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:

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

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 relevant to 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 Statues

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.

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.

      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.

      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. 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.

H. 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.

I. 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.

J. Officers who identify a dangerous roadway engineering issue in the course of their investigation will complete an Inter-Office Memo detailing the specific problem.

1. The Inter-Office Memo will be routed to the UPB Deputy Chief via chain of command for follow-up and review as appropriate.
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. Accident Tows

A. When towing vehicle(s) from the accident scene, investigating officers will complete an Accident Towing Agreement (OPD Form 90) and/or the Recovered/Impounded Vehicle form (OPD Form 202) as appropriate.

1. The Accident Towing Agreement (OPD Form 90) will be completed when the damaged vehicle is towed from the accident scene as a courtesy to citizens.
   
a. Investigating officers will complete an Accident Towing Agreement (OPD Form 90) for each vehicle towed.

b. If the driver/owner of the vehicle is unable to sign the Accident Towing Agreement (OPD Form 90) (i.e., the driver is hospitalized), the officer will still complete OPD Form 90 and have the vehicle towed from the scene.

c. If the driver/owner signs the Accident Towing Agreement (OPD Form 90) but leaves before the tow company arrives, the driver/owner will be advised that their vehicle will be towed to the OPD Vehicle Impound Lot.

2. The investigating officer will complete the Recovered/Impounded Vehicle form (OPD Form 202) in the following circumstances:
   
a. If the vehicle being towed is being impounded, held as evidence, or being towed for a violation.

b. 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.).
(1) Officers will note the circumstances in the “Details of Impounding or Recovery” field on the “Recovered/ Impounded Vehicle” form (OPD Form 202).

IV. 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).

V. 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.

VI. 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 Police Equipment – Accountability form (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.

VII. 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).

VIII. 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


   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, #23-90, #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, #2-16, and #29-17.

III. Accreditation Standards

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


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. Officers will adhere to the following towing procedures:

(1) Officers will refer to the OPD “Towing – General Procedures” policy for general towing procedures.

(2) If vehicles are immovable, the investigating officer/Accident Investigator will contact the Information Channel who will contact the contract tow operator and arrange for removal of all vehicles blocking a traffic-way as expeditiously as practical.

(a) Officers will request the contract tow operator only when the tow operator will be able to fully hook and transport the vehicle to avoid unnecessary standby costs.

(3) The driver/owner of the vehicle may call for their own towing company to come and tow their vehicle.

(a) If the vehicle is obstructing the street it must be removed within twenty minutes or the officer will contact the Information Channel to have it towed by the City’s contract tow operator.

(b) If the vehicle has been moved from the roadway, officers will confirm that the driver/owner has a private tow company coming but does not need to wait until the tow operator arrives.

(4) If a parked vehicle is involved in an accident and is towed, officers will attempt to contact the registered owner of the vehicle to notify them.

NOTE: The vehicle will only be towed if it is obstructing a roadway, driveway, or walkway.

(5) A vehicle does not need to be towed if:

(a) The vehicle is operational and may be cared for by the owner/driver of the vehicle.

(b) The vehicle is operational and is legally parked.
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.

(6) Officers will refer to the “Accidents – General Reporting” policy for reporting requirements.

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.

NOTE: Officers will refer to Section IX of this policy for procedures when responding to accidents on Iowa-Nebraska Interstate Bridges.
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.

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. Accidents on Iowa-Nebraska Interstate Bridges

A. Officers will adhere to the following procedures when responding to accidents on Iowa-Nebraska Interstate Bridges in order to expedite response times and to better protect the safety of injured persons and rescue squads:

1. If a personal injury accident occurs in the westbound lanes of any interstate bridge between Nebraska and Iowa, officers will determine the accessibility of the scene to rescue squads based on the traffic flow.

   a. If the rescue squad can reach the accident scene by driving against the normal traffic flow, the officer will contact 911 Dispatch to contact the Council Bluffs Police Department to shut down the westbound interstate.

   b. Once the interstate is shut down and there is no hazard to rescue squad personnel, the Council Bluffs Police Department will advise 911 Dispatch that the roadway is clear and that OFD rescue squads may be dispatched to the scene.

2. If the OPD receives a request from the Council Bluffs Police Department to block eastbound interstate traffic, the OPD will assign cruisers to block all eastbound interstate traffic.

   a. Once the eastbound interstate is clear, officers will advise 911 Dispatch that the eastbound interstate is clear. 911 Dispatch will then contact the Council Bluffs Police Department to notify them that Iowa rescue squads may proceed to the accident scene.

3. Whenever possible, rescue squads will transport injured parties to the investigating jurisdiction's hospital. For example, if the OPD is investigating the accident, injured parties should be transported to an Omaha hospital.
NOTE: Injured parties may be transported to the nearest hospital for treatment if necessary.

X. 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.

XI. 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.

XII. 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.

XIII. 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.

XIV. 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.

XV. 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.

XVI. 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, #42-90, #27-92, #54-94, #6-97, #8-99, #13-99, #13-99 Supplement #1, #30-01, #54-01, #21-02, #9-15, #3-16, #30-17, and #54-17.

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.

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.

ADULT SEXUAL ASSAULTS - INVESTIGATIONS

PREAMBLE:

Trauma Informed Sexual Assault Investigations strengthen the Omaha Police Department's response to victims of sexual assault by providing a belief-based response to the victim. Officers will be aware that trauma affects victims' memories, actions, and behavior. Decisions made by law enforcement are critical to ensuring a compassionate response to victims while conducting an effective investigation.

POLICY:

It is the policy of the Omaha Police Department (OPD) to fully investigate sexual assaults in conjunction with community partners (i.e., Project Harmony, hospitals, advocates, etc.) while protecting the well-being of the victim. OPD officers shall follow special techniques in the investigation of sexual assaults. Officers will adhere to the procedures in the OPD “Abuse/Neglect/Injury – Child” policy when investigating the sexual assault of a child.

DEFINITIONS:

Trauma Informed Sexual Assault Investigations: Belief-based method of investigating sexual assaults that is sensitive to victims' needs and the effects of trauma on victim behavior while avoiding re-traumatization of the victim. This form of investigation focuses on treating victims of trauma while employing the most effective methods to investigate crimes.

PROCEDURE:

I. Initial Response

A. In most cases the initial response to a sexual assault victim is conducted by Uniform Patrol Bureau (UPB) officers. It is imperative that this initial encounter be done in a compassionate manner that recognizes the impact of trauma on the victim. Initial responding officers shall adhere to the following procedures:

   1. Officers will establish that a sexual assault or other crime has been committed.
      a. Determine that the statutory elements occurred for the crime alleged.
b. Determine when the sexual assault occurred. Often times, victims report sexual assaults a significant time after the incident.

**NOTE:** Only minimal information about the details of the crime are needed at this time.

2. Officers will ensure the safety of the victim and provide any medical treatment if necessary.

3. Officers will identify any witnesses to the sexual assault.

4. If possible, officers will identify the suspect of the sexual assault.
   a. If the suspect is a public figure such as a teacher, counselor, coach, pastor or other prominent person, officers will not attempt to make an arrest until a CVSA Supervisor has authorized such an arrest.

   **EXCEPTION:** This does not apply to crimes in progress or when a suspect is still present and the crime has just occurred.

   b. Officers **SHALL NOT** ask the victim if they want to prosecute the suspect.

5. Once the initial responding officer has determined a sexual assault has occurred the officer shall notify the appropriate CIB unit.
   a. On B and C Shift, Officers shall notify the CVSA unit directly.
   b. On A Shift, officers shall notify the A Shift Regional Detective. Officers will not contact the On-Call CVSA Detective directly. The A Shift Regional Detective will evaluate the incident and notify the On-Call CVSA Detective as appropriate.

6. After contacting CVSA or a Regional Detective officers will determine the location of the sexual assault and safeguard the crime scene in accordance with the OPD “Crime Scenes” policy.
   a. If the crime scene is at a different location than the victim, the initial responding officer will request additional officers to secure the crime scene after advisement from the CVSA.
   b. If consent to enter the crime scene cannot be obtained, officers will secure the scene until a CVSA Detective can obtain a search warrant.
   c. Officers will secure a sexual assault crime scene in the same manner as a homicide crime scene as detailed in the OPD “Crime Scenes” policy.
   d. Initial responding officers will notify CVSA or Regional Detectives (when on A Shift) prior to contacting Forensic Investigations Section (FIS) with details as to crime scene location and evidence that may need to be collected.

   (1) Officers will be aware that sexual assault evidence such as bodily fluids may be present at the crime scene and take caution to preserve such evidence for collection by FIS employees.

   (2) If a crime scene is to be processed, officers will request that FIS take photographs and diagram the crime scene as necessary.

**NOTE:** If an officer responds to a felony sexual assault they will contact CVSA or, if on A Shift, Regional Detectives who will determine the appropriate personnel to be sent to the crime scene.
7. If the report is being taken at a different location than the crime scene, officers will preserve and safeguard any evidence the victim may have with them (i.e. clothing, cell phone recordings and/or photographs, etc.).

8. Officers will advise the victim of the steps in the investigation (evidence collection, interviews with witnesses and suspects, etc.) and advise the victim that a follow-up interview will likely occur at some point in the future.

9. Officers will provide the victim with telephone numbers for the following resources (see Appendix A for the telephone numbers):
   a. The Omaha/Douglas County Victim/Witness Assistance Division.
   b. The Women’s Center for Advancement.
   c. The OPD Child Victim/Sexual Assault Squad.
   d. Any additional referrals for advocates as appropriate.

10. Officers will make certain that all appropriate tests are completed as advised by CVSA.
   a. DNA samples will only be collected after advisement by the CVSA and will be collected in accordance with the OPD “Collection of DNA Reference Samples” policy.
   b. If victim consents to sexual assault kit, trained medical personnel will administer the kit.
      (1) Officers will complete appropriate reports as advised by CVSA to document that a sexual assault kit was completed.
      (2) Area hospitals will contact the OPD when the kit is completed and ready for transport and booking into evidence.

11. Officers will complete all applicable reports.
   a. Officer’s opinions or judgments regarding the validity of the victim’s disclosures shall not be included in reports.

II. Investigator Response

A. On A Shift, Regional Detectives shall evaluate all initial calls concerning sexual assaults to determine if the On-Call CVSA detective should be contacted.

   1. Regionals will adhere to the same procedures followed when responding to felony assaults or homicides with unit notification (CVSA).
   2. Investigator call-outs will occur at the discretion of the unit commander.

REFERENCES:

I. Previous OPD Orders

A. Previous General Orders include: #58-17.

II. Accreditation Standards

A. Relevant CALEA accreditation standards include: 42.1.4, 42.2.1, 83.2.1, 83.2.2, and 83.2.7.
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.
**POLICY:**

It is the policy of the Omaha Police Department (OPD) to complete an Affidavit of Probable Cause (OPD Form 156A) for all felony arrests to make sure that no person is detained for more than forty-eight (48) hours without a judge reviewing the charges against the person.

**PROCEDURE:**

**I. Completion of the Affidavit of Probable Cause**

A. OPD officers will complete an Affidavit of Probable Cause (OPD Form 156A) for all felony arrests.

B. The Affidavit will not be required for a warrant arrest which is accompanied by no other charges.

C. The Affidavit will be completed by the arresting officer for all felony arrests regardless of the time of arrest.

D. Officers will complete a brief synopsis on the Affidavit outlining the incident and the probable cause of arrest.
   1. The Affidavit of Probable Cause (OPD Form 156A) must stand alone as a report when it is submitted to the assigned Duty Judge for review.
   2. This synopsis will be "generic" in that there should be no victim or witness names given, and, instead, all victims and witnesses will be referred to by numbers, for example: Victim #1 and Witness #1, etc.

E. In the event an arrest is held over by a County or City Attorney and the 48-hour time frame will be exceeded, the Affidavit will be completed by the investigating unit.

F. Douglas County Department of Corrections (DCDC) staff will make certain all Affidavits are completely filled out prior to accepting an arrest into booking.

**II. Routing of Affidavits of Probable Cause**

A. Completed Affidavits of Probable Cause (OPD Form 156A) will be turned in at Central Police Headquarters, either at the Front Desk or in the CIB Mail Box on the Fourth Floor. Officers will attempt to locate an OPD Notary Public before turning in the Affidavit. The Front Desk Squad maintains a list of current OPD Notary Publics.
   1. On weekdays, the completed original Affidavit shall be collected by an employee of the OPD Customer Services Unit (CSU), who shall transport the Affidavits to the Douglas County Court Administrator’s Office, Second Floor of the Douglas County Courthouse, during normal Court hours.
   2. On weekends and holidays, the completed original Affidavit shall be collected by an employee of the OPD CSU, who shall deliver them to the home of the assigned Duty Judge between 0900 and 1100 hours.
   3. If, for any reason a CSU employee cannot deliver the Affidavits, an employee of the CSU shall contact a UPB supervisor, who shall assign an OPD officer to collect and transport the document(s) as stated above.

B. It is not necessary for the individual delivering the Affidavits to remain pending a Judge’s review of the Affidavits. The Judge will make a determination as to probable cause, and if necessary, will call the DCDC to order the release of an individual.
REFERENCES:

I. Laws
   B. Nebraska Revised Statutes §29-410 is applicable to this policy.

II. Previous OPD Orders
   A. Previous OPD General Orders include #39-93, #16-05, #45-13, #26-17, and #26-17 Supplement #1.

