is considered one ring.
 - b. Employees should consider their duty assignment and safety when considering the type of ring worn.
4. Bracelets will not be worn with official uniforms but may be worn with any other attire.
5. Necklaces may be worn but will not be visible when wearing official uniforms.
6. Body piercing jewelry, piercing rings and/or piercing studs (other than earrings) may be worn but will not be visible.
 - a. Tongue piercing studs and tongue piercing rings are considered visible and will be prohibited while on-duty.

EXCEPTION: Officers working in an undercover assignment will be allowed to wear the above mentioned piercing items with command approval.

NOTE: Rings, necklaces, bracelets, and earrings will not be replaced by the City of Omaha if damaged or lost.

II. Hair

- A. Male sworn employees will have conservative hairstyles and conform to the following standards:
 1. Hair must be symmetric on the sides and back. No hair will so long as to lap, hang or curl over the officer's eyes, ears or top of the shirt collar of the uniform.

2. Hairstyles cannot interfere with the proper wearing of the uniform headgear or emergency equipment.
 3. The Issued Hat, when properly worn, must be in close proximity to both the ears and the eyebrows of the person wearing the hat.
 4. Hair will be of a natural hair color. No symbol, letter, number or geometric/artistic design may be cut or woven into the hair, nor hair cut to reveal a tattoo on the head.
 5. A wig may be worn as long as it conforms to the above specifications for natural hair and is of natural hair color.
- B. Non-sworn male employees will have conservative hairstyles.
1. Hair will be of a natural hair color. No symbol, letter, number or geometric/artistic design may be cut or woven into the hair, nor hair cut to reveal a tattoo on the head.
 2. A wig may be worn as long as it conforms to the above specifications for natural hair and is of natural hair color.
- C. Female employees will conform to the following hairstyle standards while wearing an official OPD uniform:
1. Hair will not to exceed the back “yoke line” of the uniform shirt. Hair must be worn outside the uniform shirt and must not extend below the “yoke line.”
 - a. The “yoke line” refers to the line on the uniform shirt that crosses the back of the shirt below the neck and across the shoulders.
 2. Hair will be cut above the ears or pulled back behind the ears. Hair will not fall beyond the high point of the eyebrow.
 - a. The intent of this requirement is to prevent a potential obstruction or restriction of vision.
 3. The Issued Hat, when properly worn, must be in close proximity to both the ears and the eyebrows of the person wearing the hat.
 4. Hair should not be worn in such a manner that it interferes with the wearing of Department issued headgear and/or emergency equipment.
 - a. Hair may be pulled back in the form of a “ponytail” or in the style of a “braid.”
 - (1) Multiple braids are allowed; however, hair may not contain beads or brightly colored bands.
 - (2) All “ponytails” or “braids” will be grouped to the back of the head and centered as best as possible.
 - (3) Overall length of the “ponytail” or “braid” will not extend below the yoke line of the uniform shirt.
 5. Only those items necessary to hold hair in place may be worn.
 - a. These items will not be decorative in nature and will not be made of material that could increase the risk of injury.
 - b. Accessories should be of a natural hair color or neutral color or colors consistent with the uniform (dark blue or black).
 - c. Accessories should not be shiny or extreme in color so as to jeopardize the safety of the officer. Bows and ribbons will not be worn.
 6. Hair must be clean, neatly groomed, and of a natural color. Hair may be styled and worn in a prudent manner and must follow specifications outlined in this section.
 7. A wig may be worn as long as it conforms to the above specifications for natural hair and is of natural hair color.

- D. Female employees will conform to the following hairstyle standards when not wearing an official OPD uniform:
1. Hair must be clean, neatly groomed, and of a natural color. Hair may be styled and worn in a prudent manner that does not obstruct, restrict, or interfere with vision.
 2. A wig may be worn as long as it conforms to the above specifications for natural hair and is of natural hair color.

III. Grooming Standards

- A. A good impression for the public involves more than neat-appearing uniforms and/or attire and is dependent upon all of the following standards which will be followed:
1. Teeth clean.
 2. Fingernails clean and trimmed.
 - a. Sworn employees' fingernails will not extend more than one-fourth inch from the fingertip and will not interfere with the efficient operation of police equipment.
 - (1) Fingernail polish, if worn, will be clear.
 - b. Non-sworn employees' fingernails will be clean and trimmed.
 - (1) Nail polish, if worn, will be appropriate and present a professional appearance.
 3. Hands will be clean.
 4. Body and breath will be free from offensive odors.

NOTE: Deputy Chiefs will have the authority to waive these standards to meet the individual needs of special assignments.

- B. Facial hair for sworn employees.
1. Sideburns, when worn, will have a length no lower than the bottom level of the ear lobe. Sideburns must be evenly tapered, cut parallel to the ground, and can be no wider than one (1") inch. Flair or 'mutton chops' are not authorized.
 2. Mustaches, when worn, must be neatly trimmed and tapered. Mustaches will not extend in width beyond the outside corners of the mouth, nor extend in length below the upper lip. Handlebar or 'Fu Manchu' types of mustaches are not allowed.
 3. Beards and goatees will not be allowed.
 4. Exemptions to these rules may be allowed for sworn employees who are working in special assignments within the Police Department. Exemptions will be obtained by request through the Chain of Command to the Office of the Chief of Police or their designee.
 5. Sworn employees diagnosed by a personal dermatologist as having Pseudofolliculites Barbae (PFB) and the only recommended treatment is wearing a beard may submit to the Office of the Chief of Police, through the Chain of Command, a Request for a Waiver from the Grooming Standards.
 - a. This request will include written documentation from the dermatologist with the following information:
 - (1) A description of the degree and location of the skin problem.
 - (2) The length of time the sworn employee has been under treatment for PFB.

- (3) A description of treatments, other than wearing a beard, that have been explored and the results of each treatment.
 - (4) A medical opinion from the dermatologist that, after examination and treatment, the only effective treatment for the sworn employee is wearing a beard.
- b. The Office of the Chief of Police will forward the request to the Backgrounds/Inspections Unit. The Backgrounds/Inspections Unit will send a copy of the request to a City appointed dermatologist for review.
 - c. The City appointed dermatologist may consult with the sworn employee's dermatologist and may examine the sworn employee to determine the extent of the skin problem. If the City appointed dermatologist determines that the only successful treatment will be wearing a beard, the City dermatologist will send documentation of that finding to the Office of the Chief of Police.
 - d. Based on review of the dermatologist's findings, the Chief of Police or their designee may authorize the wearing of a beard. The sworn employee will wear a full beard that is neatly and evenly trimmed and not more than one quarter inch in length.
 - e. The Background/Inspections Unit will periodically review each case. The Background/Inspections Unit will be responsible for maintaining medical documentation of the sworn employee's need to wear a beard.
 - f. Certain employees must either maintain a clean-shaven face in the area of contact between face mask and skin or be subject to reassignment of duties or responsibilities. Such reassignment may occur if the employee is a police officer assigned to the Emergency Response Unit. Whether employees required to grow facial hair as treatment for the above described condition may be assigned to duties which require the use of breathing apparatus will be determined on a case by case basis. The factors to be considered, but are not limited to, include:
 - (1) The frequency of use.
 - (2) The persons who may be affected by the actions of the employee.
 - (3) The probability of the use.
 - (4) Whether the employee's condition can tolerate limited shaving in the area of contact between the skin and the face mask.
- C. Facial hair for non-sworn employees should be neatly trimmed and present a professional appearance.

IV. Body Art – Tattoos and Body Ink

- A. Body art that is deemed offensive, immoral, or presenting an unprofessional appearance, as deemed by a supervisor, will not be visible to the public.
- B. No body art obtained after hiring will be visible.
- C. Facial and neck body art that cannot be covered will not be allowed.

EXCEPTION: Employees working in an undercover assignment will be allowed to make body art visible with command approval.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #81-89, 82-90, 84-94, 35-97, 62-97, 26-02, 12-04, 16-08 and 41-13.

II. Other References

- A. City of Omaha Policies applicable to this policy include # 3-00 “Casual Dress Day”.
- B. Omaha Mayor Memorandum applicable to this policy includes the “Dress Down Days” memo dated January 5, 1996.

DUTY GEAR

POLICY:

It is the policy of the Omaha Police Department (OPD) that only duty gear authorized by the Chief of Police shall be worn or carried on the duty uniform by officers of the OPD. This policy does not apply to officers assigned to plainclothes duties.

PROCEDURE:

I. Mandatory Duty Gear

- A. Utility Belt.
 - 1. Officers will only wear the Department issued or an approved duty utility belt. See [Appendix B](#) for specifications.
- B. Holster.
 - 1. The holster will have a finish to match all other items of mandatory issued duty gear. Holsters shall be worn on the officer's strong hand side only. No holsters are allowed that cause the officer to reach across their waist to draw the weapon, i.e., cross-draw style. See [Appendix B](#) for specifications.
 - 2. Officers may carry an authorized weapon-mounted tactical light in an approved holster. See [Appendix B](#) for specifications.
 - a. The approved tactical light holster is considered optional equipment for officers who were not originally issued that holster.
 - (1) Officers who opt to carry the mounted tactical light in the optional holster and who have other unserviceable holsters will be allowed to pay the difference between the costs of the optional holster and the unserviceable holster.
 - (2) Officers who choose to replace a serviceable holster with an optional holster will pay for the entire cost of the optional holster.
 - b. Officers will not be allowed to carry the tactical light in a pouch or in an unapproved holster configuration.
 - c. Officers will not be allowed to wear a holster for a weapon mounted light if their weapon does not have an authorized weapon mounted light attached.
- C. Ammunition Magazine Carrier (Semi-Automatic Firearms).
 - 1. The authorized magazine pouches for the semi-automatic firearms will conform to the specifications in [Appendix B](#).

2. Magazine pouches will be configured to carry the specific magazines for the chosen semi-automatic firearm.
 3. Flap style magazine pouches will be worn on the utility belt located on the strong side, e.g. immediately to the right of the utility belt buckle for right handed shooters and immediately to the left of the utility belt buckle for left handed shooters.
 - a. Flap style magazine pouches may be carried either vertically, i.e. the pouch flap on the top of the magazine pouch, or horizontally with the top of the pouch flap nearest the utility belt buckle.
 4. Open top style magazine pouches will only be carried vertically.
 - a. Open top style magazine pouches will be worn on the utility belt located on the opposite side from the officer's Duty Firearm. The pouch may be worn from the center buckle to the side of the officer's hip.
- D. Ammunition Speed Loader Carrier (.38 Caliber Double Action Revolver).
1. Only speed loader carriers are authorized for reloading the .38 Caliber Double Action Revolver.
 2. Speed loader carriers will be capable of holding two (2) speed loaders and will have a finish to match all other items of mandatory issued duty gear.
 3. Speed loader carriers will be worn opposite the strong side, e.g. immediately to the left of the utility belt buckle for right handed shooters and immediately to the right of the utility belt buckle for left handed shooters.
- E. Handcuff Case.
1. Officers will wear a handcuff case on their utility belt. See [Appendix B](#) for specifications.
 2. A Double Handcuff Case is optional and may be carried in lieu of or in addition to the issued single handcuff case. The double handcuff case will be of the same material as the issued single handcuff case.
- F. Portable Radio Carrying Case.
1. Officers will wear the issued portable radio carrying case on their utility belt. See [Appendix B](#) for specifications.
- G. Baton and Baton Carrier (Holder).
1. Baton.
 - a. The baton will be twenty-two (22") or twenty-four (24") inches long and one and one-half (1-1/2") inches in diameter. The weight is not to exceed twenty (20) ounces. It will be made of wood, plastic, or fiberglass, (to be natural and/or dark color).
 - b. Officers may also carry issued collapsible batons. See [Appendix B](#) for specifications.
 2. Baton Carrier.
 - a. Collapsible Batons.

- (1) Officers will use the baton carrier issued by the Police Supply Unit.
- b. Standard Batons.
 - (1) Officers will use a leather strap with chrome metal or black plastic ring, diameter of one and a half (1 ½") or two (2") inches.
- H. OC Spray and Carrier (Holder).
 1. Officers will carry only Department issued OC spray.
 2. Officers will carry issued OC spray in a carrier issued by the Police Supply Unit.
- I. Exceptions.
 1. Exceptions to the above mandatory duty gear must be approved, in writing, by the Chief of Police, or designee.

II. Optional Duty Gear

- A. Belt Keepers.
 1. Belt keepers will coordinate with the standard issued duty belt as listed above. Snaps are all black, regardless of rank.
- B. Flashlight Carrier (Holder).
 1. The finish of the flashlight holder will match mandatory issued duty gear.
- C. Flashlight Carrier Ring - Standard Flashlight.
 1. A leather strap with chrome metal or black plastic ring, diameter of two (2") inches.
- D. Surgical Glove Pouch. See [Appendix B](#) for specifications.
- E. Tourniquet. See [Appendix B](#) for specifications.
- F. Tourniquet Belt Carrier. See [Appendix B](#) for specifications.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #66-87, #51-88, #86-88, #53-89, #131-89, #63-90, #64-90, #64-90, #64-90 Supplement #1, #65-91, #41-93, #26-01, #13-03, #46-13 and #46-13 Supplement #1, and 30-14.

II. Accreditation Standards

- A. CALEA Accreditation standard 22.2.8 is relevant to this policy.

EQUIPMENT

PREAMBLE:

Accountability for Omaha Police Department (OPD) equipment relates directly to public safety. Certain OPD equipment is subject to misuse in the wrong hands, and exceptional care should be taken while carrying and storing OPD equipment.

POLICY:

It is the policy of the Omaha Police Department (OPD) for all employees to store and maintain Department Equipment in a state of operational readiness. Employees who are issued Department Equipment are responsible for the upkeep and return of the equipment. Employees will use the Police Equipment – Accountability Form (OPD Form 24) to document equipment that is damaged, lost, stolen, or in need of general maintenance.

DEFINITIONS:

Department Equipment: All equipment owned by the OPD and maintained in a state of operational readiness, including Temporary Issue Equipment, Organizational Equipment and Sensitive Equipment.

Operational Readiness: Maintenance of equipment by providing proper care and cleaning, preventive maintenance, repair, workability, responsiveness and proper storage and accountability.

Organizational Equipment: Equipment of a more personal nature issued by the Police Supply Unit for either the duration of an employee's career or while assigned to a specific Unit, Section or Bureau. This equipment remains the property of the OPD. Examples include: pagers, cell phones, department issued duty gear, uniforms, department issued companion gear, body armor, and recording devices.

Sensitive Equipment: Any equipment which can be used to impersonate an employee, radios (which compromise operational integrity), and weapons. Other examples are police ID, badges, raid jackets, uniforms, ballistic vests, leather gear, keys, handcuffs, and vehicles.

Temporary Issue Equipment: Equipment used by employees during their duty shift. Examples include: speed measuring devices (Radar/Lidar), portable radios, shotguns, and vehicles (motorcycles, marked and unmarked cars).

PROCEDURE:

I. Responsibilities

- A. Each unit is responsible for the operational readiness of its assigned equipment.
 1. Certain Department Equipment and Organizational Equipment are the responsibility of specific units or employees within the department for repair or replacement. The following units are responsible for the listed Department Equipment:
 - a. Police Supply Unit: Companion Equipment (Handcuffs, batons, mace, etc.), Radios, Uniforms, and speed measuring equipment (Radar/Lidar).
 - b. Forensic Investigations Section: Breath testing equipment.
 - c. Fleet and Facilities Coordinator: Fleet vehicles and in-car video cameras.
 - d. Emergency Response Unit (ERU): Special weapons and specialized equipment used by the ERU and/or other OPD units.
 - e. Training Unit: Shotguns.

- f. Information Technology Unit: Computers, Mobile Video Recorders, and Body Worn Cameras.
 - g. Narcotics Unit: Surveillance/Undercover equipment.
- B. Employees are responsible for the upkeep and return of all property issued to them.
 - 1. In the case of lost or damaged Temporary Issue Equipment, the precinct/section captain will make a determination as to whether or not the employee violated policy. In instances of theft or gross negligence by an employee, the employee may be responsible for reimbursement of the item and/or subject to disciplinary or criminal action.
 - 2. When an OPD employee retires, resigns or is terminated for cause, the employee is required to turn in to the Supply Unit all equipment and uniforms issued to the employee by the OPD.
- C. All employees will properly store and safeguard Department Equipment.
 - 1. Sensitive Equipment may be targeted for theft by criminals and/or terrorists. Because of the nature of these items, greater care should be taken in safeguarding them from theft.
 - 2. Simply locking Sensitive Equipment in the passenger compartment of a vehicle will not be considered sufficient security, because it is too easy to break the glass and steal the items inside. Under those circumstances, an employee may be considered to have violated policy if the items were stolen. Reasonable alternatives would include locking the items in the trunk or a metal lockbox secured to the vehicle (as in a SUV).
- D. Employees are required to turn in Organizational Equipment to the Police Supply Unit when they transfer to another unit, resign, retire or upon termination of employment.
 - 1. When an employee transfers from one bureau/section/unit to another which requires different types of equipment, the employee will turn in the equipment that is no longer necessary in the new assignment. Equipment required for the employee's new obligations and position will then be issued.
 - 2. Organizational Equipment lost during the employee's career due to a policy violation must be replaced at the employee's expense.
 - 3. Organizational Equipment not accounted for at the time of an employee's resignation, retirement or termination must be replaced by the employee.
 - 4. The Police Supply Unit will maintain an up-to-date list of equipment costs.
 - 5. When an employee's loss of police equipment is determined to be related to a violation of policy, the employee will:
 - a. Pay the amount of the loss to the Police Supply Storekeeper. The employee will then receive the white customer copy of the billing "Receipt" (Finance Department Form LGFS-K89).
 - b. If the employee is terminating employment, a Clearance Slip Form (OPD Form 141) will be issued by the Police Supply Unit.
 - (1) Reimbursement for lost property must be received by the Police Supply Unit prior to issuance of OPD Form 141.

NOTE: The City of Omaha may take action against individuals who fail to return or reimburse OPD for equipment and/or property at the end of their employment.

- (2) The Police Supply Unit will forward the OPD Form 141 to the Human Resources Unit.

- E. The Police Supply Unit is responsible for the maintenance of accurate records of all Temporary Issue and Organizational Equipment issued directly to employees. The Police Supply Unit will:
 1. Verify that all equipment and property is returned and/or accounted for in OPD inventory/records.
 2. Provide employees a Clearance Slip Form (OPD Form 141).

II. General Maintenance of Department Equipment

- A. When Department Equipment is found to be in need of maintenance due to normal wear and use, the employee shall:
 1. Complete a Police Equipment – Accountability Form (OPD Form 24).
 2. Submit the completed form and equipment in need of maintenance to their supervisor or the appropriate location (e.g., the City of Omaha Vehicle Maintenance Shop) for repair and/or replacement.
- B. No further investigation is required if the equipment is inoperable due solely to the malfunctioning of the equipment resulting from normal wear or use (e.g., MVR transmitter no longer works, brakes need to be replaced on vehicle, etc.).

III. Damaged, Lost, or Stolen Department Equipment

- A. When Department Equipment (including vehicles) is damaged or found to be damaged due to circumstances beyond normal wear or use, or has been lost or stolen, the employee shall immediately:
 1. Complete a Police Equipment – Accountability Form (OPD Form 24) and other appropriate reports to document the incident involving the equipment.
 2. Submit OPD Form 24 and other appropriate reports to the reviewing supervisor.
 3. Turn over damaged items (if applicable) to either the reviewing supervisor or appropriate location, such as the City of Omaha Vehicle Maintenance Shop.
- B. Each Police Equipment – Accountability Form (OPD Form 24) submitted under these circumstances will be evaluated by the employee's immediate supervisor for an initial opinion of whether or not the employee who damaged or lost the equipment violated policy.
 1. The employee's immediate supervisor shall:
 - a. Conduct an investigation.
 - b. Record the investigation and opinion(s) on an Inter-Office Communication.
 - c. Attach a copy of the OPD Form 24 and any other investigative reports to the Inter-Office Communication.

- d. Forward the investigation via chain of command to the employee's precinct/section captain.
2. The precinct/section captain will conduct a final review to determine whether or not there was a policy violation.
 - a. If a policy violation is found, the precinct/section captain will consult with the respective bureau deputy chief to determine whether one of the following actions will be completed:
 - (1) A line investigation which, upon completion, will be forwarded to the Internal Affairs Unit for consideration by the Chief of Police.
 - (2) An Internal Information Report (OPD Form 46) and a copy of the OPD Form 24 will be forwarded to the Internal Affairs Unit for consideration by the Chief of Police.
 - (3) In instances of theft or gross negligence by an employee, the employee may be responsible for reimbursement of the item and/or subject to disciplinary action.
 - (4) Reimbursements will be submitted to the Police Services Bureau (PSB) Deputy Chief via the employee's immediate supervisor.
 - b. If no policy violation is found, the equipment will be replaced by the City at no cost to the employee.

IV. Equipment Repair/Replacement

- A. The unit lieutenant, manager, or administrative sergeant will work with the Fleet and Facilities Coordinator and/or the Police Supply Unit to determine whether or not equipment or vehicles will be repaired or replaced, and will forward a copy of the OPD Form 24 to the Police Supply Unit for inventory purposes.
 1. The following factors should be considered:
 - a. The item's time in service.
 - b. Whether or not the damaged/inoperable equipment is soon to be obsolete or removed from service.
 - c. Prior repair costs.
 - d. Departmental needs.
 2. If the item(s) will not be repaired or replaced, the item(s) should be removed from all departmental and/or precinct/unit equipment inventory lists as appropriate.

REFERENCES:

I. Previous OPD Orders

- A. Previous General Orders include the following: #29-75, 33-84, 6-91, 72-94, 19-00, 85-00, 38-03, 43-13, 23-14, and 15-16.

II. Accreditation Standards

- A. CALEA Accreditation standards 17.3.1, 17.5.1, 17.5.2, and 17.5.3 are relevant to this policy.

FIREARMS AND AMMUNITION

POLICY:

It is the policy of the Omaha Police Department (OPD) that sworn employees are only authorized to carry and use firearms and ammunition that conform to specifications and requirements set forth by the Chief of Police, or designee.

DEFINITIONS:

Approved Ammunition: Ammunition authorized and approved by the Chief of Police or their designee that meets the specifications of the Department for use while on duty. Approved Ammunition may be purchased at the officer's own expense for use in Secondary and Backup Firearms. A list of Approved Ammunition is located in [Appendix C](#).

Authorized Firearm: A specific type of firearm authorized by a Bureau Deputy Chief for on duty carry by an officer due to the type of their assignment or other specific need. The authorization will be in writing on an Inter-Office Communication and will include the firearm's make, model, caliber, serial number, date(s) of authorization, and the justification for authorization. The Inter-Office Communication will be forwarded to the Training Unit for filing.

Backup Firearm: A firearm carried in a concealed location while on duty or in uniform (for example, in a vest or ankle holster) in addition to a Primary or Secondary Firearm. Generally, this would be a smaller handgun.

Caliber: The diameter of the bore of a gun. Current approved calibers are: .380 (backup only), .38 SPL, .357, .40 S&W, .45 ACP and the 9mm.

Duty Ammunition: Ammunition authorized and approved by the Chief of Police or their designee that meets the specifications of the Department for use while on duty. Duty Ammunition is in the following calibers: .38, .40 S&W, .45 ACP and 9mm and is issued by the Department. Primary Firearms must be loaded with Duty Ammunition.

Off Duty Firearm: A firearm carried by an officer while off duty. This definition does not apply to collectibles, hunting or other firearms being transported by off duty personnel for uses wholly unrelated to the officer's status as an off duty law enforcement officer.

Primary Firearm: The officer's primary duty firearm carried while wearing any official Omaha Police uniform with duty belt. The Primary Firearm may also be carried while working plainclothes. Primary Firearms will be black, silver or have a traditional brushed or matte metallic finish. Polymer firearms will be black.

Secondary Firearm: A firearm carried while working plainclothes, an assignment that permits the wear of Business Dress, or other non-uniformed assignment (for example, CIB or Training). Secondary Firearms will not be worn with any official OPD uniform. Secondary Firearms will conform to the Primary Firearm color requirements.

PROCEDURE:

I. General Firearm Requirements

- A. All on duty officers will be armed with Primary, Secondary or Authorized Firearm unless specifically authorized in writing by the Chief of Police or their designee.
- B. No firearm will be modified from its original factory specifications except as noted in PPM [Appendix C](#) or unless specifically authorized in writing by the Chief of Police or their designee.

- C. All firearms, including rifles and carbines, carried on duty must be registered with the Department by make, model, and serial number.
- D. Officers must meet State of Nebraska and Department training and qualification requirements with all Primary, Secondary, Backup and Authorized Firearms carried in an employment capacity.
- E. No laser sight, internal or external, is authorized for use in any firearm carried by OPD sworn employees, either on duty or while working any part-time job as a police officer, unless specifically authorized in writing by the Chief of Police or their designee.
- F. Officers will use clearing barrels located at the assemblies and weapon cleaning rooms for safe loading and unloading of their firearms.
- G. Officers will follow all safety procedures and precautions while handling, loading, and unloading firearms.
- H. Any unintentional discharge of a firearm by an on duty or off duty Omaha Police Officer will be immediately reported and investigated. See the OPD "Chief's Report" policy for details.

II. Purchase and Possession of Firearms

- A. Due to ATF and IRS regulations concerning the purchase of firearms and ammunition, ammunition and firearms for personal ownership or use are not authorized for purchase through the OPD Police Supply Unit.
- B. Officers may purchase Authorized (duty) Firearms from dealers (interstate or intrastate) to be delivered to the Police Supply Unit or a private federal firearms licensee and take advantage of a dealer's excise tax-exempt or law enforcement pricing. If needed, an official Departmental certification letter may be obtained. This certification letter is provided as a confirmation of the officer's status and firearm employment intent, not as an order to any vendor demanding a sale.
 - 1. Sworn employees who want to upgrade or purchase a firearm for on duty use may submit an Inter-Office Communication via their chain of command to the Training Unit commander requesting an authorization for purchase. A specifically formatted Inter-Office form can be found in the OPD "Training" Public Folder.
 - a. The Training Unit will initiate the Inter-Office Communication on all new recruits.
 - 2. Upon receipt of the request, the Training Unit commander will submit a letter of request to the Chief of Police via the chain of command.
 - a. A copy of the purchase request will be maintained in the requesting officer's training file.
 - 3. The Chief of Police will review and, if appropriate, sign the letter of request authorizing purchase of the firearm and return the original letter of request to the Training Unit commander, or their designee, who will send it to the officer.
 - 4. The officer may arrange for the vendor to deliver the firearm to the OPD Police Supply Unit or to a more conveniently located federal firearm licensee.
 - 5. It is the officer's responsibility to properly register the firearm once it is delivered.
- C. Employees who have been convicted of a felony of any kind or a misdemeanor relating to Domestic Violence will not be issued necessary documentation to keep or possess any magazines or firearms.