III. Accreditation Standards
   A. CALEA accreditation standard 1.2.5 is relevant to this policy.

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
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/Felony Warrant Arrests

A. When a Douglas County Sheriff’s Office (DCSO) deputy or other law enforcement officer from a surrounding jurisdiction makes an arrest for an OPD misdemeanor or felony warrant in Omaha and calls the OPD for assistance, OPD officers will adhere to the procedures in the OPD “Warrant Arrests by/for Other Jurisdictions” policy.

B. Arrests by other law enforcement officers for OPD misdemeanor or felony warrants made outside Omaha are covered by the OPD “Warrant Arrests by/for Other 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 “Outside Employment” policy Sections V and VI, 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 “Arresting Officer #2” on the Booking/Arrest Report (PortalOne/OPD Form 277) (see the OPD “Booking – General Procedures” policy for additional guidelines on completing the Booking/Arrest Report).

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 an “External Officer” along with their badge number and agency name on the OPD citation and as the reporting party on the Incident Report (Officers may refer to the OPD “Citations” policy for additional procedures regarding citations).

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 a 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, #2-14, and #51-17.

III. Accreditation Standards
   A. CALEA Accreditation standard 2.1.2 is relevant to this policy.

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.
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 and to provide bears to injured or traumatized children as needed.

**PROCEDURE:**

I. **Bears for Children Program**

   A. Whenever officers encounter an injured or traumatized child, one “teddy bear” may be provided to the child. The child may keep the bear.

   B. The Bears for Children program will be administered by the Neighborhood Services Unit (NSU). Inquiries regarding the Bears for Children program will be directed to the NSU.

      1. Bears will be available in sufficient numbers to all applicable Bureaus and Units.

         a. The Assistance League will continue to provide replacement bears as needed.

         b. The NSU will be responsible for making certain that an adequate supply of bears is available.

   C. Bears distributed by the NSU will be kept in designated vehicles 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.

   D. 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, #6-14, and #59-17.

**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. The PortalOne Traffic Stop Analysis (TSA) 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 which includes 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. The PortalOne Traffic Stop Analysis shall be used to record the above-listed information in compliance with NRS § 20-505.

1. Officers initiating traffic stops will complete the PortalOne Traffic Stop Analysis.

   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 or who do not complete an electronic citation for any reason shall still complete the PortalOne Traffic Stop Analysis.

   EXCEPTION: A vehicle stopped for motorist assist reasons does not require the Traffic Stop Analysis 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 in the PortalOne Traffic Stop Analysis based on the individual’s driver’s license or using their best judgment.

3. If a paper version of the Traffic Stop Analysis (OPD Form 169) is completed for any reason, officers will enter the Traffic Stop Analysis information into PortalOne before the end of their shift.

   NOTE: It is the officer’s responsibility to enter any paper Traffic Stop Analysis forms into PortalOne. Forms SHALL NOT be sent to the Customer Services Unit for processing.

   a. Sergeants will make certain that any officer under their command who submits paper copies of OPD Form 169 enters the information into PortalOne.

   b. Once the paper form has been entered into PortalOne the paper form will be destroyed to prevent the likelihood of a double entry.

   c. Officers will adhere to the following instructions when completing a paper Traffic Stop Analysis form (OPD Form 169) for any reason:

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

         (a) The month, day, and year of the traffic stop.
(b) The time the traffic stop was conducted.

(c) The district in which traffic stop occurred.

(d) 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.

(e) The conditions (daylight/darkness) during which the vehicle was first observed.

(f) The primary reason for initiating the traffic stop (mark only one (1) option).

(g) The gender of the driver.

(h) 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.

(i) The type of enforcement taken as a result of the traffic stop (mark all that apply).

(j) 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.

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 Criminal Investigations Section Captain 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.

   1. Per NRS §20-505 the OPD will send the Nebraska Crime Commission a copy of this policy whenever it is updated.

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, 6-15, and 19-17.
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 the collection of evidence/video by the OPD Officer Involved Investigations Team (see the OPD “Response to Resistance – Investigative Process for Use of Force Incidents Involving Serious Injury or Death” policy for specific procedures). Violators of this policy will be subject to discipline up to and including termination.

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/citizen complaints.

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. Maintenance

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 immediately to the officer’s supervisor. Supervisors 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 Responsibilities

A. Supervisors are responsible for:

1. Conducting reviews of officer-assigned media in order to:

   a. Assess officer performance.

      (1) 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.

   b. Make certain of the proper functioning of BWC equipment.

   c. Determine if BWC equipment is being operated properly and as required per OPD policies and procedures.

   d. Identify recordings that may be appropriate for training.

2. Reviewing the BWC Recorded Media of each officer assigned to their command who is assigned a BWC at least once a month.

   a. 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.

   b. Supervisors will document the review on an OPD MVR/BWC Recorded Media Audit Form (OPD Form 111).

3. Reviewing incidents that an officer would have been expected to record with their BWC but failed to do so.

   a. When the precinct/section commander receives Inter-Office Communications regarding such incidents, the precinct/section commander shall carefully review the Inter-Office Communication and incident.

   b. If remedial training and/or discipline is recommended, the commander’s review and recommendation shall be forwarded in an Inter-Office Communication or Internal Information Report to the respective Bureau Deputy Chief.
c. If the incident is being reviewed by the Safety Review Board or the Pursuit Review Committee, the commander shall supply their findings as well as all communications/documentation regarding the incident to the appropriate committee.

B. Supervisors shall adhere to the procedures in the Critical Incident section of this policy when an incident arises (serious crime scenes, employee-involved incidents, etc.) that requires immediate retrieval of Recorded Media.

V. BWC System Administrator Responsibilities

A. 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.

B. 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.

C. The BWC System Administrator(s) shall adhere to the procedures in the Critical Incident section of this policy when an incident arises (serious crime scenes, employee-involved incidents, etc.) that requires immediate retrieval of Recorded Media.

VI. 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. Officers shall activate the BWC in the following situations:

1. Immediately when dispatched to a Priority 1 call for service.

   a. Area/crew supervisors will remind officers on air to activate their BWC during all critical incidents and on calls to which the supervisor is dispatched.

2. During all other calls for service and proactive, non-dispatched law enforcement-related encounters and activities, officers shall activate the camera upon arrival or commencing contact as long as activating the BWC does not place the officer or others at risk.
a. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer shall activate the BWC at the first available opportunity after the immediate threat has been addressed.

1. Supervisors shall carefully review such incidents to make certain that the BWC was turned on at the earliest available opportunity.

b. 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. Backup/assisting officers shall activate their BWC’s as detailed in this policy, 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 self-report and document their reason(s) for not recording in an Inter-Office Communication that will be submitted to their precinct and/or section commander via chain of command.

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 “Response to Resistance – 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. 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.).

N. 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.

O. Officers who activate the BWC and capture Recorded Media of an incident/event shall document the existence of the recording in their report(s).

1. It is recommended that officers appropriately classify all BWC recordings within the Evidence.com system per OPD training.

NOTE: The current BWC vendor automatically assigns a unique identifier to all BWC Recorded Media. Any future vendors used shall assign an identifier to BWC Recorded Media that allows the date of the recording, the BWC used and the individual to whom the BWC is assigned to be identified.

P. Officers shall copy BWC Recorded Media to a DVD for criminal prosecution and shall book an “original” copy into the OPD Evidence and Property Unit per OPD procedures to be 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.

NOTE: Officers may be required to make an additional “working copy” to be used for ongoing investigations.

VII. Critical Incidents

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 “Response to Resistance – 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.

6. If involved officers did NOT activate the BWC during the incident the officers’ supervisor(s) shall carefully review the incident and submit an Inter-Office Communication to the Chief of Police via chain of command detailing the incident and the officers’ reasons for not recording the incident with their BWC.

   a. The Inter-Office Communication will include the supervisor's recommendations for remedial training and/or discipline if applicable.

VIII. 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.

IX. 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. 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.

G. 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.

H. 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.

X. 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.


REFERENCES:

I. Nebraska Revised Statutes

A. Nebraska Revised Statutes §81-1452, 81-1453, and 81-1454.
B. Pursuant to NRS §81-1453 the OPD Body Worn Cameras policy shall be submitted to the Nebraska Crime Commission by January 1st if any changes have been made in the previous year.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #36-16 and #101-16.

**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 shall 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 (DCC). 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. Add the additional charge of “Bond Review” to the Booking/Arrest Report (Portal One/OPD Form 277).
   a. Officers will select the “Edit RB Number” box and enter the RB Number from the original incident that the suspect is being bound over on.

3. Complete a Felony Arrest Packet and distribute reports according to the Felony Arrest Packet procedures (see the OPD “Booking – General Procedure” policy for procedures on completing Felony Arrest Packets).
   a. Officers will complete a packet for the City Prosecutor if the new charges include misdemeanor charges.

**NOTE:** The authority to detain a person subject to Bond Review is with the Douglas County District Court, not the Douglas County Court, therefore an Arrest Affidavit, OPD Form 156A, is not required for a Bond Review booking.
E. Minor criminal or traffic charges will 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.

F. 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
   A. Previous OPD General Orders include the following: #21-91, 6-14, 19-15, and 74-17.

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 Victim Information and Notification Everyday (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.

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. Officers shall complete Booking/Arrest Reports in PortalOne. Paper Booking/Arrest Reports (OPD
Form 277) shall only be used when electronic reporting is not available (i.e., the system is down).

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 OPD Booking/Arrest Report
(PortalOne/OPD Form 277).

PROCEDURE:

I. Arrival at DCDC
A. Officers shall pull up to the intercom outside the secured parking area at DCDC and announce 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 arrestees inside. Officers will take into consideration the demeanor and flight risk of the arrestee when deciding whether to wait for a parking spot inside the sally-port.

C. Officers shall secure ALL WEAPONS inside the lockboxes in the sally-port prior to removing the arrestee 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 shall secure their arrestee from the cruiser and bring them into the Admissions/Pre-Booking area of DCDC.

1. Officers shall 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 SHALL NOT leave arrestees unattended in the Admissions/Pre-Booking area.

3. Officers shall advise DCDC staff of any potential medical or security risks posed by the arrestee.

II. General Booking Procedures at DCDC

A. Prior to entering the secured booking area, officers shall 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 shall 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, shall be placed into the property bags provided by DCDC and sealed.
   a. The personal property bag shall 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 shall 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.
B. Officers shall complete the Booking/Arrest Report (PortalOne/OPD Form 277). This report, when printed, will replicate the DCDC Form 150 (Off-Street Full Booking Arrest Information).

1. When booking on new charges, officers shall select the Nebraska Revised 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 shall:
      (1) Print out the completed 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 PPM Appendix “A” for the email address) to notify them that the charge/offense should be added to the PortalOne system.

2. When booking for warrant(s) only, the warrant number(s) shall be listed in the “Warrant #” field of the PortalOne Booking/Arrest Report or the “Charges and Court Information” section of the paper OPD Form 277.

3. Officers shall include the serial number of the command officer authorizing the booking on the report. If officers are booking an arrestee on a warrant only, it is sufficient to simply list their supervisor’s serial number.

4. Officers shall print the Booking/Arrest Report.

   **NOTE:** Officers shall not submit the form electronically until they have received the “Booking Number” from the DCDC staff at the booking window.

C. Officers shall complete DCDC Form 150B (Medical Questionnaire).

1. DCDC Form 150B is a Medical Questionnaire that is in checklist format.

2. If an 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.

3. Officers shall present both DCDC Form 150B and the Booking/Arrest Report to DCDC staff at the booking window.
   a. Officers shall remain at the booking window to confirm information for the booking.

4. Officers shall receive copies of the Record of Arrest (i.e., “booking sheet”) and shall obtain the “Booking Number” from the DCDC staff at the booking window.

5. Officers shall enter the “Booking Number” into the Booking/Arrest Report and shall then submit the report electronically.

D. Officers may utilize fingerprints to verify the identity of the suspect when needed.

1. A local (Nebraska only) ID check can be completed at DCDC.

2. If more than a local (Nebraska only) ID check needs to be completed, the officer shall
transport the arrestee to OPD Central Headquarters for fingerprinting.

**EXCEPTION:** Suspects who refuse to be fingerprinted shall not be transported to OPD Central Headquarters without a command officer’s approval.

3. Arrestees who refuse to be fingerprinted and cannot otherwise be identified may be booked as a “John Doe” or “Jane Doe” per the OPD “Fingerprinting and Identification Checks – Adults” policy.

E. After officers receive copies of the Record of Arrest, the booking process is complete.

1. 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 Incident Reports Booking/Arrest Report, and copies of the Record of Arrest (i.e., “booking sheet”) are submitted and distributed according to OPD policy.

### 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 shall complete the Booking/Arrest Report as soon as practical after the arrestee has been secured inside a temporary holding cell.

2. Procedures shall be followed regarding the arrestee’s personal property and any evidence/contraband.

### IV. Misdemeanor Arrests (Non-Warrant)

A. If the arrest is for misdemeanor charges only, officers shall remain at DCDC to complete misdemeanor reports so DCDC staff may obtain their copy as soon as possible. Officers shall 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 Booking/Arrest Report serves as the Record of Arrest for society crimes.