1. The officer will be required to transfer firearms, magazines and ammunition to the Training Unit, another qualified person, or a federal firearm dealer.
 2. If the items are turned over to another person or a federal firearm dealer, the officer must provide written documentation as to the transaction. This documentation will be forwarded to the Office of the Chief of Police.
 3. Failure to comply with these provisions is a violation of law and will result in civil and/or criminal action.
- D. Sworn employees served with a court-ordered Protection Order will follow procedures detailed in the OPD "Domestic Violence – Employees Involved" policy.

III. Primary and Secondary Firearms

- A. Primary Firearms are the 9mm, .40- or .45-caliber Glock. All newly appointed officers will be required to purchase and carry the 9mm or .45-caliber Glock. Authorized models include the Model 17 Series (9mm), or Model 21 Series (.45-caliber). Black is the only authorized color.
- B. Special dispensation is granted to those officers who have been previously approved to carry a .38-caliber revolver and they may do so until they resign or retire. Similarly, officers who have been previously approved to carry a 9mm, or .40- .45-caliber semi-automatic firearm may also do so until they resign or retire. Officers who wish to upgrade their Primary Firearm may only purchase and carry the 9mm, or .45-caliber Glock Model 17 Series, or Model 21 series, black only, unless otherwise authorized in writing by the Chief of Police or their designee.
- C. Officers who elect to transition to a new Duty Firearms may only choose a Glock Model 17 Series, or 21 Series and will be responsible for the cost of any duty gear needed for the new firearm.
- D. While on duty, in uniform or in other attire, the Primary, Secondary, or Backup Firearm must be carried on the person in a holster complete with a firearm retention device. The handgun will not be carried loose without a holster in a waistband, pocket, purse, briefcase, or duffel bag, or any other type of case or device positioned away from the officer's body. This list is not all-inclusive.
1. This procedure also applies to off duty officers in uniform who, by virtue of an off duty work permit, are employed as police officers or security guards by a secondary employer.
- E. Sworn employees are expected to carry their Primary or Secondary Firearm when on duty at all times except when:
1. In an area where firearms are lawfully prohibited for law enforcement officers.
 2. Within a secure area in a law enforcement or correctional facility.
 3. Participating in training.
- F. Officers carrying semi-automatic handguns on duty will have a round chambered and a fully loaded magazine in the handgun at all times.
- G. Officers carrying revolvers will have all chambers of the cylinder loaded.
- H. Plainclothes officers will carry at least one extra magazine, fully loaded with duty ammunition for their Primary or Secondary Firearm.

1. Plainclothes officers with a special dispensation to carry a revolver as a Primary Firearm will carry sufficient extra ammunition to accomplish at least one full reload of the revolver.
 2. The respective Bureau Deputy Chief may waive the requirement to carry an extra magazine or reload. Waivers will be issued in writing.
- I. Officers may purchase a Secondary Firearm to carry while in their plainclothes capacity. This firearm must be loaded with Duty or Approved Ammunition as listed in [Appendix C](#).
 1. Secondary Firearms must be striker-fired or double-action semi-automatic handguns of the following calibers: 9mm or .45-caliber, unless otherwise authorized in writing by the employee's respective Bureau Deputy Chief.
 - J. Officers may purchase an approved firearm-mounted tactical light to be carried on any firearm. A list of approved tactical lights is in [Appendix C](#).
 1. Officers are responsible for the cost and purchase of the tactical light.
 2. The firearm-mounted tactical light must be carried attached to the firearm in an approved holster. Officers will NOT be allowed to carry the tactical light in a pouch or an unapproved holster configuration. See the OPD "Duty Gear" policy for approved tactical light compatible holsters.
 3. If officers have a holster for a firearm with an affixed tactical light, the firearm must have such a light attached for firearm retention purposes.

IV. Backup Firearms

- A. Backup Firearms will meet the following criteria:
 1. A revolver or semi-automatic pistol with an ammunition capacity of at least five (5) rounds.
 2. Carried in an unobtrusive, secured, and concealed manner on the officer's person.
 3. Must be one of the following calibers: .380, .38 SPL, .357, .40 S&W, .45 ACP or 9mm, unless otherwise authorized in writing by the Chief of Police or their designee.
- B. Backup Firearms must be loaded with Duty or Approved Ammunition as listed in [Appendix C](#).
- C. Officers must qualify annually, at their own expense, with all backup firearms carried in an employment capacity.
 1. Officers are responsible for the cost of all ammunition for the qualification and duty carry of a Backup Firearms.

V. Shotguns and Rifles

- A. Shotguns.
 1. Each new OPD recruit will complete shotgun training during their academy training.
 2. All officers who choose to carry a shotgun on duty must complete a proficiency shoot each year.
 3. Shotguns will be transported as follows:

- a. Shotguns will be locked in the vehicle's shotgun rack unless no rack is available. If no rack is available, the shotgun will be carried in a case in the vehicle's trunk.
 - b. Shotguns will be transported with an empty chamber, the safety on, and the magazine tube and speed-feeds fully loaded until deployed for use.
4. Shotguns will be checked at the beginning of each shift to make certain it is properly loaded, the safety is on, and that a round is not chambered.
 5. Precincts/units may elect to assign shotguns to qualified officers during their shift.
 6. Officers will only carry Department issued shotguns while on duty.
 7. Precincts/units will be responsible for the bi-monthly maintenance and upkeep of all assigned shotguns through the Shotgun Maintenance Program.
 8. If a damaged or broken shotgun cannot be repaired by the Shotgun Maintenance Officer, a precinct or unit representative will contact the Firearms Training Sergeant for assistance.
- B. Patrol Rifles.
1. Officers may apply to attend the yearly Patrol Rifle Certification Course upon completion of their Field Training phase.
 2. Officers who have successfully completed the Department approved Patrol Rifle course are authorized to carry an approved rifle, chambered for the .223 caliber or 5.56mm cartridge, as an additional support firearm.
 - a. A list of approved rifle manufacturers is located in [Appendix C](#). Rifles that are not on the approved manufacturer list shall not be carried on duty.
 - (1) [Appendix C](#) may be updated as determined by the Firearms Training Squad and approved by the ESB Deputy Chief.
 - b. Officers who carry a registered Short Barrel Rifle (SBR) shall provide a copy of their tax stamp to the Training Unit and the officer's supervisor for inclusion in the Precinct Command File.
 - c. Only the purchase of complete, manufacturer assembled rifles will be authorized without prior approval by the Firearms Training Sergeant.
 - (1) The Firearms Training Sergeant shall inspect and approve non-manufacturer assembled rifles prior to on duty carry.
 - (2) The Firearms Training Sergeant shall forward a copy of the approval to the officer's supervisor for inclusion in the Precinct Command File so that approval can be verified during inspections.
 3. Collective bargaining agreement(s) may require that the cost of obtaining and maintaining optional firearms (i.e., cost of firearm and appropriate magazines, all ammunition, except street ammunition, and cost of upkeep) be borne solely by the officer or by the Department.
 - a. If the collective bargaining agreement does not specify who is responsible for expenses, including certification and duty ammunition, the officer will be responsible for the expenses.

4. Magazines for the rifle may be of 20, 30 or 40 round capacity.
 - a. Only 20, 30, and 40 round magazines listed in [Appendix C](#) are authorized.
 - b. To make certain of reliable feeding of the cartridges, all magazines should be loaded 2 rounds less than their maximum capacity.
5. Officers must re-qualify annually before the last day of each year.
 - a. Officers who do not re-qualify by the end of the year will not be authorized to carry the rifle on duty until they requalify.
 - b. If the officer does not requalify in the following year, the officer will be de-certified and must attend the entire certification course. The intent is that officers must retake the entire certification course if they miss two consecutive re-qualifications.
6. The rifle will be carried with a magazine in-place, chamber empty, and bolt forward.
7. The rifle will be equipped with a sling.
8. Only optional accessories listed in [Appendix C](#) are authorized for use on Patrol Rifles.
 - a. [Appendix C](#) may be updated as determined by the Firearms Training Squad and approved by the ESB Deputy Chief.
9. Officers utilizing an optional sighting system will be required to qualify with that sight each year.
10. No rifles with polymer or carbon fiber upper or lower receivers are authorized.
11. Rifles that cannot be locked in an available rack in the on duty officer's vehicle will be carried in a case in the vehicle's trunk.

VI. Ammunition

- A. The Training Unit is responsible for:
 1. The budgeting and ordering ammunition for Departmental use.
 2. The testing and evaluation of ammunition for duty and practice.
 3. Maintaining records for ammunition specifications.
- B. Only Duty or Approved Ammunition will be used on duty.
 1. The Duty and Approved Ammunition list in [Appendix C](#) will be updated as determined by the Firearms Training Squad and approved by the ESB Deputy Chief.
- C. The Department will supply each officer with a box of fifty (50) rounds of new Duty Ammunition during the Annual State Qualification Shoot.
 1. The ammunition used during the State Qualification Shoot will all be fifty (50) rounds of the previous year's Duty Ammunition.
- D. Officers must supply their own ammunition for Secondary, Backup and Off Duty Firearms, including for qualification shoots.

- E. Shotgun ammunition that will not feed properly or are swollen, bent, or defective will be taken out of service and replaced. Officers will report defective ammunition to their supervisor immediately. Command officers may obtain new ammunition from the Training Unit by turning in the defective ammunition.

VII. Firearms Training

- A. The Training Unit will provide firearms training. The training will be job related and reflect actual situations that may be encountered in the course of police duties. In addition, officers will receive instruction on the following:
 - 1. Use of Deadly Force.
 - 2. Firearm Safety.
 - 3. Firearm Proficiency.
- B. Officers must qualify annually with their Primary Firearm and any Secondary or Backup Firearms carried in an employment capacity.
- C. The Training Unit will maintain training records that include the make and model of the firearm, the date and course of fire, and the score (pass/fail option) for each officer.
- D. Pursuant to Nebraska Revised Statute 81-1412, officers who fail to attend the Omaha Police Department State Qualification Shoot, regardless of the reason, may lose their certification to exercise police powers until such time as they participate in and qualify at a Department State Qualification Shoot.
- E. Officers who fail to qualify at the Omaha Police Department State Qualification Shoot may lose their certification to exercise police powers until such time as they re-qualify and documentation of same is sent to the Nebraska Law Enforcement Training Center (NLETC). (See the OPD "Firearms Qualification" policy for more details).

VIII. Maintenance of Firearms

- A. Employee Owned Firearm Maintenance.
 - 1. Employees are responsible for the cleaning and maintenance of all personally owned firearms.
 - 2. When on duty and when working an OPD approved outside employment (i.e. off-duty) job, officers will carry a clean handgun, ready to fire, with a round chambered.
 - 3. Employees authorized to carry patrol rifles will, when on duty, carry a clean rifle, ready to fire, without a round chambered.
 - 4. The Department assumes no liability for the maintenance, repair, or replacement of personally owned firearms, except as relative to on-duty incidents.
- B. Shotguns.
 - 1. Shotguns will be cleaned and inspected annually and repaired, as needed, by an authorized Department Shotgun Maintenance Officer at each precinct.
 - 2. Command officers will conduct daily inventory and semi-annual inspection of all Department shotguns under their control.

3. Each Precinct will maintain an inventory database to track each Department shotgun.
 4. Emergency Procedures: Any shotgun damaged or soiled due to documented police action will be taken out of service, and the Training Unit will be notified. The OPD "Equipment" policy procedures regarding Damaged, Lost or Stolen Department Equipment will be followed.
- C. The Training Unit is authorized to remove any firearm or weapon found to be unserviceable. In the event a firearm is removed from service for repair or maintenance, the Training Unit will issue a temporary replacement. If the firearm or weapon cannot be repaired, the affected officer is responsible for replacement costs of all personally-owned firearms.
 - D. No modifications or repairs of any kind will be made to a Primary, Secondary, Backup or Authorized Firearm without authorization from the Training Unit.

IX. Firearms Safety

- A. Officers will report to their immediate supervisor any use of prescription drugs or other medication they reasonably believe would impair their ability or judgment to use a firearm.
- B. Officers will not store or leave a firearm in any place within the reach or easy access of an unauthorized individual or minor children. Safety and proper security of stored firearms are of paramount importance. Officers are encouraged to use trigger locks, gun safes, and other safety equipment as may be appropriate in the storage of firearms.
- C. Removal of firearms from their holster or other carrying devices for other than authorized purposes, such as tactical use, training and qualification, inspection, or cleaning and maintenance is prohibited. Any careless, flippant, or casual use or display of a firearm will constitute grounds for discipline.
- D. Officers will not carry or use any firearm while consuming alcoholic beverages or while under the influence of alcohol or drugs.

X. Off Duty Carry of Firearms

- A. Officers may, but are not required, to carry a concealed firearm while off duty.
 1. The OPD recommends, but does not require, that officers use ammunition from the Approved Ammunitions list in [Appendix C](#) in their Off Duty Firearms as these ammunitions have been tested and approved for law enforcement purposes.
- B. If armed, officers must have their badge and identification card readily available on their person, except when acting in an official undercover capacity.
- C. Off Duty Firearms must be carried in an unobtrusive, secure, and concealed manner on the officer's person.
- D. Officers must comply with the Law Enforcement Officers Safety Act and all updates to the act that have been enacted pertaining to possession and carrying of firearms when traveling outside the jurisdiction of the Omaha Police Department.
- E. Officers are encouraged to arrange range times with the Training Unit to practice and/or qualify with Off Duty Firearms using the same equipment and method of carry normally utilized. Any ammunition for such practices/qualifications must be provided by the affected officer and approved by the Range Master prior to its use.

XI. Carrying Firearms on Commercial Aircraft

- A. Sworn employees who are authorized to carry and use Approved Firearms in an employment capacity while traveling on commercial aircraft must conform to federal law. The requirements for Law Enforcement Officers (LEOs) to fly armed aboard commercial aircraft are outlined in the regulations of the Transportation Security Administration (TSA) found in 49 CFR § 1544.219, Carriage of Accessible Weapons.
1. Airline personnel have the final authority about who may fly armed.
 2. Officers who plan to fly armed must complete the TSA required "Law Enforcement Officers Flying Armed" training offered by the OPD Training Unit.
 3. Officers who travel with firearms in checked baggage will conform to all TSA regulations.
- B. Officers who request to fly armed must demonstrate a need to have their firearm accessible from the time the firearm could be checked until the time the firearm could be claimed after deplaning. The Chief of Police or their designee will determine the need for the officer to fly armed based on one or more of the following criteria:
1. Protective duty or travel required to be prepared to engage in protective function.
 2. Conducting hazardous surveillance operation.
 3. Official travel required to report armed and prepared for duty at another location.
 4. Control of a prisoner or travelling on a round trip ticket returning from escorting, or traveling to pick up, a prisoner.
- NOTE:** Examples of travel that have been determined to NOT meet the threshold for flying while armed include retired law enforcement officers and officers who are traveling to attend non-operational or enforcement related activities (i.e. Police Week, Memorial Services, Training Conferences, etc.).
- C. Officers flying armed must comply with the TSA notification requirements to fly armed.
1. The TSA utilizes a National Law Enforcement Telecommunications System (NLETS) Message for State and Local Law Enforcement Officers (LEOs) Flying Armed. The NLETS Message provides a more secure means of confirming the identity of LEOs flying armed.
 2. Officers who seek permission to fly armed will complete the following steps:
 - a. Officer's employing agency will transmit a properly formatted message, via NLETS, to ORI VAFAM0199. This message should be transmitted at least 24 hours prior to travel to make certain of the routing of the information.
 - b. Once the NLETS Message is received by the TSA, an NLETS receipt with Unique Alpha-Numeric Identifier will be transmitted from the Transportation Security Operations Center to the officer's employing agency.
- NOTE:** USE OF THE NLETS MESSAGE IS MANDATORY. Failure to use the NLETS Message may result in delays due to the additional verification requirements during the transition period.
- c. On the day of travel, the officer will check-in with the airline ticket counter, identify themselves, complete the armed travel paperwork provided by the airline, and proceed to the Armed LEO Screening Checkpoint.

NOTE: It is expected that LEO's will notify the aircraft operator(s) of the flight on which they will be flying armed at least one (1) hour, or in an emergency as soon as practicable, before departure.

- d. At the Armed LEO Screening Checkpoint, the officer will provide the Unique Alpha-Numeric Identifier from the NLETS Message and display their badge, credentials, boarding pass, a second form of government identification, and required airline paperwork, commonly referred to as Person Carrying Firearms (PCFA) forms.
 - e. The officer will complete the LEO Logbook and proceed to their boarding gate.
 - f. At the boarding gate, the officer will provide the airline with armed traveler paperwork and inform the gate agent of their presence and status.
 - g. The officer will then meet with the Pilot in Command, Federal Air Marshal, Federal Flight Deck Officer, and/or any other LEOs onboard the flight, as directed.
3. Questions or comments regarding the Law Enforcement Officer Flying Armed Program can be directed to the Federal Air Marshal Service, Office of Flight Operations, Liaison Division, at leofa@dhs.gov.

D. Officers flying armed must comply with the following provisions:

1. Armed officers may not consume any alcoholic beverage aboard the aircraft, and may not board an aircraft if they have consumed an alcoholic beverage within the previous eight hours.
2. Officers must keep their firearm concealed and out of view, and either:
 - a. On their person or in immediate reach if the armed officer is not in uniform.- OR -
 - b. On their person if the armed officer is in uniform.

NOTE: Firearms may not be placed in overhead storage bins.

3. Hazardous materials prohibited by the Department of Transportation (i.e., pepper spray, mace, and tear gas) may not be transported in the cabin of the aircraft.
 4. Handcuffs and many other restraint devices are not considered weapons and are not identified as prohibited items.
- E. Officers will refer to the OPD "Transportation of Prisoners Aboard Aircraft" policy for additional requirements concerning the transportation of prisoners aboard commercial aircraft.

REFERENCES:

I. Laws

- A. The National Law Enforcement Officers Safety Act of 2004, the National Law Enforcement Officers Safety Act Improvements Act of 2010 and the National Defense Authorization Act of 2013 (HR 218) are relevant to this policy.
- B. Nebraska Revised Statutes §81-1412 is relevant to this policy.

II. Previous OPD Orders

- A. Previous OPD General Orders include #5-90, 84-90, 86-90, 53-91, 34-95, 71-95, 90-95, 36-96, 57-96, 50-97, 5-99, 22-99, 1-05, 1-05, 16-14 Supplement #1, 12-08, 20-10, 26-11, 2-12, 44-13, 10-14, 16-14, 16-14 Supplement #1, and 13-15.
- B. Previous OPD Information Orders include #158-89, #142-91, #238-91, and #12-03.

III. Accreditation Standards

- A. Relevant CALEA Accreditation standards include the following: 1.3.9, 1.3.10 and 41.3.4.

HAIR, JEWELRY AND GROOMING STANDARDS (RESCINDED)

This policy is rescinded per General Order #41-13.

REFERENCES:

I. Previous OPD Orders

- A. The Previous OPD General Order is #16-08.

HOLSTER SPECIFICATIONS (RESCINDED)

This policy is rescinded per General Order #46-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #51-88, 53-89, 26-01, and 13-03.

HONOR GUARD UNIFORM SPECIFICATIONS (RESCINDED)

This policy is rescinded per General Order #40-13.

INSPECTIONS – LINE INSPECTIONS

PREAMBLE:

The appearance of Omaha Police Department (OPD) employees must be of the highest professional standards to engender trust, competency, reliability, and safety to the public OPD serves. Conducting routine Line Inspections of sworn and non-sworn employees makes certain that the high standards of the OPD for personal appearance and safe working conditions are met and maintained.

POLICY:

It is the policy of the Omaha Police Department (OPD) that supervisors will conduct Line Inspections of employees. Supervisors will conduct required Line Inspections and may conduct as many Line Inspections as they believe necessary in order to verify compliance with standards outlined in OPD's policies governing uniforms, companion equipment, duty gear, and dress code.

DEFINITIONS:

Line Inspection: An inspection completed by a supervisor within an employee's chain of command or another designated supervisor. The Line Inspection may include evaluation of the condition or functionality in multiple areas including but not limited to the following: personnel, equipment, uniforms, facilities, and adherence to administrative, tactical, or operational procedures.

PROCEDURES:

I. Responsibilities for the Integrity of the Line Inspection Procedure

- A. Bureau Deputy Chiefs or their designees will make certain the appropriate Lieutenants in their Bureau complete OPD Form 1 (Sworn Personnel Inspection), semi-annually for sworn employees under their command. If there is no Lieutenant in the sworn employee's chain of command, the Bureau commander will designate an alternative supervisor.
- B. Precinct/Section Captains are responsible for the inspection process and will verify a Sworn Personnel Inspection (OPD Form 1) is completed semi-annually for all sworn employees below the rank of Lieutenant in their chain of command.
- C. Lieutenants will conduct the mandatory semi-annual Lieutenant's Inspection within sixty (60) days of the first day of each shift change and make certain sworn employees are in compliance with applicable policies.
- D. Sergeants will conduct the daily Sergeant's Inspection and make certain sworn employees are in compliance with applicable policies.
- E. The OPD Backgrounds/Inspections Unit (BIU) will conduct random inspections to verify that OPD Form 1 was completed semi-annually for each sworn employee below the rank of Lieutenant.
- F. All sworn personnel will maintain all uniforms, companion equipment, and duty gear in a state of operational readiness.
 - 1. Sworn employees who wear plainclothes will be prepared to present all organizational equipment for inspection upon request (see the OPD "Uniforms" and "Equipment" policies).
- G. Non-sworn supervisors will make certain subordinate employees are in compliance with OPD policies and procedures governing their dress and/or uniform.
- H. Supervisors are reminded that employees who come to work in improper or unauthorized clothing and/or apparel or with improper, unauthorized or malfunctioning equipment are not fit for duty and may be sent home to correct the deficiency.

1. Employees will be marked for the appropriate leave for the period they are absent in order to correct their deficiency, per applicable collective bargaining unit agreements.

II. Mandatory Line Inspections

A. The mandatory Line Inspection for sworn employees is the Lieutenant's Inspection.

1. Lieutenant's Inspections will be semi-annual. Results of the inspections and any subsequent re-inspection for follow-up or discrepancy correction will be documented on OPD Form 1.
 - a. The Lieutenant or designee will:
 - (1) Check the sworn employee's uniform, firearm(s), ammunition, companion equipment, and duty gear during semi-annual inspections and complete OPD Form 1 for officers and sergeants.
 - (2) Check the following items, in addition to those listed on OPD Form 1:
 - (a) Firearm(s) condition.

NOTE: Firearms should only be inspected after being unloaded.
 - (b) Correct ammunition with required fully-loaded magazines or speed loaders for handguns.
 - (c) Rifle magazines, if rifle certified. Rifles should be inspected to make certain they are not fully loaded, but should be two-down.
 - (d) Ammunition defects.
 - (e) All Firearm(s) is/are holstered properly.
 - (3) Check the Gun Qualifying Database to verify the sworn employee has qualified with all firearm(s) the sworn employee is carrying at the time of the inspection.
 - (a) The Gun Qualifying Database is available to command of the rank Lieutenant or above on the OPD intranet page (<http://policenet.opd.dotcomm.org/>) via the "Line Inspections" link or directly at:
http://opdrmssqlv01/Reports_REPORTING/Pages/Report.aspx?ItemPath=%2fOPD-Reports%2fQualifiedFirearms.
 - (4) Document any deficiencies on OPD Form 1 for officers and sergeants.
 - (a) Deficiencies will be corrected within ten (10) working days if they cannot be corrected immediately.
 - (b) Corrections will be documented during a re-inspection on the original OPD Form 1.
 - (5) Place the original, completed OPD Form 1 into the sworn employee's respective command file.

2. Lieutenants or designees will forward an Inter-Office Communication to the BIU to document the completion of the semi-annual inspection of each sworn employee under their command.
 - a. Each sworn employee who was inspected will be listed by name on the Inter-Office Communication to the BIU.
 3. If the Inter-Office Communication documenting the semi-annual inspections has not been received by the BIU within sixty (60) days of the start of the shift change, the BIU will email the Precinct/Section Captain to inquire about the missing documentation and will copy the respective bureau Deputy Chief on the email.
 - a. The Precinct/Section Captain shall then complete the Inter-Office Communication and forward to the BIU as required, and will forward a copy to the bureau Deputy Chief.
- B. There is no mandatory semi-annual inspection for non-sworn employees.

III. Routine Line Inspections

- A. The routine Line Inspection for sworn employees is the Sergeant's Inspection.
1. Sergeant's Inspections will be conducted daily and will consist of a visual inspection of the sworn employees' adherence to policy.
 - a. OPD Form 1 is not required unless the sergeant believes there is a need for documentation.
 - (1) If OPD Form 1 is used to document deficiencies, a re-inspection is required and shall be documented on a new OPD Form 1.
 - b. Sergeants who document Line Inspections/re-inspections on OPD Form 1 will forward the original form to the BIU upon completion.
 2. Deficiencies will be corrected within ten (10) working days if they cannot be corrected immediately.
- B. Non-Sworn Employees:
1. Non-sworn supervisors will conduct an informal daily visual inspection of non-sworn employees under their supervision for compliance with the OPD "Dress Code" policy.
 - a. Documentation is not required unless corrective action beyond an "on-the-spot" correction must be taken.
 - b. If documentation is needed, supervisors may complete a [Civilian Supervisor Documentation of Employee Counseling](#) form, available through the [City Human Resources Department Forms web page](#).
 - c. Follow-up re-inspections to verify correction of discrepancies will also be documented on the Civilian Supervisor Documentation of Employee Counseling form.
 2. Non-sworn supervisors are encouraged to conduct inspections of their respective units to make certain of adherence to directives and orders, and to verify that equipment is being properly maintained.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #26-88, 41-06, 2-13, 25-15, and 55-15 (Supplement #1 to GO #25-15).