2. Victim crimes require an Incident Report to be completed.

   a. When booking an arrestee for a victim crime, both the Incident Report and the 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 shall be included in the Misdemeanor packets for the County Attorney/City Prosecutor.

   a. Officers shall contact the Information Operator and have them fax a copy to DCDC or officers may pick up a copy at OPD Central Headquarters (see PPM Appendix “A” for the fax number).

4. Officers shall 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.
V. **OPD Felony and OPD Felony/Misdemeanor Arrests (Non-Warrant)**

A. 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 shall:

   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 shall 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 shall assemble and distribute the two Felony Prosecutor Arrest Packets and the City Prosecutor Felony Arrest Packet.

      (4) The two Felony Prosecutor Arrest Packets shall be assembled and distributed as follows:

<table>
<thead>
<tr>
<th>PACKET</th>
<th>PACKET CONTENTS</th>
<th>DISTRIBUTION</th>
</tr>
</thead>
</table>
| Felony Prosecutor Arrest Packet 1 | - 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

- Copy of Record of Arrest (i.e., “booking sheet”)
- Copy of All Reports

<table>
<thead>
<tr>
<th>PACKET</th>
<th>PACKET CONTENTS</th>
<th>DISTRIBUTION</th>
</tr>
</thead>
</table>
| City Prosecutor Felony Arrest Packet (1 Packet) | • 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 Felony Arrest Packet” Mail Tray. |

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

(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. Officers shall contact the OPD Information Operator and request a copy at OPD Central Headquarters.

c. If a Supplementary Report is recorded for transcription, the officer shall attach a note to the Felony Prosecutor Arrest Packets advising of the report. Officers shall make certain the written reports contain enough information for the County Attorney to make a filing decision in case the report does not get typed.

d. Officers shall 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 CIB command officer). This includes PortalOne reports as well as other reports completed outside of PortalOne.

### VI. OPD Warrant Arrests

A. Officers shall utilize the DCDC computer or OPD Mobile Data Computer (MDC) to verify the warrant is active via the Mainframe.

1. Officers may obtain warrant information for warrants issued by jurisdictions within the State of Nebraska using NCJIS. **Officers shall NOT arrest or book a party based solely on warrant information in NCJIS and shall confirm the warrant via the DCDC computer or MDC.**

2. OPD Information Operators will only fax copies to the DCDC of warrants received prior to June 1, 2016. Warrants received after June 1, 2016 will be confirmed electronically via the IMS W12 Screen or the Justice System.

3. If for some reason the warrant cannot be confirmed via computer or MDC by the arresting officer(s), OPD employees/Data Center personnel who retrieve the warrant for verification purposes from the file cabinet(s) shall sign it out in the log book.
B. Officers shall inform the arrestee of the listed charges and date of the warrant. If officers have any questions related to charge(s) they will look up the warrant information on DCDC computers and review the information.

**NOTE:** Officers SHALL NEVER read the affidavit to the subject.

C. Prior to booking any party on a warrant, officers shall make certain they conduct an ID check to verify the arrestee in custody is the party named on the warrant.

D. Officers shall complete a data check to make certain the subject does not have any other active warrants.

E. Reports/Paperwork procedures include the following:

1. Officers shall complete the Booking/Arrest Report (PortalOne/OPD Form 277) and DCDC Form 150B (Medical Questionnaire) as outlined in this policy.

   **NOTE:** The Nebraska Supreme Court rules state officers are no longer required to provide an original signature for a warrant arrest because warrants are now returned to the court electronically. The officer’s electronic signature on the Booking/Arrest Report will serve as the officer’s signature.

2. Officers shall print the Booking/Arrest Report (PortalOne/OPD Form 277) and present DCDC Form 150B and the Booking/Arrest Report to DCDC staff.

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

4. If the officer has new charges on the arrestee, reports and paperwork shall be completed and distributed per current OPD policies and procedures for Misdemeanor charges only (non-warrant), Felony charges only, or for Felony/Misdemeanor charges as outlined in this policy.

5. If the offense is a Domestic Violence offense, see the OPD “Booking – Domestic Violence” policy for additional paperwork required.

F. In addition to the procedures described, for felony warrants the following procedures also apply:

1. In cases of felony arrest warrants, OPD officers shall make certain proper reports 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.

2. Officers shall complete the Felony Warrant Folder at OPD Central Headquarters. Officers shall:
   
a. Pick up the Felony Warrant Folder at the OPD Front Desk (Information Operators’ area).

b. Sign the warrant out.
c. Complete the Felony Wanted Cancellation (OPD Form 208) form included in the Felony Warrant Folder.

(1) Officers shall deliver the original OPD Form 208 to the Data Center NCIC Operator(s) for processing.

(2) Officers shall place a copy of the OPD Form 208 in the Felony Warrant Folder.

d. Complete and follow the instructions on the Felony Warrant Arrest Check-Off Sheet (OPD Form 210).

e. Follow the instructions on the OPD “Wanted” form for notifying the Criminal Investigations Bureau (CIB) investigator/unit that issued the felony arrest warrant of the arrest.

3. The Felony Warrant Folder will include the following:

a. A copy of the 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. These copies shall be obtained from the DCDC booking officer.


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).

4. Officers shall deliver the Felony Warrant Folder to the Fugitive Squad mail tray located on the 4th floor next to the CIB console.

5. Officers shall turn in all original reports to the proper command for review and forwarding to the Data Center (unless otherwise directed by a CIB command officer).

VII. Booking – Special Procedures

A. Warrant arrests for and by other law enforcement agencies shall be handled as described in the OPD “Warrants – Warrant Arrests By/For Other Agencies” policy.

B. Subjects who are identified as escapees from a Nebraska Department of Corrections or Douglas County Work Release Center program shall be handled as described in the OPD “Fugitives from Justice – Escapees from Work Release” policy.

C. Weapons Charges.

1. A suspect who is booked on any felony weapons charges shall also be booked for all misdemeanor weapons charges when probable cause exists.

2. The County Attorney and City Prosecutor shall file the appropriate felony or misdemeanor weapons charge(s).
D. Homicide.

1. Homicide suspects shall 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” shall 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.

B. Supreme Court Rule §6-409 is relevant to this policy.

II. Previous OPD Orders

A. Previous General Orders include the following: General Orders #135-88, 70-90, 58-93, 91-02, 5-09, 3-10, 39-11, 23-13, 6-14, 32-15, 45-15, 71-15, 20-16 and 110-16.

III. Accreditation Standards

A. Relevant CALEA Accreditation Standards include the following: 1.2.5, 71.5.1, 74.1.3, 74.3.1, 74.3.2 and CALEA Chapter 70.

BRADY/GIGLIO DISCLOSURES

PREAMBLE:

Two United States Supreme Court Cases are used as reference for this policy. Brady v. Maryland, which determined prosecutors must disclose exculpatory evidence information to the defense or violate a defendant’s due process rights if such evidence is withheld, and Giglio v. United States, which extended such disclosures to include impeachment information, including the credibility of law enforcement officers. Several additional cases have added to the requirements of these cases. Collectively, these cases and their disclosure requirements have come to be referred to as “Brady/Giglio cases.” Officers and employees covered by the parameters of these cases are referred to as “Brady/Giglio Officers.” This policy was created to establish procedures for the Omaha Police Department to use in order to legally comply with its mandatory disclosure requirements regarding Brady/Giglio officers and employees. This policy was generated in conjunction with the Omaha City Prosecutor and the Douglas County Attorney.

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide information to those offices which prosecute crime including, but not limited to the Douglas County Attorney, City Prosecutor, and United States Attorney, as required by the Brady/Giglio cases.

DEFINITIONS:

Exculpatory Evidence: Evidence that tends to negate the defendant's responsibility for the charged crime and is material to guilt or punishment.

Impeachment Evidence: Evidence that demonstrates a witness is biased or prejudiced against a party, has some other motive to fabricate testimony, has a poor reputation for truthfulness or has past specific incidents that are probative of the witness's truthfulness or untruthfulness. Prior inconsistent statements are considered impeachment evidence.
Prosecuting Offices: The Omaha City Prosecutor and the Douglas County Attorney, collectively. This term may also include other prosecuting offices such as the US Attorney.

PROCEDURE:

I. Identification and Required Disclosures

A. Each internal investigation, citizen’s complaint, or line investigation involving OPD employees who may be subjected to testifying in court shall be reviewed by the OPD Professional Standards Section to determine its applicability to the standard established by Brady/Giglio cases.

B. The Professional Standards Section shall present applicable cases to Prosecuting Offices when required. The following findings shall require immediate notification to the Prosecuting Offices:

1. Any finding of misconduct that reflects upon the truthfulness or possible bias of an employee.
   a. Bias may include harassment, bias-based profiling, etc.
   b. A substantiated finding that reflects upon an officer’s honesty or truthfulness. This may include, but is not limited to falsifying a report, perjury, lying during an internal affairs investigation, etc.
   c. Policy allegation findings may include Failure to Cooperate with Police Personnel or Making a False Report as found in the Rules of Conduct.

2. Any past or pending criminal charge brought against the employee within the last ten years or since the employee’s date of hire, whichever is earlier in accordance with NRS §27-609.

3. Any allegation of misconduct bearing upon truthfulness, bias, or integrity that is the subject of a pending investigation.

4. Any misconduct finding or pending misconduct allegation that either casts a substantial doubt upon the accuracy of any evidence - including witness testimony - that the prosecutor intends to rely on to prove an element of any crime charged, or that might have a significant bearing on the admissibility of prosecution evidence.

5. Information that may be used to suggest the OPD employee is biased for or against a defendant.

C. The analysis to determine whether an employee is subject to Brady/Giglio disclosure may consider any action that has occurred in the employee’s life/career, however the OPD Professional Standards Section (PSS) will only disclose information it receives in its official capacity.

II. Reporting

A. Following identification of an instance which may be subject to Brady/Giglio disclosure, the PSS will provide a summary of the circumstances, investigation, and/or findings to each of the Prosecuting Offices and City Legal.

   1. The initial summary will not identify the specific employee by name or other identifying information.

   2. The initial summary will outline the facts of the case for the prosecuting attorney’s review, but shall not include any discipline or disciplinary recommendation.
3. The initial summary will request an evaluation of whether that Prosecuting Office determines that the officer meets the definition of a Brady/Giglio Officer.

B. Investigations completed at the request of any office other than the City Prosecutor or Douglas County Attorney which identifies an officer who may be considered a Brady/Giglio Officer shall use the same initial summary and evaluation request detailed above.

C. Each initial summary provided to the Prosecuting Office will include instructions for the prosecuting attorney to obtain involved employee information if they determine the employee is considered to be a Brady/Giglio Officer.

D. All summaries provided by the OPD to Prosecuting Offices will be maintained permanently in the employee’s Internal Affairs file to document the disclosure. Additional correspondence with the Prosecuting Office will also be maintained permanently in the employee’s Internal Affairs file.

III. Determination

A. In the event that a Prosecuting Office determines an employee is a Brady/Giglio Officer, the following shall apply:

1. All prosecuting offices shall be notified of the determination.

2. The employee shall be notified of the determination and shall have an opportunity to meet with and/or provide additional information to the Prosecuting Office concerning whether they should be so designated at any time through the process.

3. The employee’s Captain and Deputy Chief shall be notified of the determination.
   a. The Chain of Command notification shall occur immediately upon PSS’s receipt of the determination from a Prosecuting Office.
   b. The Chain of Command notification shall be re-sent at every subsequent shift change.
   c. Captains and Deputy Chiefs who assume new commands shall immediately request a list of all Brady/Giglio Officers under their command.

B. All determinations provided to the OPD by Prosecuting Offices shall be maintained permanently in the Officer’s Internal Affairs file.

C. At the discretion of the Chief of Police, employees identified by a Prosecuting Office as Brady/Giglio Officers may be reassigned or have their current or future work assignments modified or restricted.

IV. Confidentiality

A. The PSS shall make sure all reports provided to and received from Prosecuting Offices remain confidential.

B. Due to open court rules, OPD cannot maintain the confidentiality of a Brady/Giglio Officer when the disclosure occurs in a court setting. OPD is not responsible for Prosecuting Offices’ disclosure of an employee’s Brady/Giglio status.

REFERENCES:

I. Laws

A. Court cases.


B. Nebraska Revised Statute §27-609 is relevant to this policy.

II. Previous OPD Orders

A. Previous General Orders include: #70-17.

III. Other References

A. United States Department of Justice U.S. Attorneys’ Manual, Title 9, Section 9-5.100 was used in the drafting of this policy.
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.


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.
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.

The Canine Handler, upon releasing the canine, will advise 911 Dispatch that the canine has been deployed on an apprehension.

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.

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.

   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.

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 “Response to Resistance - 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 “Response to Resistance – 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:

   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


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.
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


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:

   Citation Issue Day       Arraignment Day
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.

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.
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. Officers issuing a Parking Citation will call the Information Channel to check for past due parking tickets and to determine if the vehicle is stolen. The Information Channel will:
   1. Run the vehicle through NCIC/NCIS and check whether the vehicle is stolen.
   2. Contact the Violations Bureau to determine whether the vehicle has three or more unpaid parking tickets that are more than 30 days old (see Appendix A for the phone number).
a. If the vehicle has three or more unpaid parking tickets that are more than 30 days old, officers will tow the vehicle in accordance with the procedures in the OPD “Towing – Parking Violations” policy.