II. Accreditation Standards

- A. CALEA Accreditation standards 26.1.1 and 53.1.1 are relevant to this policy.

III. Other

- A. PPM Monthly Updates: #12-2015 and #2-2016.

ISSUED EQUIPMENT – CARE AND HANDLING (RESCINDED)

This policy is rescinded per General Order #43-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #33-84 and #38-03.

LEATHER SPECIFICATIONS (RESCINDED)

This policy is rescinded per General Order #46-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #66-87, 86-88, 53-89, 131-89, 63-90, 64-90, 64-90, Supplement #1, 65-91 and 41-93.

LOST – DAMAGED - STOLEN POLICE EQUIPMENT (RESCINDED)

This policy is rescinded per General Order #43-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #72-94 and #19-00.

MOTORCYCLE UNIFORM SPECIFICATIONS (RESCINDED)

This policy is rescinded per General Order #40-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #7-75.

MOUNTED PATROL UNIFORM SPECIFICATIONS (RESCINDED)

This policy is rescinded per General Order #40-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #48-94 and #67-94.

MEDALS, RIBBONS, PINS, AND ACCOUTREMENTS

PREAMBLE:

The Omaha Police Department (OPD) takes great pride in the accomplishments and professional certification of its employees. Medals, ribbons, pins, and other accoutrements are established to recognize employees for their significant acts, specialized training and other significant employment milestones. It is crucial to the professionalism of the OPD to maintain a standardized and uniform appearance for all employees when wearing official OPD uniforms. In order to achieve this standardization and uniform appearance and to prevent the wearing of inappropriate and unapproved accoutrements, a formal policy is necessary.

POLICY:

It is the policy of the Omaha Police Department (OPD) that only medals, ribbons, pins and any other accoutrements expressly authorized by the OPD shall be worn on OPD uniforms. All medals, ribbons, pins and accoutrements will be worn on official OPD uniforms only as prescribed in this policy.

DEFINITIONS:

Accoutrements: Any item worn on an OPD uniform to include patches, pins, medals, and ribbons. Companion Equipment, Duty Gear and Equipment are not considered accoutrements.

Award Ribbons: Ribbons awarded through the Merit Review/Awards Committee process for excellence. Award Ribbons and the accompanying lapel pin are provided by the OPD at no cost to the recipient.

Medals: Medals awarded through the Merit Review/Awards Committee process. Medals and the accompanying ribbons and pins are provided by the OPD at no cost to the recipient.

Pins: Pin-on accoutrements that designate the wearer holds a specialty assignment, has unique training or has been awarded an OPD medal. Pins may be worn on the Standard Duty Uniform and on the Formal Duty Uniform. Lapel pins may be worn on Business Dress or Business Casual attire while on duty. Lapel pins may also be worn on other clothing while off duty.

Ribbons: Colored ribbons designating an assignment, award, certification, education, seniority, rank or other designated specialty. Ribbons shall be worn only on the Formal Duty Uniform.

PROCEDURES:

I. Medals and Award Ribbons

- A. Medals and Award Ribbons are awarded to employees by the OPD for significant acts or accomplishments. All Medals and Award Ribbons are vetted through nomination to and selection by the Merit Review/ Awards Committee. See the OPD “Awards – Merit Awards and Performance Recognition Program” policy for medal and award criteria and nomination procedures.
- B. The OPD issues four Medals. Medals are provided by the OPD at no cost to the employee. See [Policies and Procedures Manual \(PPM\) Appendix B](#) for a full description and depiction of each medal. In order of precedence, the medals are:
 - 1. The Medal of Valor is the highest award the OPD may bestow upon an employee.
 - 2. The Police Lifesaving Medal is the second highest award the OPD may bestow upon an employee.
 - 3. The Purple Heart is the third highest award the OPD may bestow upon an employee.
 - 4. The Distinguished Service Medal is the fourth highest award the OPD may bestow upon an employee.
- C. The OPD issues two Award Ribbons. In order of precedence, they are:
 - 1. The Police Ribbon of Excellence is the fifth highest award the OPD may bestow upon an employee.
 - 2. The Police Ribbon of Unit Excellence is the sixth highest award the OPD may bestow upon an employee.
- D. Wear of Medals and Award Ribbons
 - 1. Recipients may wear the Medal of Valor with a neck ribbon around their neck while wearing the Formal Duty Uniform or with Business Dress attire, when appropriate.
 - 2. Recipients may wear the Police Lifesaving Medal, the Purple Heart and/or the Distinguished Service Medal pinned to the left breast pocket of the Formal Duty Uniform.
 - a. A single medal will be worn centered on the left breast pocket above the button.
 - b. If more than one medal is worn, they will be centered on the left breast pocket above the button, with the highest precedence ribbon worn closest to the center of the uniform (i.e., Police Lifesaving Medal worn closest to the center of the chest, followed by the Purple Heart with the Distinguished Service Medal worn closest to the left arm).
 - 3. Medal lapel pins will not be worn on any OPD Uniform. Medal lapel pins may be worn on Business Dress or Business Casual attire while on duty and may also be worn on other clothing while off duty.
 - 4. The cloisonné pin may be worn on the Standard Duty Uniform centered on the left pocket flap above the button. Recipients of more than one medal may only wear one

cloisonné pin at a time. Cloisonné pins will not be worn on the Formal Duty Uniform as a ribbon representing the medal is worn in its place.

5. Medal ribbons and Award Ribbons may be worn over the right pocket flap of the Formal Duty Uniform according to the order of precedence detailed below. Ribbons will not be worn on the Standard Duty Uniform. A star device (gold for command and silver for officers) will be worn centered on the ribbon to designate multiple awards (up to 4) of the same medal or award ribbon.

II. Ribbons

- A. Ribbons are used for multiple purposes, including representing OPD Medals and Award Ribbons. Non-Award Ribbons are used to signify significant accomplishments of employees and/or, certifications held by an employee. Non-award ribbons may only be worn when the employee has earned the privilege by achieving the requirements for the ribbon. See [Appendix B](#) for a depiction of each ribbon.
- B. A supervisor holding the rank of Captain or higher must verify and authorize an employee to wear non-award ribbons.
 1. Employees wishing to wear non-award ribbons must complete the OPD Ribbon Authorization/Order Form (OPD Form 82A) requesting authorization.
 - a. The request will be sent to the appropriate verifying units (Training and/or ERU) for verification of the employee's qualification for the requested ribbons. The verifying unit Lieutenant or other designated command officer will sign and return OPD Form 82A to the requesting employee.
 - b. Once the employee has obtained all the necessary verification signatures, the employee will send the OPD Form 82A to their Captain via the chain of command for further verification and approval.
 - c. Captains may rely on OPD databases for verification of an employee's qualification to wear a ribbon (such as Command or Police Service Ribbons). When an OPD database is used for verification purposes, the Captain will note on OPD Form 82A which database was used to verify the employee's qualification for the ribbon.
 2. Once reviewed and approved by a Captain, the original OPD Form 82A will be kept in the employee's Command File and a copy will be given to the employee.
 - a. To obtain the ribbon(s), employees will take the OPD Form 82A copy to the Police Supply Unit.
 - b. Police Supply Unit employees will verify OPD Form 82A has been properly signed and authorized. Once verified, a Police Supply Unit employee will sign OPD Form 82A which authorizes the purchase of the ribbons.
 - c. Employees will take the authorized OPD Form 82A to J.P. Cooke & Company and place the order for ribbons. Employees are responsible for the cost and delivery of the ribbons.
- C. Ribbons will only be worn on the Formal Duty Uniform. The wearing of ribbons is optional and all costs associated with the wearing of such ribbons are the responsibility of the individual employee.
 1. Ribbons are worn centered directly over the right shirt pocket.

2. Multiple ribbons shall be worn on a single ribbon holder designed to display the number of ribbons worn by the employee.
 3. When multiple ribbons are worn, the ribbons will be worn in order of precedence as follows:
 - a. The ribbon with the highest order of precedence will be on the top row of the ribbon holder and closest to the center of the uniform.
 - b. The next ribbon in order of precedence will be on the top row, directly to the right of the ribbon with higher precedence.
 - c. The third ribbon in order of precedence will be to the left of the center ribbon on the top row on the outer right side of the ribbon holder.
 - d. Additional ribbons will follow the same order of precedence pattern on a separate row. No more than three ribbons shall be worn on any row. When the total number of ribbons is not divisible by three, the lower rows shall hold three ribbons and the top row shall hold one or two ribbons.
- D. Professional Ribbons. Employees who have achieved professional education, rank and/or levels of service may wear an authorized ribbon. Stars are worn to signify different levels associated with the ribbon. Stars will be worn centered on the ribbon. A list of OPD authorized Professional Ribbons is located in [PPM Appendix B](#).
- E. Bureau/Section/Unit Ribbons. Employees who are assigned or have previously been assigned to certain bureaus, sections, units or teams are authorized to wear a Unit Ribbon. A list of OPD authorized Unit Ribbons is located in [PPM Appendix B](#).
- F. Certification/Qualification Ribbons. Employees who have received official certification or qualification in designated areas may wear the corresponding ribbons. Employees certified as instructors in the designated area will wear a silver "I" device centered on the ribbon. A list of OPD authorized Certification/Qualification Ribbons is located in [PPM Appendix B](#).
- G. Ribbons will be worn on the Formal Duty Uniform according to the Order of Precedence chart located in [PPM Appendix B](#).
1. The order of precedence for certification/qualification ribbons was selected randomly and is strictly for uniformity to assist officers in assembling their multiple ribbon holders.
 2. The order of precedence for certification/qualification ribbons is not meant to prescribe an order of importance of any certification over another certification.
 3. The original order of precedence for certification/qualification ribbons approved for wear was established per OPD General Order #09-14. Subsequently approved certification/qualification ribbons will be added chronologically to the original order of precedence based on the approval date.
- H. Additional ribbons may become authorized after approval of the Uniform and Equipment Committee and the Chief of Police. When approved, these additional ribbons will be added to the list of authorized pins located in [Appendix B](#).
1. The location and order for the wearing of these additional ribbons on OPD uniforms will be detailed in [PPM Appendix B](#).

III. Pins

- A. Only authorized pins may be worn on OPD uniforms.

1. All authorized pins may be worn on the Standard Duty Uniform.
 2. All authorized pins with the exception of cloisonné pins may be worn on the Formal Duty Uniform.
- B. Pins that represent special assignments or training must be authorized by the Chief of Police and authorized via the Uniform and Equipment Committee procedures.
1. A list and depiction of all authorized pins is located in [PPM Appendix B](#).
 2. Additional pins may become authorized after approval of the Uniform and Equipment Committee and the Chief of Police. When approved, these additional pins will be added to the list of authorized pins located in [Appendix B](#).
 - a. The location and order for the wearing of these additional pins on OPD uniforms will be detailed in [PPM Appendix B](#).
- C. Two types of pins are authorized to be worn on the Standard Duty Uniform and the Formal Duty Uniform. All pins are optional. Pins may be worn on the Standard Duty Uniform and Formal Duty Uniform with the exception of the medal cloisonné pin which may only be worn on the Standard Duty Uniform.
1. Lapel Pins. Lapel pins are small metal pins with a single clutch-type post attachment on the back.
 - a. American Flag Pin. This pin may be worn by any employee wearing any official OPD uniform. The pin will be a depiction of the American Flag only. The flag displayed on any other item is not authorized.
 - (1) The American Flag lapel pin, when worn on the Standard Duty Uniform, shall be affixed on the left shirt pocket cover, centered between the pocket button and the left side of the pocket.
 - (2) The American Flag lapel pin, when worn on the Formal Duty Uniform, shall be affixed on the right shirt pocket cover, centered between the pocket button and the right side of the pocket.
 - (a) This placement allows for the wearing of OPD medals on the left pocket cover of the Formal Duty Uniform.
 - b. Certification or Qualification lapel pins. These pins are approved by the Uniform and Equipment Committee and the Chief of Police. See [PPM Appendix B](#) for a list of authorized pins. Certification/ Qualification lapel pins, when worn, shall be affixed on the right shirt pocket cover, centered between the pocket button and the left side of the pocket. Only one certification/qualification lapel pin may be worn at a time.
 2. Unit and Certification/Qualification Pins. These pins are larger than lapel pins, made of metal and may have one or more clutch-type post attachments on the back.
 - a. Air Support Unit Wings. This pin may be worn by officers currently assigned to the Air Support Unit.
 - b. Motor Squad Wings. This pin may be worn by officers currently assigned to the Motor Squad.
 - c. Mounted Patrol Squad Calvary Sabers. This pin may be worn by officers currently assigned to the Mounted Patrol Squad.