C. Fees are required for parking in a metered space during the days and times posted on each meter.

D. 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.

E. 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.

F. 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).

G. 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.

H. 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.

I. 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.

J. When an officer tows a vehicle for a parking violation they will adhere to all towing procedures found in the OPD “Towing – General Procedures” and “Towing – Parking Violations” policies.

K. 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
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, 19-14 Supplements #1 and #2, and #31-17.

III. Accreditation Standards

A. CALEA Accreditation Chapter 61 is relevant to this policy.
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, course, 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 staff’s 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 REFERENCE 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.

II. 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.
   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.

II. 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 Police Personnel 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 forwarded to the OPD Police Personnel 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 Police Personnel 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 Police Personnel 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 Police Personnel 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 Police Personnel 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 Police Personnel 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, 32-14, and 79-17.

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 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.

      a. All additional emergency personnel (including OFD rescue squads, Life Flight helicopters etc.) will be dispatched via 911 as appropriate.

      NOTE: Officers shall not attempt to direct or give instructions to a Life Flight helicopter. The OFD is responsible for communicating with the Life Flight helicopter.

   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. Officers will provide protection for injured parties and/or rescue squads as follows:

1. To protect the safety of injured parties and/or rescue squad personnel, officers may direct OFD rescue squads to remove a patient from the scene to continue treatment elsewhere when appropriate (i.e., hostile crowd forming etc.).
2. When victims of violent crimes or felony arrestees are taken to the hospital, an officer shall accompany them to protect and/or gather any evidence that may be available (i.e., clothes, knife, bullet, witness excited utterances, etc.), to document attending medical personnel’s comments and findings, etc.

3. Officers may accompany misdemeanor arrestees as necessary for the safety of OFD personnel.

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.

1. When conducting searches of large crime scenes officers may use ropes to define boundaries of areas to be searched and those already searched.

2. The officer in command will work closely with FIS to determine the best method for searching a crime scene based on the type of scene. Officers may refer to Appendix F for various methods for searching a crime scene.

**NOTE:** All searches must be conducted in a legal and reasonable manner so that evidence can be used in the presentation of the case. It is critical that the officer in command consult with FIS to determine the best method for searching the crime scene.

**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 who 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.

   **NOTE:** Officers shall not complete an Incident Report (PortalOne/OPD Form 189) for Homicide. Officers may complete an Incident Report for suspicious deaths (i.e., Death - Unknown etc.) with CIB approval.

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 who 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. Complete an Incident Report (PortalOne/OPD Form 189) for all Homicides.

7. 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, and 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


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, 16-15, 64-16, 53-17, and 54-17.

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.

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.
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.

CRIME STOPPERS PROGRAM

PREAMBLE:

Omaha Crime Stoppers is a 501(c) 3 Community Program, comprised of a board of citizens that 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 certain crimes in an effort to reduce violent crime. These crimes include 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 completely anonymous are encouraged to contact Crime Stoppers. Tips can be submitted one of three ways:


B. Anonymity of the tip provider is an absolute priority and critical to the program. Persons with information will be advised that their identity will not be revealed by Crime Stoppers, law enforcement, or the media. However, the anonymity of the tip provider cannot be guaranteed in the following circumstances:

1. The person discloses their own identity by agreeing to appear as a witness in a criminal proceeding.
2. The person tells others that they provided the information.
3. The person fails to follow the Crime Stoppers procedures.
4. The person’s call is, in and of itself, part of a criminal act or scheme (e.g., person calling in with a bomb threat or other terroristic threat).

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 through a secure bank location previously set by the Crime Stoppers Board.

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 solving of a homicide case that results in the arrest of the homicide suspect(s).
2. Homicide Fugitive. A $5,000 reward is offered for information that results in the arrest of homicide fugitive(s).
3. Felony Assaults/Shootings. A $10,000 reward is offered for information leading to the solving of a felony assault case that results in the arrest of felony assault and/or shooting suspects.
4. Pharmacy Robberies in which Pharmaceuticals (i.e., scheduled drugs) are Stolen. A $2,500 reward is offered for information leading to the solving of a pharmacy robbery in which pharmaceuticals are stolen that results in the arrest of the suspect(s).
5. Bank Robberies. A reward of $10,000 is offered for information leading to the solving of a bank robbery case that results in the arrest of the bank robbery suspect(s).
6. Possession of Illegal Firearms (referred to as the Gun Bounty Program). A reward of $1,000 is offered for information leading to the arrest of suspects who are in possession of illegal firearms.

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 Omaha Crime Stoppers Coordinator (OCSC). The OCSC will:

1. Coordinate and disseminate information within the OPD.
2. Maintain the Crime Stoppers P3 Tips 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. 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.

B. The OCSC or operator who receives the tip shall never request any identifying information from the person providing the tip other than their code number.

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 with the use of a Call Center. Upon receiving a call and interviewing the tipster, the Crime Stoppers operator will evaluate the tipster’s information and enter the information into the P3 Tips Account.
2. The OCSC will assign the tip to a command officer, who will make certain the tip is followed-up on.
3. Time-Sensitive tips regarding gun possession will be routed expeditiously. These types of tips will be forwarded by the OCSC to the appropriate investigative or UPB patrol unit as quickly as possible.

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 P3 Tips 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.

E. Officers will be certain to take steps to maintain the anonymity of the tip provider if the identity or any identifying information about the tip provider is discovered in the course of the investigation.

V. Tip Disposition Procedures

A. Tips that have led to the arrest of a suspect will be documented as “Cleared by Arrest” in the P3 Tips Account for the disposition.

B. If assigned by the OCSC, officers/detectives may log into the P3 Tips program and update the tip disposition. They can click on the disposition update link on the bottom of the P3 PDF tip or they can email the OCSC to close out the tip.

C. Tip dispositions must include the following details:

1. The officer’s/detective’s name.
2. The RB number.
3. A list of any property, narcotics, or money recovered from the arrest.
4. Whether a weapon was recovered.
5. If the tip is eligible for an enhanced reward.
6. The suspect’s/suspects’ name(s), date(s) of birth, and listed charges.

D. Command officers will 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, 36-14, and 67-17.
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 Administrative Information Section Administrative 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 the City Human Resources Department and OPD Police Personnel Unit 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 “Uniforms and Equipment - 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 “Uniforms and Equipment - 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 and 79-17.

II. Other
III. 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.
It is the policy of the Omaha Police Department (OPD) to report both criminal and non-criminal Destruction of Property incidents that are not solely an Act of God/nature (non-criminal Destruction of Property incidents have the potential to create liabilities for the City of Omaha).

DEFINITIONS:

Criminal Mischief: The act of intentionally or recklessly damaging the property of another; or intentionally or maliciously causing another to suffer pecuniary loss by deception or threat (NRS §28-519).

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. Criminal Destruction of Property – Reporting

A. Persons suspected of Destruction of Property (Criminal Mischief) as defined in NRS §28-519 (Criminal Mischief) will be charged as follows:

   1. Class IV Felony: Damage resulting in a pecuniary loss of $5,000 or more, or substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public service.

   2. Class I Misdemeanor: Damage resulting in a pecuniary loss greater than or equal to $1,500 but less than $5,000.

   3. Class II Misdemeanor: Damage resulting in a pecuniary loss greater than or equal to $500 but less than $1,500.

   4. Class III Misdemeanor: Damage resulting in a pecuniary loss less than $500, including no pecuniary loss.

B. Officers will use their best judgement to determine the estimated cost of the damage.

C. When a Destruction of Property incident occurs on rented property, the renter will be listed as the victim even if property belonging to the owner is damaged or involved.

   1. The owner of the property will be identified as clearly as possible in the narrative section of all applicable reports.

II. Non-Criminal Destruction of Property – Reporting

A. When the actions of an OPD officer cause non-criminal damage to property, the officer will complete an Incident Report (PortalOne/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. Laws

A. Nebraska Revised Statute §28-519.

II. Previous OPD Orders

A. Previous OPD General Orders include #24-84, 84-88, 21-89, 14-09, 48-14, and 43-17.

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 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


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.
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
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, \textit{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.

   a. Officers who take possession of a Concealed Handgun Permit (CHP) holder’s handgun in this situation shall provide the CHP holder with a completed Nebraska State Patrol Secured Handgun Receipt.

   b. Officers who take possession of a CHP holder’s handgun in this situation shall also complete an Information Report and forward it to the Firearms Squad via email or PortalOne. The Information Report shall detail the circumstances under which the officer took possession of the firearm.

   NOTE: For detailed procedures regarding encounters with CHP holders please see the “Weapons – Concealed Handgun Permits (CHP)” policy.

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.

<table>
<thead>
<tr>
<th>Statute</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>28-201</td>
<td>Criminal Attempt</td>
</tr>
<tr>
<td>28-302</td>
<td>Homicide</td>
</tr>
<tr>
<td>28-308</td>
<td>Assault 1st Degree</td>
</tr>
<tr>
<td>28-309</td>
<td>Assault 2nd Degree</td>
</tr>
<tr>
<td>28-310</td>
<td>Assault 3rd Degree</td>
</tr>
<tr>
<td>28-310.01</td>
<td>Offense of Strangulation</td>
</tr>
<tr>
<td>28-311</td>
<td>Terroristic Threats</td>
</tr>
<tr>
<td>28-311.02-.05</td>
<td>Stalking</td>
</tr>
<tr>
<td>28-313</td>
<td>Kidnapping</td>
</tr>
<tr>
<td>28-314</td>
<td>False Imprisonment 1st Degree</td>
</tr>
<tr>
<td>28-319</td>
<td>Sexual Assault 1st Degree</td>
</tr>
<tr>
<td>28-320</td>
<td>Sexual Assault 2nd and 3rd Degree</td>
</tr>
<tr>
<td>28-323</td>
<td>Domestic Assault</td>
</tr>
<tr>
<td>28-507</td>
<td>Burglary</td>
</tr>
<tr>
<td>28-511</td>
<td>Theft</td>
</tr>
<tr>
<td>28-519</td>
<td>Criminal Mischief</td>
</tr>
<tr>
<td>28-520</td>
<td>Criminal Trespass 1st Degree</td>
</tr>
<tr>
<td>28-707</td>
<td>Child Abuse</td>
</tr>
<tr>
<td>28-901</td>
<td>Obstructing Government Operations</td>
</tr>
<tr>
<td>28-904</td>
<td>Resisting Arrest</td>
</tr>
<tr>
<td>28-906</td>
<td>Obstructing a Peace Officer</td>
</tr>
<tr>
<td>28-907</td>
<td>False Reporting</td>
</tr>
<tr>
<td>28-919</td>
<td>Tampering with a Witness</td>
</tr>
<tr>
<td>28-929 (1st), 28-930 (2nd), and 28-931 (3rd)</td>
<td>Assauling an Officer or a Health Care Professional</td>
</tr>
<tr>
<td>28-1202</td>
<td>Carrying a Concealed Weapon</td>
</tr>
<tr>
<td>28-1310</td>
<td>Intimidation by Phone Call</td>
</tr>
<tr>
<td>28-1322</td>
<td>Disturbing the Peace</td>
</tr>
<tr>
<td>28-1335</td>
<td>Discharging a Firearm</td>
</tr>
<tr>
<td>29-404.01-.03</td>
<td>Arrest Without a Warrant</td>
</tr>
<tr>
<td>29-439</td>
<td>Determining the Predominant Aggressor</td>
</tr>
<tr>
<td>29-440</td>
<td>Seizure of Weapons Incident to an Arrest in Domestic Assault Cases</td>
</tr>
</tbody>
</table>

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 shall adhere to all procedures in the OPD “Protection Orders” policy when enforcing a Domestic Abuse Protection Order.

**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, #43-14, #19-15, and #91-16.

**III. Other**


**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 Abuse or Harassment Protection shall adhere to all procedures noted in the OPD Employee Involved Responsibilities section of the OPD “Protection Orders” policy.

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, #4-15, and #91-16.

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, capris, 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 or have it readily accessible to their person when on duty. Non-Sworn employees must have a valid driver’s license on their person when operating any City vehicle.

   EXCEPTION: This requirement does not apply to undercover officers engaged in undercover operations.

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.
   d. Ear gauges and/or decorative ear plugs (that go into the holes like gauges) will not be allowed.
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.
   **EXCEPTION:** Bracelets for medical identification are authorized.
5. **Necklaces** may be worn but will not 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 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.

NOTE: Sworn employees shall not wear a beard until they have received notification from the Chief of Police or their designee that the waiver has been approved.

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, 41-13, and 8-17.

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.

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.”


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.

<table>
<thead>
<tr>
<th>DRIVING UNDER THE INFLUENCE (DUI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.</td>
</tr>
</tbody>
</table>
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.
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.

II. Other
   A. PPM Update #12-2014.

EMERGENCY RESPONSE UNIT OPERATIONS

POLICY:

It is the policy of the Omaha Police Department (OPD) to utilize the Emergency Response Unit (ERU), a special weapons and tactics team, to respond to requests for assistance in situations requiring specially trained and equipped police officers.

PROCEDURE:

I. ERU Call-Out Situations
   A. The ERU is available 24-hours a day for emergency services that may require the unit’s specialized services. These situations may include, but are not limited to:
1. Hostage situations.
2. Armed/Barricaded situations.
3. Suicidal parties (with or without hostages).
4. Sniper situations.
5. Terrorist activities.
6. VIP protection (see the OPD “VIP Security/Police Escorts” policy).
7. Specialized searches and seizures.
8. Specialized forced entries.
9. Serving of high risk felony warrants.
10. Warrant services/raids.
11. Any other situation where the threat of or loss of life may exist, or where a situation may deteriorate to the point where specialized operations and resources are needed to bring the incident to an efficient and successful conclusion.