- d. Other Unit and Certification/Qualification Pins may be submitted to the Uniform and Equipment Committee and approved by the Chief of Police. See [PPM Appendix B](#) for a full list and depiction of approved pins as well as which employees are authorized to wear the pins.
- e. Wings and Sabers pins will be worn centered horizontally directly above the right pocket flap or ribbon holder. Other Unit and Certification/Qualification pins are worn centered horizontally above the right pocket flap and centered vertically between the top of the pocket flap and shoulder epaulet band. When multiple pins are worn, the following rules for wear apply:
 - (1) Wings and Sabers pins are worn closest to the top of the pocket flap or ribbon holder.

NOTE: As Wings and Sabers are unit of assignment pins, they cannot be worn on any OPD uniform at the same time.
 - (2) Other pins will be worn above Wings and Sabers or the ribbon holder. See [PPM Appendix B](#) for the authorized order of wear of non-Wings and Sabers pins.

IV. Other Accoutrements

- A. Black Mourning Band: A black mourning band may be worn over the badge to show respect for officers who have been killed in the line of duty. Officers may wear a black mourning band on the following occasions:
 1. When an OPD officer is killed in the line of duty, fellow officers may wear the black mourning band immediately after the death and for up to thirty (30) days after the date of the funeral.
 2. When an officer of a law enforcement agency immediately adjacent to the OPD is killed in the line of duty, officers may wear the black mourning band immediately after the death and for up to thirty (30) days after the date of the funeral.
 3. When an active officer of the OPD dies of natural causes, officers may wear the black mourning band while in uniform and on the day of the funeral of the deceased.
 4. On Police Memorial Day, May 15 of each year, 0001 hours to 2359 hours, officers may wear the black mourning band to appropriately show a commitment to police officers who have lost their lives in the line of duty.

NOTE: Black mourning bands will not be worn for any other occasion unless directed by the Chief of Police or their designee.
 5. The mourning band shall be worn over the Omaha Police badge, slanted from upper shoulder side to lower center of the chest side of the badge.
 - a. The intent is for the mourning band to represent the crossing of the heart with the band oriented at the same angle as the right forearm when the right hand is placed over the heart.
- B. Whistle Chain: A whistle chain will be worn by members of the Traffic Unit. The whistle chain is optional for members of the Mounted Patrol Squad and Bicycle Patrol officers.
 1. The whistle chain will be worn attached to the uniform shirt's right shoulder epaulet and will lead to the right shirt pocket. The whistle will be carried inside the pocket.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #15-82, 41-83, 86-88, 82-89, 131-89, 53-90, 5-93, 10-93, 2-94, 1-95, 62-97, 2-11, 40-13, and #9-14.
- B. The previous OPD Information Order is #15-95.

II. Accreditation Standards

- A. CALEA Accreditation standard 41.3.4 is relevant to this policy.

PORTABLE RADIOS AND EQUIPMENT (RESCINDED)

This policy is rescinded per General Order #43-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #29-75.

REPLACEMENT BILLING – UNIFORM EQUIPMENT (RESCINDED)

This policy is rescinded per General Order #43-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Order is #33-84.

REPLACEMENT OF UNIFORMS AND EQUIPMENT

POLICY:

It is the policy of the Omaha Police Department (OPD) regarding uniform replacement to follow the provisions of the current collective bargaining agreement between the City of Omaha and the Omaha Police Union.

PROCEDURE:

I. Clothing Allowance and Reimbursement

A. Plain-Clothes Officers Clothing Allowance.

1. Each plain-clothes officer will receive an allotment for the purchase and maintenance of personal items of clothing and equipment as prescribed by the City, provided that the City will furnish and maintain all other items of clothing and equipment.

B. Uniform Officers Uniform/Equipment Issue and Exchange.

1. Current employees will not be entitled to any new issue of uniform except by way of replacement of non-serviceable items of uniform which will be replaced on an exchange basis.
2. Except for special circumstances, as determined by the Chief of Police or their designee, no more than two long-sleeved shirts, two short-sleeved shirts, two trousers, or one of any other item will be replaced in any single calendar year.
3. Any police officer whose official uniform or equipment is damaged or lost in the line of duty will have same replaced by the CITY.
 - a. An "OPD Contract Clothing/Equipment Replacement" (OPD Form 161A) must be completed for replacement of official uniform/equipment by contract.
 - b. If approved, this form will authorize the replacement of authorized standard equipment (no substitutions will be authorized).

C. Personal Clothing/Uniform/Equipment Replacement/Reimbursement.

1. Any item of authorized personally owned uniform or equipment damaged or lost in the line of duty while on duty (including watches) will be replaced by the City Of Omaha.
2. No replacement will exceed \$125.00 per item except eyeglasses which shall be replaced or repaired not to exceed \$250.00 per pair.
3. Replacement or repair of an employee's firearm will be up to, but not exceed \$600.00.
4. The terms of this Section apply to civilian clothing for CIB employees.
5. A "Reimbursement Form" (OPD Form 161) must be completed and forwarded via chain of command to the Chief of Police for non-contract (optional) items.

II. Uniforms and Equipment Supplied by the City

A. Official Uniform and Equipment.

1. The official uniform and equipment to be supplied to officers will consist of the hat, shirt, tie, tie bar, and OPD patches, trousers and body armor, belt, utility belt which will include holster ammunition carriers, street ammunition, cuff pouch, mace and mace pouch, baton and baton ring, portable radio carrying case, boots or shoes (one pair per year unless damaged or lost on duty), riot helmet, one winter coat, rain hat and raincoat, and flashlight.

B. Firearms.

1. The Training Unit will provide a list of firearms, which are Approved Firearms. The OPD will maintain the list of Approved Firearms and will have the right to add

firearms to the list. The entire cost for obtaining and maintaining Approved Firearms, including the initial cost of the weapon, appropriate magazines, and cost of upkeep, will be borne solely by the employee.

C. Newly Employed.

1. The uniform for newly employed sworn employees is provided by the City and includes all Official Uniform and Equipment listed above.
2. Additionally, newly employed sworn employees will also be provided a training cap, two (2) utility training uniforms, sweatshirt and sweatpants.

III. Replacement Process

- A. Determination as to serviceability and fair wear and tear will be made by the Chief of Police or their designee utilizing the manufacturer suggested wear-out period and maintenance of standards of safety and appearance for the Department.
- B. Current employees may replace non-serviceable items of uniform on an exchange basis.
 1. Employee must complete a "Clothing and Equipment Replacement" form (OPD Form 161A).
 2. Officers must have their supervisor make the determination as to serviceability and approve the exchange by signing the OPD Form 161A.
 3. Captains must approve requests for replacement uniform items.

IV. Uniform Ordering / Pickup

- A. Officers will order uniforms by coming to the Police Supply Unit on "B" or "C" Shift while on-duty (with their supervisor's permission), or while off-duty.

V. Specialty Boot and Shoe / Uniform Item Repair

- A. Officers who have specialty boots and shoes that can be re-soled should submit an Inter-Office Communication via their chain of command to their respective Precinct/Section Captain for authorization.
- B. If approved, the officer will contact the Police Supply Unit and follow the procedures as stated in the OPD "Fiscal Affairs" policy.

NOTE: At no time will an officer take an item for repair at the City of Omaha's expense without prior approval of their respective Precinct/Section Captain.

REFERENCES:

I. Previous OPD Orders

- A. Previous General Orders include the following: #33-92, 11-93, 56-94, 8-98, 76-02, 26-07 & 26-07 Supplement #1, and 19-11.

II. Accreditation Standards

- A. CALEA Accreditation standard 17.5.2 is relevant to this policy.

RETURNING OF POLICE PROPERTY (RESCINDED)

This policy is rescinded per General Order #43-13.

REFERENCES:

I. Previous OPD Orders

- A. The previous OPD General Orders include #33-84 and #6-91.

SLIM JIMS (RESCINDED)

This policy is rescinded per General Order #10-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #52-89.

SOP MANUAL REPLACEMENT PAGES (RESCINDED)

This policy is rescinded per General Order #39-12.

UNIFORM ALLOWANCE (RESCINDED)

This policy is rescinded per General Order #10-14.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #35-95.

UNIFORMS

PREAMBLE:

A police uniform represents the office of a police officer. It conveys the power and authority entrusted to a police officer. The police uniform induces feelings of trust, competency, reliability, and safety. It gives a sense of comfort to those in need and a sense of foreboding to those who would break the law. A properly worn police uniform has a profound psychological impact on those who view it, causing willing submission

to the authority of the officer wearing it. It is important for a uniformed police organization to present a professional appearance to the public it serves. As such, it is critical to have a distinct, uniform appearance and rules for the wearing of the Omaha Police Department Police Uniform.

POLICY:

It is the policy of the Omaha Police Department (OPD) that all sworn employees will wear only the uniform and rank insignia authorized by the Chief of Police. Only authorized uniform and equipment items will be worn, on or off duty, as part of the OPD Police Uniform.

DEFINITIONS:

Air Support Duty Uniform: Clothing and equipment specifically designed for the operation of police aircraft and to enhance the safety of the wearer. The Air Support Duty Uniform is worn by members of the Air Support Unit.

Bicycle Patrol Uniform: Clothing and equipment specifically designed for the operation of a bicycle while performing police patrol duties. The Bicycle Patrol Uniform is worn by bicycle certified officers due to their exposure to the elements and regular physical exertion. Bicycle Patrol Officers are only authorized to wear the specialized bicycle uniforms during patrol shifts where they perform Bicycle Patrol duties and may be worn in various authorized combinations.

Canine Patrol Uniform: Clothing and equipment selected for its functionality and durability for handling police service dogs. The Canine Patrol Uniform is worn by members of the Canine Unit who are assigned police service dogs. The Canine Patrol Uniform may be worn in various authorized combinations.

Formal Duty Uniform: A specific variation of the Standard Duty Uniform selected to present a professional and dignified appearance that conveys solemnity, respect, and honor. The Formal Duty Uniform will be worn at all formal functions and as required by the Chief of Police or their designee. This uniform may also be referred to as the "Class A Uniform."

Honor Guard Uniform: A formal ceremonial uniform worn by members of the OPD Honor Guard during official functions as directed by the Commander of the Honor Guard and authorized by the Chief of Police or their designee.

Motorcycle Patrol Uniform: Clothing and equipment specifically designed for the operation of police motorcycles and to enhance the safety of the wearer. The Motorcycle Patrol Uniform is worn by motorcycle certified officers only while conducting motorcycle patrol duties. The Motorcycle Patrol Uniform may be worn in various authorized combinations.

Mounted Patrol Uniform: Clothing and equipment selected for its functionality and durability for riding and handling police horses. The Mounted Patrol Uniform is worn by officers assigned to the Mounted Patrol Squad while performing Mounted Patrol duties. The Mounted Patrol Uniform may be worn in various authorized combinations.

Standard Duty Uniform: The official day-to-day uniform of the OPD. The Standard Duty Uniform is worn by all sworn employees required to wear the OPD Police Uniform. The Standard Duty Uniform may be worn in various authorized combinations. This uniform may also be referred to as the "Class B Uniform."

PROCEDURE:

I. OPD Police Uniform General Requirements

- A. Except as otherwise prescribed, or by special permission from the Chief of Police or designee, all officers will be in complete uniform when on duty, and at no time will any mixture of civilian clothing be permitted to be worn with the uniform whether on or off official duty.

- B. The Chief of Police or designee will, however, retain the authority to make exceptions to any uniform or firearm regulations they deem necessary to accomplish the police mission and/or to the advancement of the purposes or objectives of the organization; and/or the suspension of any uniform or firearm regulation they feel to be an impediment to the police mission.
- C. Officers will keep their uniforms clean, brushed, pressed and will have the buttons, metal trim, and footwear polished. Coats and jackets, when worn, will have zippers and buttons fastened at all times. Uniform hats will be worn straight on the head. No buttons, badges, insignias, or decorations will be worn on the uniform at any time except as authorized by the Chief of Police or designee.
- D. All sworn employees who have duty assignments within OPD buildings will wear the authorized police uniform at all times while on duty, with the following exceptions:
 - 1. Officers of the rank of Deputy Chief or above.
 - 2. Employees assigned to the various bureaus, as may be designated by that Bureau Deputy Chief.
 - 3. Employees assigned directly under the Office of the Chief of Police.
- E. The dress standards for pregnant officers will be Business Casual as described in the OPD "Dress Code" policy, with a neat appearance. No denim or work-out type of clothing will be allowed. Shoes will be business casual and present a professional appearance. No open-toe or sandals will be allowed.

EXCEPTIONS: Officers unable to wear a uniform item due to medical reasons will submit written proof of an existing medical condition that would not allow wearing the uniform item to the Office of the Chief of Police. The Chief or designee, after reviewing the submitted documents, will determine if the officer will be allowed to wear an alternative uniform item.

II. Procedures for Issuing Uniforms

- A. The Training Unit and the Police Supply Unit will coordinate to order uniforms and equipment for members of the recruit classes.
- B. Captains must approve requests for replacement uniform items.
 - 1. The requesting officer will submit a completed Clothing and Equipment Replacement Form (OPD Form 161A) via the chain of command to their Captain.