II. ERU Authorization

A. SWAT Team Authorization.

1. Supervisors will request authorization of the SWAT team by contacting the ERU Commander.

2. The ERU Commander will immediately determine whether the circumstances warrant the activation of the SWAT team and will advise the requesting supervisor accordingly.

   a. If the ERU Commander determines that the SWAT team will be activated, the ERU Commander will notify the team.

      (1) SWAT members will be prepared for a call-out at any time.

         (a) Team members are equipped with digital pagers that shall be worn and kept on at all times.

         (b) Call-out equipment will remain with team members at all times.

      (2) When called out, team members will call the number indicated on their pager and proceed to the designated location in full gear.

      (3) The requesting supervisor will be responsible for notifying the Chief of Police via chain of command.

   b. If the ERU Commander does not believe the circumstances justify activating the SWAT team, the requesting supervisor may appeal the decision to their Bureau Deputy Chief.

      (1) The Deputy Chief may override the decision of the ERU Commander and notify the ERU Commander to activate the team.
A. The PSB Deputy Chief will be notified via chain of command of the activation.

B. Bomb Response Team Authorization.
   1. Supervisors will request authorization of the Bomb Response Team by contacting the Bomb Response Team Sergeant.
   2. The Bomb Response Team Sergeant and ERU Commander will evaluate the incident to determine what ERU resources are needed and will notify the requesting supervisor accordingly.

C. Crisis Negotiations Team Authorization.
   1. The Crisis Negotiations Team is made up of officers who have been trained in crisis/hostage negotiations and resolving dangerous situations through verbal communication. Situations that may require a Crisis Negotiator include, but are not limited to:
      a. Armed/Barricaded individuals.
      b. Hostage incidents.
      c. Suicidal individuals.
      d. Terrorist activities.
      e. Union strikes.
   2. If a need for a Crisis Negotiator exists, the ERU Commander will request that a negotiator be dispatched to a designated location.
   3. If an on-duty negotiator becomes aware of an incident before the ERU Commander, they will immediately notify the ERU Negotiations Team command to advise that they are responding. The ERU Negotiations Team command will advise the ERU Commander.
   4. If an off-duty negotiator becomes aware of an incident before the ERU Commander, they shall contact the ERU Commander to get approval to respond.

III. ERU Activation

A. Whenever an ERU Team is activated, an ERU commander will respond to the scene to assess the situation and determine what resources are needed.

B. The on-scene ERU command officer will report to and coordinate with the Incident Commander when practical. However, the ERU commander shall remain in charge of all ERU operations.
   1. If exigent circumstances arise that require the expertise of the ERU, the ERU commander will take command of the incident.

NOTE: If the Incident Commander disagrees with the ERU commander or feels that they cannot accommodate an ERU request and the two cannot agree, the Incident Commander will notify their chain of command of their concerns.

C. SWAT Procedures.


1. When the SWAT team is activated an ERU commander will report to Incident Command and take command of the inner perimeter as appropriate.

2. SWAT assets will only be commanded by an ERU Commander.

3. The ERU commander will be responsible for:
   
a. Replacing non-ERU personnel in the inner-perimeter as needed.

b. The creation and implementation of the tactical response plan.

c. The isolation, containment, and securing of the suspect(s).

   (1) Once secured, the suspect will be turned over to the appropriate UPB or CIB personnel for final disposition.

D. Bomb Response Team Procedures.

1. If the Bomb Response Team is dispatched to a scene, the Incident Commander shall take safety directions from the Bomb Response Team.

2. UNDER NO CIRCUMSTANCES shall any radio, cellular telephone, or any other type of electronic communication be allowed from the vicinity of the bomb scene that in all cases is a minimum of 500 feet from the inner perimeter. This includes all live broadcasts and electronic communication by the news media.

3. The Bomb Response Team may determine that the explosive device may not be rendered safe at the scene. When the Bomb Response Team transports an explosive device from the scene the following procedures shall be followed:

   a. One officer in a marked cruiser will provide an escort.

   b. All needed Fire Department units will follow the Bomb Response Team and the cruiser to the safe disposal area.

   c. The Fire Department units will stand by until the device has been rendered safe.

4. The Bomb Response Team will notify Incident Command when civilian personnel are allowed to return to the scene and when normal radio traffic may resume.

E. Crisis Negotiations Team Procedures.

1. When a Crisis Negotiator is dispatched to a scene, they will be accompanied by an ERU command officer.

   a. The ERU command officer will act as a liaison and evaluate the need for additional ERU resources.

2. Only sworn employees will conduct negotiations.

   EXCEPTION: The ERU Commander may authorize a non-sworn person to participate in the negotiation process when appropriate. When a non-sworn negotiator is required, the negotiator will not be used unless the ERU Commander has been notified.

3. Negotiators will make every effort to not become physically involved in tactical situations.
4. The primary objectives of the Crisis Negotiations Team during an incident is to successfully resolve the situation while performing the following functions:
   
a. Gather intelligence on suspects or hostages.

b. Advise the ERU Commander of the status of involved persons throughout the incident.

c. Assist the SWAT team or other involved units as directed to divert, distract, or delay involved persons in order to gain a tactical advantage.

REFERENCES:

I. Previous OPD Orders

   A. Previous OPD General Orders include the following: #85-88, #13-90, #29-91, #30-91, #46-00, #5-17, and #46-17.

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 Police Personnel 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, 15-16, and 79-17.

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.

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.


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 – 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.

EXPLOSIVE DEVICES – RESPONSE AND INVESTIGATION

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
EYEWITNESS IDENTIFICATION

PREAMBLE:

Eyewitness identification is a valuable tool in criminal investigations but can also be unreliable. In an effort to enhance the evidentiary value of eyewitness identification and minimize the risk of wrongful convictions, the Nebraska Legislature and Nebraska Commission on Law Enforcement and Criminal Justice recognized the need for statewide adoption of procedures included in the Nebraska League of Municipalities Model Eyewitness Identification Policy. This policy adheres to those procedures.

POLICY:
It is the policy of the Omaha Police Department (OPD) to conduct eyewitness identification in a manner that respects the rights of all persons by using procedures that improve the accuracy of eyewitness identification.

DEFINITIONS:

**Blind Administrator**: A lineup administrator who is not participating in the investigation of the criminal offense and is unaware which person in the lineup is the crime suspect.

**Crime Suspect**: A person accused or suspected of committing a crime.

**Eyewitness**: A person who was a firsthand witness to a crime or a victim of a crime.

**Filler Photo**: A photo included in a photo lineup that depicts a person who is not suspected of the criminal offense. Filler photos shall include persons who appear to be the same race and sex as the crime suspect, persons who generally match the eyewitness’ description, and at least some persons who are similar in appearance to the suspect (i.e., size, age, hair, facial hair, glasses, etc.).

**Lineup Administrator**: The officer who conducts a photo lineup or physical lineup.

**Physical Lineup**: The process by which an eyewitness is allowed to view a group of individuals, in person, to include the crime suspect and additional persons not suspected of the crime, for the purpose of identifying the perpetrator of the crime through recognition.

**Photo Lineup**: The process by which an eyewitness is allowed to view a group of photographs, to include a photograph of the crime suspect and additional photographs of persons not suspected of the crime, for the purpose of identifying the perpetrator of the crime through recognition.

**Show-Up**: The process by which an eyewitness is transported to view the crime suspect so the eyewitness can verify or exclude the suspect as the perpetrator of the crime.

**Show-Up Administrator**: The person who conducts a show-up.

**Single Photo Verification**: The process by which an eyewitness is shown a single photograph of the crime suspect. This procedure shall take place only when the eyewitness has a thorough familiarity with the suspect, and is done to verify the crime suspect identified by officers is the same person known to the eyewitness.

PROCEDURE:

I. **General Eyewitness Identification**

A. In all eyewitness identification procedures, the administrator shall take steps to make certain the process is not suggestive.

1. The administrator will use caution in how they present the crime suspect so as to limit the likelihood the suspect may later claim officers influenced the eyewitness identification proceedings.

B. The validity of identification procedures rests on the following considerations.

1. Eyewitness’ opportunity to view the crime suspect at the time of the crime.

2. Eyewitness’ focus of attention at the time of the crime.

3. Accuracy of the eyewitness’ description of the crime suspect prior to a physical lineup, photo lineup, or show-up.
4. Level of certainty exhibited by the eyewitness in making the identification.
5. Length of time between the crime and the physical lineup, photo lineup, or show-up.

**NOTE:** Investigating officers should document information related to these considerations on an OPD Continuation/Supplementary Report (OPD Form 200A).

II. Photo and Physical Lineups

A. General Procedures

1. Whenever possible, the officer conducting a photo or physical lineup should be a blind administrator who is unaware of which person is the suspect in the case.

2. If/When there are multiple suspects, each lineup procedure shall include only one (1) suspect.

3. If/When there are multiple eyewitnesses, the lineup procedure shall be conducted separately for each eyewitness.
   a. In this case, eyewitnesses must not be allowed to talk to each other before, during, or after the lineup procedure.

4. Each eyewitness who views a photo or physical lineup shall be read the instructions on the Lineup Identification Form (OPD Form 29A) before the lineup procedure begins, and shall sign the form to acknowledge their understanding of the instructions.

5. During the lineup process, officers shall not in any way prompt the eyewitness toward a particular photo or person.

6. Eyewitnesses shall not be told they have chosen the “right” or “wrong” person, and officers are prohibited from offering feedback to eyewitnesses regarding the lineup procedure.

7. Details of the photo or physical lineup presentation, including the order of presentation, shall be documented in a Continuation/Supplementary Report (OPD Form 200A). This shall be done even if the lineup is audio and/or video recorded.
   a. Officers shall document the Data Number or demographic information of the suspect, the date of the suspect’s photo (if a photo lineup procedure is used), the EXACT order in which photos or lineup participants were presented to the eyewitness, and any comments made by the eyewitness when viewing the photo lineup to include the date and time the comments were made.
   b. If/When an identification is made, the lineup administrator shall immediately ask the eyewitness to state, in their own words, their level of confidence in the selection. The eyewitness’ response shall be documented verbatim on the Continuation/Supplementary Report (OPD Form 200A).

8. PPM Appendix “E” contains links to training videos detailing proper photo and physical lineup procedures, as well as a link to additional training materials.

III. Photo Lineup Identification

A. General Procedures
1. A photo lineup shall consist of six (6) photos to include one (1) photo of the crime suspect and five (5) filler photos.
   a. Photos may be obtained from the Data Plus computer-based mugshot program or from the Nebraska Crime/Justice Information System (NCJIS).
      (1) In some cases, officers may need to use photos not contained in either of these two databases. Photos may then be found from other sources; for example, schools, snapshots, the gang program, etc.

2. Photos shall be presented in a way that does not suggest the subjects in the photos are criminals.
   a. Mugshots may be used, but portions of the photo that would indicate the photo is a mugshot should be cropped or hidden from the eyewitness.
   b. All visible notations shall be blocked out or covered.
      (1) Names, dates, and other information shall not be visible to eyewitnesses. If such information cannot be excluded, it shall be blocked out or covered and all other photos shall be blocked out or covered in a similar fashion.

3. The lineup administrator shall show the eyewitness one (1) photo at a time. Photos shall not be shown in a group array/spread in which all photos are presented on a single page and/or at the same time.

4. Eyewitnesses who identify a suspect shall be instructed to sign and date the photo they selected with a full signature. Eyewitnesses shall be instructed to initial and date the other photos presented that they did not select.
   a. An eyewitness’ selection of a photo that is not the suspect must be documented and included in any materials forwarded to the prosecutor who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime.

5. If, after the lineup administrator has presented all photos, the eyewitness asks to see a particular photo again, the lineup administrator shall shuffle the photos in front of the eyewitness and conduct the entire lineup process again.
   a. An eyewitness shall not be shown a single photo in this circumstance.

6. Photo lineups are considered evidence and shall be handled accordingly.
   a. Regardless of whether or not a suspect is identified, the original photo lineup containing ALL photos displayed in the photo lineup with demographic information of the parties, and ALL reports used in the photo lineup shall be booked into the Evidence and Property Unit as evidence per the OPD PPM.
   b. When possible, lineup administrators are encouraged to video and/or audio record the photo lineup from start to finish. Recordings shall be booked into the Evidence and Property Unit as evidence per the OPD PPM.
   c. A copy of the photo lineup may also be identified with the corresponding RB# and turned in to the Records Unit for inclusion in the file.

B. Lineups Conducted by Blind Administrator
1. The blind administrator shall place the loose pages/photos in a stack and draw them one (1) at a time from the top of the stack as if dealing a deck of cards.

2. The lineup administrator shall hand each photo, one (1) at a time, to the eyewitness to be examined.

3. After the eyewitness views each photo, they will hand the photo back to the lineup administrator. The lineup administrator will place the photo at the bottom of the stack and draw the next photo for the eyewitness to examine.

4. This process will continue until all photos are exhausted.

   **NOTE:** Even if the eyewitness makes a positive identification, the lineup administrator shall show the remaining photos until all photos are exhausted.

C. Blind Administrator Not Available

1. If a blind administrator is not available, the investigating officer shall administer the photo lineup using the “folder shuffle method.”
   
   a. PPM Appendix E includes a detailed description of the folder shuffle method and a link to a training video detailing its use.

D. Single Photo Verification

1. Single photo verification shall only be conducted when the eyewitness is thoroughly familiar with the suspect and the officer is merely attempting to make certain the eyewitness and the officer are both referring to the same person.

2. Officers shall not show a single suspect photo to an eyewitness in lieu of a photo lineup. Doing so may result in legal difficulties in future court proceedings.

IV. Physical Lineup Identification

A. Right to Counsel

1. Physical Lineups Prior to Formal Action
   
   a. Persons who are under arrest or being held on the basis of reasonable suspicion (at a minimum) may be placed in a physical lineup for the purpose of identification by eyewitnesses prior to formal action or the issuance of formal warrants.

   b. A suspect does not have the right to counsel at a physical lineup if the lineup is conducted before the suspect has reached a critical stage in the criminal justice process (arraignment, indictment, bond setting, or otherwise being charged with a crime).

      (1) If there has not been any type of formal action taken against the suspect, the suspect is not required to sign a waiver and is not entitled to the presence of counsel at the physical lineup.

      (2) The lineup administrator will consider allowing the suspect’s counsel to attend the physical lineup, if feasible. The presence of a suspect’s counsel can mitigate later claims that due process was not provided, and/or other claims.

2. Physical Lineup After Formal Action
a. Suspects have the right to counsel at a physical lineup if they have reached a critical stage in the criminal justice process (arraignment, indictment, bond setting, or otherwise being charged with a crime).

b. If any formal action has been taken against a suspect, the suspect shall sign a waiver prior to participating in a physical lineup.

B. General Procedures

1. A physical lineup shall consist of at least six (6) persons to include one (1) suspect and five (5) persons who generally match the eyewitness’ description of the suspect.

   a. All lineup participants shall be persons who appear to be the same race and sex as the suspect, and at least some persons should be similar in appearance to the suspect (i.e., size, age, hair, facial hair, glasses, etc.).

2. If/When a formal action has been taken toward a suspect prior to a physical lineup, the lineup administrator will complete an OPD Rights Advisory Form – Lineup or Confrontation (OPD Form 29) with the suspect before the lineup procedure begins.

   a. Upon completion of the lineup, the completed OPD Form 29 will be immediately forwarded immediately to the Records Unit to be entered into the RB case file.

3. All physical lineups shall be documented and video recorded.

   a. The lineup administrator shall make certain a Forensic Investigations employee is present to record the lineup.

   b. All lineup recordings shall be booked into the Evidence and Property Unit as evidence per the PPM.

4. The lineup administrator shall present each individual one (1) at a time to a single eyewitness.

   a. When there are multiple eyewitnesses, the lineup administrator shall present the physical lineup to each eyewitness separately and individually.

   (1) Eyewitnesses shall not be allowed to talk to each other before, during, or after the physical lineup procedure.

5. Suspects do not have the right to refuse to participate; however, a physical lineup should not be conducted if/when the suspect’s resistant conduct will set them apart from the other lineup participants.

6. Suspects may be required to speak during a physical lineup for comparison purposes only. In this case, the lineup administrator will require all lineup participants to speak the same words.

7. Suspects may, for identification purposes, be required to put on clothing associated with the crime. In this case, the lineup administrator shall require all lineup participants to put on the clothing.

C. Non-Sworn Employee Participation

1. On occasion, non-sworn employees may be asked to appear in a physical lineup. Any participation by a non-sworn employee shall be a purely voluntary act by the non-sworn employee.
D. Juveniles

1. Officers shall NOT conduct physical lineups to identify juvenile suspects. If a lineup is necessary, officers may utilize a photo lineup to identify a juvenile suspect.

V. Show-Up Identification

A. The US Supreme Court has ruled the return of a suspect to the scene of a crime within minutes of the crime’s occurrence does not violate the suspect’s rights.

B. General Procedures

1. If more than one (1) eyewitness is available, the show-up procedure shall be conducted separately for each eyewitness.

2. Before the show-up process begins, the show-up administrator shall read the instructions from the Show-Up Identification Form (OPD Form 29B) to each eyewitness.

3. If/When an officer apprehends a suspect, the officer may transport the suspect to the scene of the crime for identification purposes without violating the suspect’s rights IF the following criteria have been established:

   a. At the time of apprehension, the crime has recently been committed or is believed to have been committed.

      (1) Although the U.S. Supreme Court has not affixed a particular duration of time within which show-up procedures must occur, this type of identification generally takes place within a short period after a crime and within reasonable geographic proximity from the crime.

      (2) To ensure a legally sound show-up process, the time lapse between the COMMISSION of the crime and the APPREHENSION of the suspect(s) shall be no more than two (2) hours.

   b. The eyewitness is able to provide a detailed description of the suspect that is documented by the officer(s).

      -AND-

   c. The apprehended individual fits the description of the suspect being sought for the crime.

   NOTE: Movement of the suspect to the eyewitness’ location may constitute an arrest for which probable cause is required. To the extent that probable cause is lacking without the identification, movement may be determined to have been an unlawful arrest.

4. If the above criteria are not met, the eyewitness shall be transported to the location where the suspect has been stopped.

5. To the extent that an officer may safely do so, the show-up administrator will take steps to minimize the suggestiveness of the show-up.

   a. The appearance that the suspect maintains their freedom will undercut suggestiveness; therefore, the show-up administrator will:
(1) Have the suspect stand outside of the police vehicle rather than being in the vehicle.

(2) Have the suspect stand without handcuffs or with handcuffs not visible to the eyewitness.

-AND/OR-

(3) Not allow the eyewitness to view or become aware of the recovery of any items taken or used in the crime until after the show-up procedure is complete.

6. Eyewitnesses shall not be allowed to consult with each other before, during, or after the show-up procedure.

7. If a cruiser camera or body worn camera is available, it can be used for audio/video documentation; however, a Continuation/Supplementary Report (OPD Form 200A) must still be completed in order to document the show-up procedure in a formal OPD report.

8. Details of the show-up presentation, to include time and date, must be documented on an OPD Continuation/Supplementary Report (OPD Form 200A).
   a. Comments made by the eyewitness shall be documented in the Continuation/Supplementary Report (OPD Form 200A).
   b. If the eyewitness positively identifies the suspect as the perpetrator of the crime, the show-up administrator shall immediately ask the eyewitness to state in their own words the level of confidence in their selection, and will document the answer verbatim in the Continuation/Supplementary Report (OPD Form 200A).
   c. If the eyewitness fails to positively identify the suspect as the perpetrator of the crime, the show-up administrator shall immediately document that information in the Continuation/Supplementary Report (OPD Form 200A) because such evidence may be exculpatory to a suspect who is charged with the crime. In addition, if the eyewitness positively identifies a suspect in the future, this failure to identify the first subject presented to them may add credibility to their later identification.

9. The show-up administrator shall not provide feedback to the eyewitness.
   a. Eyewitnesses shall not be told they picked the “right” or “wrong” person.

10. If/When suspects are identified by an eyewitness they must be advised of their rights prior to any formal questioning about the case.

REFERENCES:

I. Laws
   A. Nebraska Revised Statutes §29-3301, 29-3302, 29-3303, 29-3304, 29-3305, 29-3306, 29-3307, and 81-1455 are relevant to this policy.
   B. Per NRS §81-1455 the OPD will send the Nebraska Crime Commission a copy of this policy whenever it is updated.

II. Court Cases

III. Previous OPD Orders

A. Previous OPD General Orders include #18-76, 112-76, 1-88, 20-93, 14-10, 15-10, 16-10, and 57-16.

IV. Accreditation Standards

A. CALEA Accreditation standards 42.2.11 and 42.2.12 are relevant to this policy.

V. Other References

A. Nebraska League of Municipalities Model Eyewitness Identification Policy.
POLICY:

It is the policy of the Omaha Police Department (OPD) to comply with all requirements set forth by the Department of Justice (DOJ) and Department of Treasury (DOT) Federal Equitable Sharing Programs as stated in the DOJ and DOT 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 and DOT 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:

2. Vice-Chairperson: Captain, OPD Criminal Investigations Bureau, Special Operations Section.
3. Deputy Chief, OPD Uniform Patrol 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:

<table>
<thead>
<tr>
<th>Justice Funds</th>
<th>Treasury Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund</td>
<td></td>
</tr>
<tr>
<td>17121</td>
<td>17122</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>Metro</td>
</tr>
<tr>
<td>177771</td>
<td>177775</td>
</tr>
<tr>
<td>177772</td>
<td>177776</td>
</tr>
</tbody>
</table>

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 or DOT 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 and DOT Equitable Sharing Programs 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 and #5-2017.

FINGERPRINTING AND IDENTIFICATION CHECKS - ADULTS

PREAMBLE:

Omaha Police Department (OPD) employees may at times encounter problems identifying arrestees and other subjects who have no identification, differing identifications, or who are suspected of providing a false identity to law enforcement. Accurate identification of subjects is necessary to eliminate doubt as to the identity of subjects who are taken into custody, cited, or booked. The Department also obtains fingerprints as part of criminal investigations, in order to compare a subject’s fingerprints to prints found at a crime scene, etc.

POLICY:

It is the policy of the Omaha Police Department (OPD) to obtain fingerprints from subjects in the custody of the OPD in accordance with prescribed guidelines and best practices during the course of booking and/or citing subjects and, as needed, for exemplar/comparison purposes during the course of criminal investigations. It is the responsibility of the Douglas County Department of Corrections (DCDC) to take fingerprints and mugshot photographs of adults eighteen (18) years of age or older during the DCDC booking process.

DEFINITIONS:

Identification Check: Procedure in which the OPD obtains fingerprints from a subject in order to compare them to OPD records and/or prints in available local (state) or national fingerprint databases.

PROCEDURE:
I. General

A. For procedures related to fingerprinting of juveniles (persons under the age of eighteen) see the OPD “Juvenile – Fingerprinting/Photographing” policy.

B. The identification of subjects for the purpose of issuing a citation or otherwise identifying a subject in OPD’s custody shall include the verification of the subjects’ name, date of birth, and other biographical information as may be available.

1. Officers may request subjects to provide their social security numbers as a means of additional identification; however, social security numbers should be provided on a voluntary basis only.
   a. Refusal to provide a social security number IS NOT sufficient probable cause for the charge of “Obstructing a Peace Officer” (NRS §28-906).

C. Arrestees who refuse to provide a name, fail to identify themselves satisfactorily, and/or who resist/refuse fingerprinting during the course of being issued a citation or while otherwise being lawfully detained and/or arrested shall be additionally cited/booked for “Obstructing a Peace Officer” (NRS §28-906).

1. Officers must fully document the details supporting the charge of “Obstructing a Peace Officer” in the narrative section of the Portal One entry or in a Supplementary Report when a paper Super Citation is issued.
   a. One or two sentence explanations generally are not enough information for the City Prosecutor’s Office to make a charging decision.

II. Identification Checks

A. Voluntary consent and/or probable cause to arrest is required in order to take subjects into custody for an identification check.

B. Lack of identification is NOT sufficient reason to take a subject into involuntary custody solely for an identification check.

C. Should a question of true identity arise when OPD officers need to positively identify a suspect for the purpose of issuing a citation or to confirm identity before booking a suspect (e.g., in the case of twins or persons with a similar appearance) officers shall perform an Identification Check.

1. Officers shall transport the subject to either the nearest OPD precinct assembly location that has a Livescan system available for use, or to Central Headquarters’ Front Desk area.

2. A two finger Livescan search shall be conducted.

D. If the OPD Front Desk’s Identification Check does not reveal an identity and officers need to determine whether or not the subject has a record or identification in another state, officers may contact the OPD Forensic Investigations Section to request an AFIS fingerprint check.

1. Officers shall complete an OPD Form 140 (Request for Forensic Investigations Section Services) and submit the form to the OPD Forensic Investigations Section.

2. Officers shall document on the OPD Form 140 all known identification information and all unusual or outstanding physical identifiers of the subject such as noticeable scars, tattoos, etc.

3. Officers shall remain with the subject at all times.
E. Once the Identification Check is concluded officers shall:

1. Transport the subject back to the original location of their contact with the subject if no warrant is found for the subject and the subject is not charged with a new offense.

2. Book/cite the subject using the name provided if the subject is found to have a warrant or the subject shall be booked/cited for new charges.

- OR –

3. Book/Cite the subject under the name “John Doe” or “Jane Doe” if no name/identity is provided by the subject, the Identification Check does not result in a known identity, and the subject has committed a new offense which requires booking/citation.

III. Exemplar/Comparison Fingerprints

A. Forensic Investigations Section employees may determine there is a need for exemplar/comparison prints while processing a crime scene they may collect the prints either at the scene or at the OPD Headquarters Forensic Investigations Section area.

B. If an OPD investigator/officer determines there is a need for exemplar/comparison prints during the course of criminal investigations, officers/investigators shall:

1. Complete a Request for Forensic Investigations Section Services (OPD Form 140) and submit the completed form to the OPD Forensic Investigations Section Unit.

2. Transport the suspect to the OPD Forensic Investigations Section area and remain with the subject at all times while Forensic Investigations Section employees obtain and compare the fingerprints.