EXCEPTION: Items designed for officers' safety and damaged items that might jeopardize officers' safety may be replaced as needed with a Sergeant's approval.
 - 2. After obtaining the necessary approval, the officer will coordinate with the Police Supply Unit to order the requested item(s).
- C. Articles of the police uniform will be replaced only in exchange for worn or damaged items.

EXCEPTION: As allowed by the respective collective bargaining agreement, footwear may be replaced every twelve months.
- D. Specialty Unit Requests.

1. The Deputy Chief of the Police Services Bureau, or designee, will coordinate the ordering of uniforms, duty gear, companion equipment, and other items that are requested for specialty unit assignments.
 - a. Specialty unit examples: Bicycle Patrol, Motorcycle Patrol, Mounted Patrol, etc.
 2. Specialty unit employees will request new issue and replacement items by forwarding a completed Clothing and Equipment Replacement Form (OPD Form 161A) via the chain of command to the Deputy Chief of the Police Services Bureau.
 3. The Deputy Chief of the Police Services Bureau, or designee, will coordinate the requests with the Police Supply Unit to enhance purchasing efficiency and maintain Department standards.
- E. All OPD issued uniform items are issued to employees as Organizational Equipment and remain the property of the OPD.

III. OPD Police Uniforms

- A. The Standard Duty Police Uniform consists of:
1. Standard Duty Uniform Shirt (See [Appendix B](#) for uniform specifications).
 - a. Officers may wear either the long-sleeved or short-sleeved shirt throughout the calendar year.
 - (1) Short-sleeved shirts will be worn with the collar open and without a necktie.
 - (2) Long-sleeved shirts may be worn with the collar open or with a necktie.
 - (a) When worn with an open collar, officers will wear the optional undershirt as prescribed below.
 - b. Standard Duty Uniform shirts will have detachable buttons on pockets and epaulettes - silver for officers, and gold for command officers.
 - c. The right oriented OPD shoulder patch will be sewn on the right sleeve and the left oriented OPD shoulder patch will be sewn on the left sleeve.
 - d. OPD Units may design a unit patch for wear on the police uniform. Unit patches will be designed to identify a specific unit. Unit patches will only be worn on uniforms when the officer is assigned full-time to the unit depicted on the patch.
 - (1) Units will submit designs to the Uniform and Equipment Committee for approval. Only patches authorized by the Chief of Police shall be worn on OPD uniforms.
 - (2) If the Chief authorizes the unit patch, it may be worn as an option in place of the standard right oriented OPD patch on the right sleeve of the Standard Duty Uniform shirt.
 - (3) See [Appendix B](#) for a list and depiction of authorized unit patches.
 2. Standard Duty Uniform Undershirts (See [Appendix B](#) for uniform specifications):

- a. Officers may wear any undershirt that is not visible under either the long- or short-sleeve Standard Duty Uniform shirts.
 - b. Officers may wear a black crew-neck tee-shirt under the short-sleeve Standard Duty Uniform shirt.
 - (1) The black crew neck shirt shall be serviceable and not faded or worn.
 - c. Officers may wear a black turtleneck, mock turtleneck, mock dickey, or black crew-neck tee-shirt with no visible logos under the long-sleeve Standard Duty Uniform shirt.
 - (1) When the long-sleeve Standard Duty Uniform shirt is worn with an open collar, turtlenecks and mock turtlenecks will have the letters "OPD" embroidered just to the left of center on the collar of the neck.
 - (a) No other insignias, logos, or markings shall be visible.
 - d. All undershirts must be purchased at officer's own expense.
3. Standard Duty Uniform Necktie and Tie Bar:
- a. See [Appendix B](#) for tie specifications. The length of the necktie will be at officer's discretion.
 - b. The Standard Uniform tie bar is issued by the Police Supply Unit.
 - (1) Tie bars will be silver colored for officers and gold for command.
 - (2) Optional tie bars may be worn but will be police-related (i.e., OPD badge tie bars or handcuff tie pins) and appropriate for wear as determined by the Chief of Police or designee.
 - c. The Standard Duty Uniform necktie and tie bar are also worn with the Formal Duty Uniform.
4. Standard Duty Uniform Trousers:
- a. Trousers will be Navy Blue with striping.
 - (1) Striping will be powder blue for officers and gold for command.
 - (2) See [Appendix B](#) for trouser specifications.
 - b. No trousers with external cargo pockets will be worn as part of the Standard Duty Uniform.
5. Standard Duty Uniform Footwear:
- a. Issued Footwear (See [Appendix B](#) for specifications):
 - (1) Officers will be issued one pair of authorized footwear per twelve-month period.
 - (2) Damaged footwear may be replaced only after all proper reports have been completed, and the Safety Review Board reviews the incident causing the damage to determine if the officer was negligent and if the damage occurred on-duty.

- b. Optional Footwear:
 - (1) Officers may upgrade or purchase any plain black boot or shoe.
 - (2) No insignias or markings will be visible on optional footwear.
 - (3) Officers who decide to upgrade from the issued footwear to optional footwear must pay the difference in price between the bid price on the issued footwear and the total cost of the optional footwear.

- 6. Standard Duty Uniform Socks:
 - a. Standard and Formal Duty Uniform socks will conform to the following:
 - (1) The socks will be black in color and of a plain design.
 - (2) The socks may have white soles providing that no white can be seen above the shoe top at any time.

- 7. Standard Duty Uniform Hats:
 - a. Hats are worn with the Standard Duty Uniform at the officer's discretion. Only authorized hats will be worn with the Standard Duty Uniform.
 - b. Issued Hat (See [Appendix B](#) for specifications):
 - c. Optional Foul Weather Hats (See [Appendix B](#) for a list of optional hats and specifications):
 - (1) Employees are responsible for the full cost of optional foul weather hats.

- 8. Standard Duty Uniform Gloves:
 - a. Officers may wear black gloves during inclement weather and when there is reasonable potential for exposure to hand injuries (protective gloves).
 - b. Winter gloves are authorized to provide warmth and protection from cold or inclement weather. Gloves will be black in color.
 - c. Protective leather gloves specifically designed to be cut or fluid resistant may be worn year round for officer safety.
 - (1) The wearing of protective gloves will be at the discretion of officers, keeping in mind the purpose of the glove is for protection of the hands.
 - (2) Only black gloves lined with Kevlar or a similar material will be allowed. Protective leather gloves may be worn during situations where there is a reasonable potential for activity, which could expose the officer to potential hand injuries. These situations should include:
 - (a) Calls of fights or disturbances, shootings, cuttings, or assaults that have just occurred or any call by its nature that would indicate a possible confrontation or arrest situation.
 - (b) The gloves may also be worn for vehicle and residential searches.

- (c) Gloves may be worn while conducting a traffic stop due to the unpredictable nature of stops.
 - (3) Officers working in a unit with authorized gloves as part of a specialty uniform may wear protective gloves as their duties require.
 - (4) All officers may wear latex gloves at their discretion for protection.
 - d. Except during inclement weather, gloves will not be worn during routine cruiser and foot patrol, report calls, court, public buildings (to include the precincts), community meetings, directing traffic, or meal breaks or similar activities unless the officer can clearly articulate that they are likely to engage in an arrest or search situation.
 - e. Gloves are an optional equipment item and will be purchased by officers at their own expense.
 - f. The ability to use the firearm with the gloves on must be given careful consideration. Great care should be given when purchasing the gloves to make certain they fit snugly on the hand.
 - g. Only protective gloves may be worn with the short-sleeve Standard Duty Uniform.
 - h. Fingerless gloves and weighted or "sap" gloves are prohibited.
9. Standard Duty Uniform Jackets (See [Appendix B](#) for uniform specifications):
- a. Jackets may be worn at the discretion of the officer.
 - b. Lightweight Jacket and Liner (See [Appendix B](#) for specifications).
 - (1) Employees are responsible for the full cost of the lightweight jacket.
 - c. Winter Jacket (See [Appendix B](#) for specifications).
 - d. Leather Jacket:
 - (1) Leather jackets may be approved for wear by the Chief of Police or designee on a case-by-case basis.
 - (2) Leather jackets will be of such make and style as to not interfere with duty gear.
 - (3) Leather jackets approved for wear with the Standard Duty Jacket will have OPD patches sewn on the shoulders.
10. Standard Duty Uniform Sweater:
- a. An optional uniform sweater may be worn over the Standard Duty Uniform shirt; specifications are listed in [Appendix B](#).
 - b. Whenever the Standard Duty Uniform sweater is worn by command officers, collar tabs indicating their rank will be worn on the collar points of the uniform shirt.
 - c. The Standard Duty Uniform sweater will be worn either tucked into the trouser or bloused and not extending below the top of the belt.

B. The Formal Duty Uniform consists of:

1. The long-sleeve Standard Duty Uniform shirt.
 - a. Authorized ribbons are worn only with the Formal Duty Uniform.
 - (1) Ribbons are optional.
 - (2) Employees are responsible for the cost of ribbons and ribbon racks.
 - b. Officers may wear any pin they are authorized to wear on the Standard Duty Uniform.
2. Tie and tie bar.
3. The Standard Duty Uniform trousers.
 - a. No trousers with external cargo pockets or utility pants will be worn with the Formal Duty Uniform.
4. Standard Duty Uniform Footwear, highly polished.
 - a. Patent leather or other black high-gloss uniform shoes may be worn.
 - (1) Employees are responsible for the entire cost of such footwear.
5. The Issued Hat.
 - a. The Issued Hat will be worn when outdoors and as appropriate indoors.
 - b. Only the Issued Hat will be worn with the Formal Duty Uniform.
6. White gloves and the black badge band.
 - a. At functions where the OPD Honor Guard is present, the commander of the Honor Guard will determine when white gloves and the black badge band are worn.
 - b. When the OPD Honor Guard is not present, officers will use their own discretion as to when to wear white gloves and the black badge band.

C. The Honor Guard Uniform.

1. The Honor Guard Uniform will be issued by the Police Supply Unit unless otherwise noted.
 - a. No duty, companion, or other equipment not issued by the Police Supply Unit will be worn with the Honor Guard Uniform

EXCEPTION: Non-issued items listed below.
2. Honor Guard Uniform Issued Items (See [Appendix B](#) for uniform specifications):
 - a. Hat.
 - b. Jacket.
 - c. Trousers.

- d. Gloves.
 - e. Holster Belt: The holster belt will be worn with shoulder strap.
 - f. Shoulder Braid.
 - g. Rank and insignia will be worn as proscribed by the Honor Guard Unit Manual.
3. Honor Guard Uniform Non-Issue Items:
- a. Honor Guard members are responsible for purchasing a .38 Double Action Revolver.
 - b. Honor Guard members are responsible for purchasing uniform shoes.
 - 1. Uniform shoes will be of a type approved by the Honor Guard commander.
- D. Bicycle Patrol Uniform.
1. General.
- a. Only officers assigned to Bicycle Patrol duties are authorized to wear the Bicycle Patrol Uniform.
 - b. Officers may only wear the Bicycle Patrol Uniform during work shifts where they have been assigned to ride a bike and will be using a police bike during the course of their duties.
 - c. The Bicycle Patrol Uniform will not be worn off-duty or on off-duty jobs.
 - (1) Written exceptions to this prohibition may be granted by a Deputy Chief or designee on a case-by-case basis.
 - (a) When granted an exception to this prohibition, employees must carry the written authorization on their person while wearing the Bicycle Patrol Uniform off-duty or on an off-duty job.
 - (b) Only certified Bicycle Patrol officers are eligible to request an exception to this prohibition.
 - d. The Precinct Captain will determine if the Bicycle Patrol officer will be issued foul weather gear.
2. Equipment Issue: Both full- and part-time Bicycle Patrol officers will be issued the following equipment:
- a. Bicycle Helmet.
 - b. Protective Eyewear.
 - c. Padded Gloves.
 - d. Two (2) Short-Sleeved Shirts.
 - e. Two (2) Long-Sleeved Shirts.

- f. Two (2) Pair of Shorts.
 - g. One Pair of Shoes.
 - h. Jacket.
 - i. Pair of Pants.
3. Uniform and Equipment Specifications.
- a. Eyewear:
 - (1) The OPD Bicycle officer will be required to wear impact resistant eyewear.
 - (2) The OPD will supply bicycle officers with protective glasses. See [Appendix B](#) for specifications.
 - (3) Officers are allowed to wear optional eyewear. Eyewear must be impact resistant with black frames and non-mirrored or colored lenses.
 - (a) Replacement cost for optional eyewear will be limited to the cost of the eyewear provided by the Department.
 - b. Footwear: The Department provides cycling footwear (See [Appendix B](#) for specifications). However, other cycling shoes in conservative colors and styles may be considered on a case-by-case basis and should not be worn until approved in writing by the officer's immediate Lieutenant or Captain.
 - c. Foul Weather Gear: Only foul weather gear issued by the OPD will be worn by Bicycle Patrol Officers. See [Appendix B](#) for specifications.
 - d. Gloves:
 - (1) While on patrol, the Bicycle Officer is required to wear solid black padded cycling gloves.
 - (2) In temperate weather, fingerless gloves may be worn.
 - e. Gun Belt: Bicycle Patrol Officers will wear their standard issued duty belt.
 - f. Handcuffs: Bicycle Patrol Officers will carry two (2) single handcuff cases with two (2) sets of handcuffs, or a double handcuff case with two (2) sets of handcuffs.
 - g. Helmet: Only helmets issued by the OPD will be worn by Bicycle Patrol Officers. See [Appendix B](#) for specifications.
 - h. Shirts: Only shirts issued by the OPD will be worn by Bicycle Patrol Officers. See [Appendix B](#) for specifications.
 - i. Shorts: Only shorts issued by the OPD will be worn by Bicycle Patrol officers. See [Appendix B](#) for specifications.
 - j. Socks: While wearing shorts, the officer should wear plain black or white conservative crew socks with no logos or stripes.
 - k. Whistle.