C. If the exemplar/comparison prints positively match the reference print(s), the exemplar prints shall be retained in the OPD Evidence/Property Unit as evidence, and the suspect shall be cited/booked per OPD policies and procedures.

D. If the exemplar/comparison prints are not a match to the reference print(s), the exemplar prints shall be destroyed.

1. If probable cause exists for an arrest despite the lack of fingerprint evidence, the subject shall be cited/booked per OPD policies and procedures.

2. If probable cause to arrest does not exist without the fingerprint evidence, the subject shall be released from OPD custody.

IV. Fingerprint Refusal

A. If an arrestee or a person who is a suspect in a criminal investigation refuses to provide fingerprints when requested, the officer must obtain a court order to obtain such identification.

B. Once a court order is obtained, the officer shall advise the subject that OPD has the authority to take fingerprints by force, if necessary. The subject should also be advised that they are exposed to additional charges if they continue to refuse to submit.

C. If the subject continues to refuse, the officer shall obtain assistance from other officers and/or Douglas County Department of Corrections (DCDC) staff and shall obtain the fingerprints using that amount of force which is reasonable under the circumstances.
D. The officer shall complete an OPD Booking/Arrest Report (OPD Form 277) to document the refusal and shall cite/book the suspect for the additional charge of “Obstructing a Peace Officer” (NRS §28-906) (separate report).

V. False Information

A. In order to cite/book a subject for the offense of “False Information” (NRS §28-907), officers shall establish sufficient reason to believe a subject has lied.

1. Reasonable suspicion, in addition to articulated facts, is sufficient probable cause for arrest for the offense of “False Information” (NRS §28-907).

   EXAMPLE: When a subject denies having a state-issued identification or operator’s license and these items are later found, this is grounds for arrest for “False Information” (NRS §28-907).

B. If a person is booked for an offense and it is later determined the person was booked under a false identification the person shall be rebooked.

REFERENCES:

I. Laws

A. Nebraska Revised Statutes §§ 28-906, 28-907, 29-3301, 29-3302, 29-3303, 29-3304, 29-3305, 29-3306 and 29-3307 are relevant to this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include #35-84, #133-88, #45-99, and #53-16.

III. Accreditation Standards

A. CALEA accreditation standards 1.2.5 and 70.5.1 are relevant to this policy.

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., the 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.).
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.
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.

<table>
<thead>
<tr>
<th>FIREARMS – SEIZURE, STORAGE, RELEASE, AND DISPOSAL</th>
</tr>
</thead>
</table>

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:

<table>
<thead>
<tr>
<th>Circumstance</th>
<th>How is firearm booked into the EPU?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firearm(s) seized as the result of an arrest for felony or misdemeanor gun crimes, or those used to commit crimes.</td>
<td>Evidence.</td>
</tr>
<tr>
<td>Stolen firearm that was recovered but NOT held as evidence of a crime or needed in an open investigation.</td>
<td>Personal Property.</td>
</tr>
<tr>
<td>Firearm located during a DV investigation where suspect was arrested (Did not have to be used or threatened – NRS §29.440).</td>
<td>Evidence. Property Report/Tracker entry shall note “DV Weapon §29.440.”</td>
</tr>
<tr>
<td>Found Firearm.</td>
<td>Found Property.</td>
</tr>
<tr>
<td>Registration Denial.</td>
<td>Personal Property.</td>
</tr>
</tbody>
</table>
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
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.
      (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.

FIREAMS 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 decertified 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


   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.

**FIREARMS QUALIFICATION**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) that all sworn officers will participate in a regular program of firearms training and qualifications. Only personnel who demonstrate proficiency in the use of authorized firearms will be approved to carry such firearms. The OPD Training Unit will establish the curriculum of training, proficiency testing, qualification courses, and remedial training.

**DEFINITIONS:**

All definitions used in the OPD “Firearms and Ammunition” policy are applicable to this policy.
PROCEDURE:

I. Frequency of Training and Qualification

A. Firearms proficiency testing shall be required as outlined below by all officers with OPD-approved firearms. Attendance shall be mandatory. The training program will include instruction on firearm safety and firearms shooting proficiency for all firearms the officer is authorized to use in the performance of duty.

1. Firearm: All sworn officers shall qualify with their Primary Firearm, Backup Firearm, Secondary Firearm, or other department Authorized Firearms annually (see the OPD “Firearms and Ammunition” policy). Any approved Backup Firearm, Secondary Firearm or other Authorized Firearm will be registered and reported to the Training Unit commander.

2. Shotgun: An optional shotgun qualification will be conducted annually. Sworn personnel who choose to deploy a shotgun at any time throughout the year are required to demonstrate proficiency in the operation of the Department-approved shotgun by attending and passing the shotgun course of fire.

3. Patrol Rifle: An optional patrol rifle qualification will be conducted annually. Sworn personnel who choose to purchase and deploy their own patrol rifle for Department use at any time throughout the year are required to demonstrate proficiency in the operation of the Department-approved patrol rifle by attending and passing the patrol rifle course of fire.

B. Firearms will be inspected by Firearms Instructor(s) to ensure each firearm meets the department’s list of authorized weapons, and is clean and in good working order.

1. A record will be kept by the OPD Training Unit of each officer’s qualification firearm to include the type, description, identifying model and serial number.

C. At least annually, officers will be trained in the OPD’s Response to Resistance - Use of Force policy, to include the use of deadly force and the use of less-lethal weapons. Officers will sign receipt for, and acknowledge understanding of, the Response to Resistance - Use of Force policy.

II. Qualification Standards

A. The OPD may conduct multiple handgun qualification shoot(s) during the calendar year. One of these shoots will be the State Qualification Course.

B. The Training Unit will provide authorized 9mm, .40 caliber and .45 caliber training ammunition for all State Qualification shoots and may provide ammunition for other departmental exercises as determined by the Chief of Police or designee.

C. The minimum qualifying score is:

1. 76 percent for Primary Firearms, Backup Firearms, Secondary Firearms, or other OPD Authorized Firearms.

2. 76 percent for Shotguns.

3. 80 percent for Patrol Rifles.

D. Sworn personnel must attain at least the minimum qualifying score in order to be considered efficient and capable of service (see the OPD “Rules of Conduct” policy section regarding “Inefficiency or Incapacity in the Service”). At any time that the duties and responsibilities of
III. Failure to Qualify/Remedial Training

A. Any officer who fails to qualify with a Primary Firearm, Backup Firearm, Secondary Firearm or other Authorized Firearm will be given the option of remedial training and given one more attempt after the failed attempt. The second attempt will be on the same day.

B. Primary Firearm.

1. In the event an officer fails two attempts to qualify with a Primary Firearm, the on-duty firearms instructor will immediately notify the Chief of Police via email, and will copy (Cc) the officer’s supervisor, the Firearms Training Sergeant, and the Training Unit commander on the email.

   a. The officer shall be immediately placed on Limited Duty Status, and shall not be allowed to return to full duty until meeting the qualification standard. This restriction shall include any off-duty employment that requires carrying the Primary Firearm.

   b. The officer’s supervisor will contact the Firearms Training Sergeant to arrange for remedial training for the officer who failed to qualify.

C. Other Firearms.

1. If the officer fails to qualify on the second attempt with a Backup Firearm, Secondary Firearm, or other Authorized Firearm the on-duty firearms instructor will immediately notify the officer’s supervisor, the Firearms Training Sergeant, and the Training Unit commander via email. This email will outline the scores received, as well as any remediation given to the officer.

   a. The officer shall not be returned to duty with that Backup Firearm, Secondary Firearm, or other Authorized Firearm until such time as proficiency is demonstrated and documented. This restriction shall include carrying the Backup Firearm, Off Duty Firearm, Secondary Firearm, or other Authorized Firearm during any off-duty employment.

2. The officer’s supervisor will contact the Firearms Training Sergeant to arrange for remedial training for the officer who failed the shoot.

3. The Firearms Training Sergeant or designee will implement a remediation plan for the officer who failed the qualification shoot. This plan should include remedial training and two additional attempts to qualify.

   a. The Firearms Training Squad will coordinate and/or facilitate remedial training for those individuals identified as requiring remedial training because of unacceptable firearm performance. The remedial training may include, but is not limited to: a review of related subject matter available in the OPD film library, review of OPD lesson plans, testing, review of OPD policies and procedures, and actual shooting qualification.

4. If the officer continues to fail, the Firearms Training Sergeant will send an email to the Chief of Police, copying the officer’s (Cc) chain of command, regarding the failure to qualify. This email will include all qualification scores and all remedial training actions taken.

5. Upon receipt of the email, the Chief of Police will determine the course of action to be taken.
IV. **Make-Up for Absence**

A. Officers who do not attend mandatory firearms qualification testing due to illness, vacation, or other excused absence will be required to qualify prior to their return to duty. It is the officer’s responsibility to contact the Firearms Training Sergeant to make arrangements for qualification testing. Any officer who does not complete the qualification testing within ten (10) days after returning to work will be considered to have failed and will be subject to the procedures described in this policy.

V. **Range Safety**

A. During all training sessions and qualifications at OPD ranges, handguns shall be loaded and unloaded on the firing line with the muzzle pointed down-range. This shall be done under the direction of the on-duty firearms instructor.

1. Handguns shall be loaded with Duty Ammunition prior to exiting the range.

B. If the officer cleans the firearm prior to leaving the OPD range area, the clearing barrel should be used to charge the weapon.

C. Food or beverage of any kind is prohibited in the OPD range facility outside of the range office. Fire extinguishers and first-aid kits must be visible, current, and accessible on the firing line of the range.

D. OPD range safety rules are posted at the range facility and must be adhered to strictly. Any violation of the range safety rules or disregard of range commands given by the firearm instructor by any sworn officer of any rank will be cause for removal from the range and/or disciplinary action.

E. When using ranges that are controlled by outside agencies, the Training Unit and firearm instructors will make certain safety features are adhered to, including range safety, presence of a first-aid kit, accessible telephone communication, and fire extinguisher.

VI. **Firearm Cleaning**

A. The cleaning of firearms is essential to their proper functioning. Cleaning materials will be available outside the OPD range after each Department shoot. Inspection of the firearm after the Department shoot is the responsibility of the individual officer. The officer’s immediate supervisors should inspect the firearm as soon as reasonable after the shoot.

VII. **Return to Regular Duty After Extended Time Off**

A. OPD officers who have been on “Limited Duty Status” (i.e., Injured on Duty (IOD), Extended Sick Leave, Extended Leave of Absence, Long Term Military Leave, Leave Without Pay), or any absence for a period that prevents them from participation in the Nebraska State Qualification will be required to qualify prior to the return to full-duty status.

REFERENCES:
I. Previous OPD Orders

A. Previous OPD General Orders include the following: #8-91, 15-91, 1-92, 96-95, 80-00, 22-04, 42-06, and 70-16.

II. Other


III. Accreditation Standards

A. CALEA Accreditation standard 1.3.9, 1.3.12, and 33.1.5 are relevant to this policy.

---

**FIREARMS QUALIFICATION – LAW ENFORCEMENT OFFICERS SAFETY ACTS**

**PREAMBLE:**

On July 22, 2004, the Law Enforcement Officers Safety Act, Public Law No. 108-277, was made effective. The Act amended the Gun Control Act to exempt qualified active and retired law enforcement officers from State and Local laws prohibiting the carry of concealed firearms. Subsequent updates to the Act have further defined the status of both active and retired officers and provided their ammunition the same protections as their concealed firearms, to in turn protect off-duty officers from inadvertently running afoul of various state laws restricting the types of otherwise legal ammunition from their home jurisdictions.

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to comply with the provisions of the Law Enforcement Officers Safety Act (18 U.S. Code § 926B and § 926C) and all updates to the Act. The OPD shall adhere to uniform procedures to provide law enforcement identification for current and retired OPD officers and conduct firearms qualification courses for current and retired OPD officers.

**PROCEDURE:**

I. Authorization of Qualified Law Enforcement Officers to Carry a Concealed Firearm Nationally

A. Qualified law enforcement officers must comply with the Law Enforcement Officers Safety Act (18 U.S. Code § 926B) and all updates to the Act pertaining to possession and carrying of firearms when traveling outside the jurisdiction of the OPD.

B. Qualified law enforcement officers must carry the Required Identification.

1. The officer must have their OPD Identification Card and Badge of Office.

II. Authorization of Qualified Retired Law Enforcement Officers to Carry a Concealed Firearm Nationally

A. Qualified retired law enforcement officers must comply with the Law Enforcement Officers Safety Act (18 U.S. Code § 926C) and all updates to the Act pertaining to possession and carrying of firearms nationally.

B. Qualification for Retired Officers.

1. The OPD Firearms Training Sergeant will schedule two one-day retiree qualification shoots each year, typically in the spring and fall.

2. The expense of all ammunition will be the responsibility of the retired officer.

3. The minimum qualifying score is 76 percent.
4. Prior to participating in the retiree qualification shoot, the retired officer shall sign an injury or accident disclaimer.

C. Failure to Qualify / Remedial Training.

1. Any qualified retired officer who fails to qualify with the concealable weapon will be given the option of basic remedial training and given one additional attempt as soon as practical after the failed attempts.

2. If the qualified retired officer fails to qualify on the second attempt the on-duty Firearms Instructor will:
   a. Notify the retired officer of the failure.
   b. Notify the retired officer that they will be allowed to attempt to qualify at the next scheduled retiree qualification shoot.