- (1) The Bicycle Patrol officer will provide a regulation whistle, black in color, made of metal or plastic.
- (2) The whistle will be carried on a black lanyard, which should be fastened to the officer's vest and hang in front of the uniform shirt.
- (3) For safety reasons, the officer will never wear the lanyard around the neck, unless the lanyard is a breakaway design.

I. Whistle Chain (Optional).

- (1) Bicycle Patrol officers may wear a whistle chain.
- (2) The chain will be attached to the uniform shirt's right shoulder epaulet and lead to the right shirt pocket.
- (3) The whistle will be carried inside the pocket. The chain will be a "serpentine" design; silver colored or black nylon for officers, gold colored for command.

E. Motorcycle Patrol Uniform.

1. OPD Issued Motorcycle Patrol Uniform.

a. Mandatory Issued Motorcycle Patrol Uniform Items.

- (1) Mandatory issued Motorcycle Patrol Uniform items must be worn while operating OPD motorcycles.

NOTE: Exceptions to the wearing of mandatory issued Motorcycle Patrol Uniform items for specific events and/or conditions may be authorized by the Traffic Unit commander.

- (2) The official list of mandatory issued Motorcycle Patrol Uniform items will be maintained by the Police Supply Unit.
- (3) Mandatory issued Motorcycle Patrol Uniform items are:
 - (a) Boots (See [Appendix B](#) for uniform specifications).
 - (b) Helmet (See [Appendix B](#) for uniform specifications).
 - (c) Shirt: The shirt will be either the summer or winter regulation uniform shirt.
 - (d) Trousers: Trousers will conform to the same specifications as those for the winter or summer regulation uniform but will be the "Riding Breeches" type, fitted with zipper closing legs.
 - (e) Protective eyewear.
 - (i) Motorcycle officers may substitute approved personal protective eyewear for the issued protective eyewear.

b. Optional Issued Motorcycle Patrol Uniform Items:

- (1) Optional issued Motorcycle Patrol Uniform items may be worn while operating police motorcycles depending on weather and the Motorcycle Officer's personal preference.
- (2) The official list of optional issued Motorcycle Patrol Uniform items will be maintained by the Police Supply Unit.
- (3) Optional issued Motorcycle Patrol Uniform items include:
 - (a) Inclement weather gear.
 - (b) Motorcycle gloves.

2. Optional Motorcycle Patrol Uniform:

- a. Motorcycle Patrol officers are authorized to wear certain items (such as sunglasses, OPD Baseball cap, and gloves) with the OPD issued Motorcycle Patrol Uniform. These items must be purchased at the Motorcycle Patrol officer's own expense.
- b. Optional Motorcycle Patrol Uniform items must be approved by the Traffic Unit commander.
 - (1) At no time will mirrored sunglasses be approved for wear.

F. Mounted Patrol Uniform.

1. Mandatory Issued Mounted Patrol Uniform Items.

- a. Mandatory issued Mounted Patrol Uniform items must be worn while riding police horses.

NOTE: Exceptions to the wearing of mandatory issued Mounted Patrol Uniform items for specific events and/or conditions may be authorized by the Southeast Precinct Captain or designee.

- b. The official list of mandatory issued Mounted Patrol Uniform items will be maintained by the Police Supply Unit and is published in [Appendix B](#).
- c. Mandatory issued Mounted Patrol Uniform items.
 - (1) Helmet.
 - (2) Shirt: The shirt will be either the summer or winter regulation uniform shirt.
 - (3) Trousers (riding breeches).
 - (4) Boots.
 - (5) Spurs.

2. Optional Issued Mounted Patrol Uniform Items.

- a. Optional issued Mounted Patrol Uniform items may be worn while riding OPD horses depending on weather and the Mounted Patrol officer's personal preference.

- b. The official list of optional issued Mounted Patrol Uniform items will be maintained by the Police Supply Unit and is published in [Appendix B](#).
- c. Optional issued Mounted Patrol Uniform items include:
 - (1) Coveralls.
 - (a) The winter coveralls will be worn only for stable duties and/or training purposes during inclement weather and winter months. The coveralls are not intended for wearing before the general public, except when the public is touring the stables.
 - (2) Raincoat.
 - (3) Leatherman Tool and Case.
 - (4) Bokken Baton.
 - (a) A Bokken is an impact weapon designed for optional use by Mounted Patrol officers.
 - (b) Mounted Patrol officers who wish to carry the Bokken as an optional weapon must be certified prior to carrying it. Certification will include (4) four hours of classroom training and (12) twelve hours of practical training. At the conclusion of the training, officers must demonstrate minimum proficiency standards by passing a written and practical test. Officers must also complete (8) eight hours of training each calendar year to remain certified.

3. Optional Mounted Patrol Uniform.

- a. Mounted Patrol officers are authorized to wear certain items (such as sunglasses, OPD Baseball cap, and gloves) with the OPD issued Mounted Patrol Uniform. These items must be purchased at the Mounted Patrol officer's own expense.
- b. Optional Mounted Patrol Uniform items must be approved by the Southeast Precinct Captain or designee.
 - (1) At no time will mirrored sunglasses be approved for wear.

G. Air Support Duty Uniform.

1. Mandatory Issued Air Support Duty Uniform Items.

- a. Mandatory issued Air Support Duty Uniform items must be worn while operating OPD helicopters.

NOTE: Exceptions to the wearing of mandatory issued Air Support Duty Uniform items for specific events and/or conditions may be authorized by the Air Support commander or designee.

- b. The official list of mandatory issued Air Support Duty Uniform items will be maintained by the Police Supply Unit and is published in [Appendix B](#).
- c. Mandatory issued Air Support Duty Uniform items:
 - (1) Flight suit.

- (2) Flight boots.
2. Optional Issued Air Support Duty Uniform.
 - a. Optional issued Air Support Duty Uniform items may be worn while operating OPD helicopters depending on weather and the Air Support officer's personal preference.
 - b. The official list of optional issued Air Support Duty Uniform items will be maintained by the Police Supply Unit and is published in [Appendix B](#).
 - c. Optional issued Air Support Duty Uniform items include:
 - (1) Black embroidered Air Support Unit baseball cap.
 - (2) Flight gloves.
 - (3) Flight jacket (light).
 - (4) Flight jacket (winter).
3. Optional Air Support Duty Uniform.
 - a. Air Support officers are authorized to wear certain items (such as sunglasses and gloves) with the OPD issued Air Support Duty Uniform. These items must be purchased at Air Support officer's own expense.
 - b. Optional Air Support Duty Uniform items must be approved by the Air Support Unit commander or designee.
4. Due to the unique nature of Air Support officer's duties, the carrying or availability of mandatory Duty Gear and Companion Equipment will be determined by the Air Support Unit commander.
 - a. Air Support officers must carry their Primary or Secondary Firearm while on duty.
- H. Canine Unit Duty Uniform.
 1. Canine Unit officers will wear the Canine Unit Duty Uniform as described in the Canine Unit Manual and issued by the Police Supply Unit.
 - a. Canine Unit officers will wear the items of the Canine Unit Duty Uniform as directed by the Canine Unit supervisor.
 - b. Absent clear direction from the Canine Unit supervisor, Canine Unit officers may wear the Canine Unit Duty Uniform in any combination based on the weather conditions and the officer's personal preference.
 2. The Canine Unit supervisor will make certain that updates and changes to the Canine Unit Duty Uniform are approved by the Chief of Police through the Uniform and Equipment Committee.
 - a. Approved changes to the Canine Unit Duty Uniform will be detailed in an update to the Canine Unit Manual.
 3. The Canine Unit supervisor may, with the Northwest Precinct commander's approval, modify the Canine Unit Duty Uniform for specific training events and/or special conditions encountered by the duties of the Canine Unit officer.

I. Other Authorized Uniform Items.

1. Coveralls may be worn by specialty units, such as the Bomb Response Squad, when appropriate.
 - a. Coveralls will be blue and present a neat appearance.
 - b. Appropriate OPD shoulder patches may be affixed to the shoulders.
 - c. Coveralls will not be worn when working with the public.
2. Specialized safety uniforms and items may be worn by authorized units, such as the Bomb Response Squad and SWAT, when appropriate.
 - a. Only safety equipment approved by the Chief of Police or designee will be worn.
 - b. Officers may wear any safety item that is not visible, such as fire retardant under garments, at their discretion.
 - c. The Unit commander, or designee, will determine when it is appropriate to wear the items authorized by this section.

IV. Rank and Insignia

A. The uniform metal rank insignia for the uniform of the OPD are described below. See [Appendix B](#) for specifications.

1. Chief: Four gold stars.
 - a. Shirt collar: Worn centered on both shirt collar tabs. The two sides that border the front and bottom collar edges will be spaced three-quarter (3/4") inch in from both of these edges.
 - b. Outerwear: Worn on the outside edge of the outerwear epaulettes parallel to the shoulder seam.
2. Deputy Chief: Two gold stars.
 - a. Shirt collar: Worn centered and positioned as the Chief's insignia on the collar tabs. The two sides that border the front and bottom collar edges will be spaced three-quarter (3/4") inch in from both of these edges.
 - b. Outerwear: Worn centered on the outside edge of the outerwear epaulettes.
3. Captain: Gold double bars.
 - a. Shirt collar: Worn centered and positioned as the Chief's insignia on the collar tabs.
 - b. Outerwear: Worn on the outside edge of the outerwear epaulettes parallel to the shoulder seam.
4. Lieutenant: Single gold bar.
 - a. Shirt collar: Worn centered and positioned as the Chief's insignia on the collar tabs.

- b. Outerwear: Worn on the outside edge of the outerwear epaulettes parallel to the shoulder seam.
 - 5. Sergeant: Gold triple chevron.
 - a. Shirt collar.
 - (1) The wearing of gold metal triple chevrons will be optional.
 - (2) If worn, they will be worn at an angle, with the bottom points of the chevrons touching the stitching and at an angle such that the diagonal cut on the bottom of the chevron is in line with the point of the collar.
 - b. Metal Sergeant rank insignia is not authorized for wear on outerwear.
- B. Cloth Chevron Insignia.
- 1. Sergeant Rank.
 - a. The rank of Sergeant of Police will be designated by gold colored cloth triple chevrons (See [Appendix B](#) for specifications) sewn one-half (1/2") inch below the OPD shoulder patches and centered on the left and right sleeves of all Standard Duty Uniform and outerwear, both issued and optional.
 - 2. Officer Service Chevrons.
 - a. Officers who have between seven (7) and fourteen (14) years of service may wear powder blue cloth double chevrons sewn one (1") inch below the OPD shoulder patches and centered on the left and right sleeves of the Standard Duty Uniform and authorized outerwear.
 - b. Officers who have fourteen (14) to twenty-one (21) years of service may wear powder blue double chevrons with one (1) powder blue star located directly below the peak of the lowest chevron.
 - c. Officers with over twenty-one (21) years of service may wear powder blue double chevrons with two (2) powder blue stars located centered directly below the peak of the lowest chevron.
 - d. Officer Service Chevrons are mandatory for uniforms purchased after April 1, 2016. Officer Service Chevrons are optional on uniforms purchased prior to April 1, 2016.
 - (1) The OPD will be responsible for the cost of the mandatory chevrons and the cost of sewing them on uniform items.
 - (2) Officers are responsible for the cost of the optional chevrons and the cost of sewing them on uniform items.

REFERENCES:

I. Previous OPD Orders

- A. Previous General Orders include the following: #7-75, #31-85, #68-89, #11-90, #28-90, #52-90, #83-90, #14-91, #4-93, #51-93, #47-94, #48-94, #53-94, #65-94, #67-94, #85-94, #60-95, #63-95, #44-96, #19-98, #26-98, #11-00, #04-01, #88-02, #40-13, #10-14, and #23-16.
- B. Previous Information Orders include #88-92 and #88-92 Supplement #1.

II. Accreditation Standards

- A. CALEA Accreditation standards 22.2.5, 26.1.1, and 41.3.4 are relevant to this policy.

III. Other References

- A. "The psychological influence of the police uniform" by Richard R. Johnson, M.S., March 04, 2005, *PoliceOne.com*.

UNIFORM REQUIREMENTS AND SPECIFICATIONS – OMAHA POLICE UNIFORM (RESCINDED)

This policy is rescinded per General Order #40-13.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders include #7-75, 31-85, 68-89, 11-90, 28-90, 52-90, 83-90, 14-91, 4-93, 51-93, 53-94, 65-94, 85-94, 60-95, 63-95, 44-96, 19-98 , 11-00, and 88-02.
- B. Previous OPD Information Orders include #88-92 and 88-92 Supplement #1.