REFERENCES:

I. Laws
   A. 18 U.S. Code § 926B and 18 U.S. Code § 926C are relevant to this policy.

II. Previous OPD Orders
   A. Previous General Orders include #25-04, #3-12, #10-14, and #89-16.

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.
CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY
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:

Graffiti: 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.
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.
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 Unit.

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 Unit will also maintain data documenting the number of Hate/Bias Crimes reported to the Department.

d. The Crime Analysis Unit 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, #73-15, and #79-17.

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.

<table>
<thead>
<tr>
<th>HELICOPTER ASSISTANCE</th>
</tr>
</thead>
</table>

**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 Monday through Saturday and 1500 to 0100 hours Sunday, 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 via the Computer Aided Dispatch (CAD), on Channel 1, to alleviate the need for vital flight information going over public radio talk groups or channels.

1. If ABLE-1 must remain out of service due to maintenance procedures or training, the flight crew will notify Channel 1 that they are 10-7 at the hangar.

2. When the helicopter goes airborne, ABLE-1 will hit in service via CAD prior to flight.
   a. At that time, the 911 dispatcher will simulcast via CAD 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 via CAD 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/Command may use any of the four primary radio channels to request ABLE-1. The dispatcher will then simulcast instructions for ABLE-1 to switch to the appropriate channel. ABLE-1 will advise when they have switched to the requested channel.

NOTE: ASU pilots are required to monitor Channel 1 when out of service.

1. If ABLE-1 is not in the air, pilots will notify the officer/command officer that they are down and when they will be available. ABLE-1 will not quickly start the helicopter (due to wear) or shorten rest periods for non-violent crimes or incidents where there is low likelihood that ABLE-1 will be able to positively impact the incident.

2. If a lieutenant in charge of the incident requests ABLE-1 to take flight for non-violent, non-emergency incidents, the pilots will comply when feasible and later notify the Air Support Unit Commander to review the situation. THE PRIMARY CONCERN FOR THE AIR SUPPORT UNIT IS SAFETY. PILOTS WILL USE GOOD JUDGEMENT WHEN TAKING FLIGHT.

3. When ABLE-1 is 10-7, command and DC911 dispatch may telephone the hangar to request ABLE-1, when feasible; however, they are NOT required to telephone the hangar to request ABLE-1 for crimes in progress or incidents that are rapidly unfolding.

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, #88-15, and #90-16.

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.

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. Officers will carefully evaluate incidents to determine if an Omaha Fire Department (OFD) rescue squad is required. OFD rescue squads may be required in situations that include, but are not limited to:

1. Deaths (suicides, natural death, homicides).

2. Injuries related to a criminal incident, accident, or illness.


4. Emergency maternity situations.

B. Once OFD rescue squads have arrived at the scene, they will be responsible for any treatment of the person and/or the transportation of the person to the appropriate medical facility.

1. In order to provide the best emergency medical care possible, the OFD and area hospitals have divided the City of Omaha into Emergency Medical Service (EMS) catchment areas.
a. The OPD will not order OFD rescue squads to take parties to a specific hospital. OFD rescue squads will be responsible for determining where to transport such parties based upon the EMS catchment area.

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.

4. Officers will document the transport and the reason for the transport via radio.

**NOTE:** Officers will not transport persons suffering from minor, non-emergency injuries, or illnesses that do not require an OFD rescue squad if that person has any other person present who is capable of making arrangements to transport the individual to receive treatment.

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, #34-16, and #54-17.

III. Accreditation Standards

A. CALEA Accreditation Standards 41.2.4, 70.3.1, and 70.3.2 apply to this policy.
POLICY:

It is the policy of the Omaha Police Department (OPD) to participate in concurrent jurisdiction with the Douglas County Sheriff’s Office (DCSO), to adhere to the Interlocal Cooperation Agreement with the City of Carter Lake, Iowa, and to assume primary jurisdiction over calls for service involving criminal offenses originating from the Veteran’s Administration Hospital property.

DEFINITIONS:

Concurrent Jurisdiction: Instance in which two or more law enforcement agencies simultaneously have jurisdiction over a specific area.

PROCEDURE:

I. Emergency Situations – Concurrent Jurisdiction

A. Officers who arrive at the scene of an emergency (i.e., hostage situation, injury accident, etc.) where concurrent jurisdiction exists will focus only on issues of public safety.

B. After the situation stabilizes, command officers from each jurisdiction will determine which agency has primary responsibility and which has a supporting role (e.g., traffic control, perimeter security, etc.).

II. Determination of Jurisdiction

A. Crimes will be investigated from their point of origin.

B. If there is any doubt as to the point of origin, a joint investigation of the crime may occur until actual jurisdiction is determined.

1. Determination of jurisdiction will be made, if possible, by mutual agreement of the senior command officers at the scene.

2. If questions regarding the call cannot be resolved by mutual agreement, the on-scene OPD senior command officer will contact their chain of command for direction.

   a. The senior command officer’s chain of command, up to the Chief of Police, will work with the other agency’s command to determine jurisdiction.

   b. After the call is completed and jurisdiction has been determined, the on-scene senior command officer will complete and send an Inter-Office Communication to the UPB Deputy Chief summarizing the incident and the determination of jurisdiction.

NOTE: In instances of possible concurrent jurisdiction, officers will respond to the original call to determine jurisdictional responsibility. Officers shall not question the call over the radio.

C. If an arrest occurs outside the geographic boundaries of the City of Omaha for a crime that originated within the geographic boundaries of the City of Omaha, the arrest will be processed by the OPD.

1. Any non-OPD officers assisting in the arrest/investigation will:
a. Serve as a witness to the arrest.

b. Be available for interview.

c. Provide information to the arresting OPD officer on the probable cause for the arrest.

**EXCEPTION:** This does NOT apply to arrests made in Carter Lake, Iowa or out of state. Officers will refer to Section VI of this policy for procedures to be followed in Carter Lake, Iowa.

D. If the alleged crime begins within the geographic boundaries of DCSO and outside the geographic boundaries of Omaha and an arrest occurs within the geographic boundaries of the City of Omaha, the arrest will be processed by the DCSO. This procedure also applies to arrests made by the Nebraska State Patrol.

**III. Non-Emergencies Occurring at County Operated Facilities within Omaha City Limits**

A. The DCSO will retain primary responsibility for any calls for service, report writing and processing, and arrest(s) for non-emergency calls that occur at Douglas County (NE) operated facilities located within the city limits of Omaha. Such facilities include, but are not limited to:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC Corrections</td>
<td>17th and Leavenworth Streets</td>
</tr>
<tr>
<td>DC Election Commission</td>
<td>225 North 115th Street</td>
</tr>
<tr>
<td>DC Extension Office</td>
<td>8015 West Center Road</td>
</tr>
<tr>
<td>DC Forensic Services Division</td>
<td>15345 West Maple Road</td>
</tr>
<tr>
<td>DC Hall of Justice</td>
<td>17th and Farman Streets</td>
</tr>
<tr>
<td>DC Hospital</td>
<td>4102 Woolworth Avenue</td>
</tr>
<tr>
<td>DC Housing Authority</td>
<td>5404 North 107th Plaza</td>
</tr>
<tr>
<td>DC Purchasing Warehouse</td>
<td>40th and Poppleton Streets</td>
</tr>
<tr>
<td>DC Environmental Services</td>
<td>3015 Menke Circle</td>
</tr>
<tr>
<td>DC Sheriff’s Office</td>
<td>3601 North 156th Street</td>
</tr>
<tr>
<td>DC Title Inspections</td>
<td>8338 Chicago Street</td>
</tr>
<tr>
<td>DC Youth Center</td>
<td>1301 South 41st Street</td>
</tr>
</tbody>
</table>

B. OPD officers will respond to requests for service at the above facilities when directed by 911 Dispatch. However, the DCSO will be responsible for report writing and arrest responsibilities.

**NOTE:** If, after responding to the request for service, there are questions about the jurisdiction of the call, officers will contact their command officer for clarification (see Section II above).

**IV. Missing Persons**

A. Jurisdiction for the investigation of missing persons will be based on the location that the person was last seen.

1. If a missing person was last seen within the jurisdiction of the OPD, the OPD will complete the Missing Persons Report (see the OPD “Missing Persons – Adults” and “Juvenile – Missing Persons” policies for details).

2. If a person was last seen at a Douglas County address, but has an Omaha residential address, the OPD will obtain information for the DCSO’s missing person report as needed.
V. Veteran’s Administration Hospital

A. When responding to calls for service involving criminal offenses at the Veteran’s Administration Hospital property, the OPD will assume primary jurisdiction and handle the call.

B. All crimes falling within the general jurisdiction of the State of Nebraska and covered by the Federal Assimilative Crime Act will be referred to the OPD unless the matter has special significance to federal law enforcement authorities or involves federal policies and priorities.

C. Individuals arrested for a violation of law within the jurisdiction of the Veteran’s Administration Hospital will be processed according to OPD policies and procedures.

VI. Interlocal Agreement with Carter Lake, Iowa

A. The OPD has the authority to operate cruisers with emergency equipment (“Expedite Status”) to locations in Carter Lake, IA and through Carter Lake, IA when necessary to avoid delays in response to police emergencies in and around Carter Lake, IA.

B. OPD officers in Carter Lake, IA have full law enforcement authority, including the authority to arrest and detain.

1. When OPD officers make an arrest in Carter Lake, IA they will turn the arrestee over to a Carter Lake police officer for processing.

2. If an arrest occurs in Carter Lake, IA for a crime that originated within the geographic boundaries of the City of Omaha, the arrest will be processed by the Carter Lake Police Department.

NOTE: Crimes will be investigated from their point of origin.

REFERENCES:

I. Laws/Agreements

A. The following Nebraska Revised Statutes are referenced in this policy: §13-801 et seq. (1943) (Reissue 1991), §18-1706, and §80-413.

B. Iowa Code 804.7B.

C. Nebraska Political Subdivision Interlocal Cooperation Act, Chapter 8 of Article 13.

II. Previous OPD Orders


JUVENILE – ADMINISTRATIVE PROGRAMS

POLICY:

It is the policy of the Omaha Police Department (OPD) to remain committed to active cooperation with all concerned agencies, groups, and parties to obtain appropriate services for children, for development and perpetuation of programs designed to prevent and control juvenile delinquency, and to promote youth safety. Although specific responsibilities and duties are assigned to certain personnel, the Department as a whole shares the overall commitment to support and further these goals.
PROCEDURE:

I. The Role of OPD in the Control and Prevention of Juvenile Delinquency

A. The OPD recognizes the juvenile justice system is dedicated to the protection and rehabilitation of juveniles. Policies and procedures adopted by the OPD that relate to juveniles will be forwarded for review to other elements of the juvenile justice system.

1. OPD officers are entrusted with enforcing laws that protect juveniles.

2. OPD officers should remember that spending extra time with a juvenile offender may impact a juvenile enough to aid in the rehabilitation process.

3. Each officer can help control and prevent juveniles from becoming adult criminals by learning trouble areas and patrolling those areas frequently, arresting adults responsible for contributing to the delinquency of minors/juveniles, and being knowledgeable in state and local juvenile law.

4. When officers observe conditions that constitute child neglect or that contribute to delinquency, they should investigate further and report findings to the appropriate authority and/or the OPD Child Victim/Sexual Assault Squad, per OPD policies and procedures.

II. Youth Safety

A. The OPD will administer programs within the community and schools to teach and promote safety of children in school, at home, and during leisure activities.

B. The OPD will actively participate with public and private agencies and groups in the fields of education, social services, criminal justice, recreation, rehabilitation, and other appropriate concerns to establish and maintain juvenile delinquency prevention and control programs.

III. OPD Program Participation in Omaha Metro Schools

A. The OPD will provide a forum through which students, parents, faculty, and law enforcement officers can become acquainted and earn mutual respect.

1. School programs will incorporate the following, as allowed by the school(s):

   a. Acting as a resource with respect to delinquency prevention.

   b. Providing guidance on ethical issues in a classroom setting.

   c. Providing individual counseling and/or mentoring to students.

   d. Explaining the law enforcement role in society.

   e. Teaching and promoting safety for youth.

2. School Resource Officer Program: High school liaison program to enhance the relationship between local law enforcement and students, parents, and staff, and to promote positive citizenship among youth.

3. Gang Resistance Education and Training (GREAT) Program: A skills-based curriculum designed to prevent youth crime, violence, and gang involvement while developing a positive relationship among law enforcement, families, and young people to create safer communities.
4. Truancy Officer Program: A high school liaison program designed to provide support to local schools and the juvenile justice system in their efforts to reduce truancy issues.

5. Safety Audits for Rule 10 Compliance: School safety audits conducted to inspect safety of school facilities, equipment, and security/emergency plans. This program meets the Nebraska Education system’s requirements of Rule 10, which mandates that schools have an outside agency conduct an annual review of school safety procedures.

6. Safety Patrol Training: Instruction given to metro area grade school students on crossing guard procedures and traffic safety.


8. OPD School Speaker Series: The OPD Prevention Programs Squad visits all requesting Omaha area elementary, middle, and high schools and presents on topics such as:
   a. Stranger Danger.
   b. How to Call 911 and What to do in an Emergency.
   c. Drug Talks.
   d. Bullying.
   e. Internet Safety.
   g. Seat Belt Safety.
   h. Bicycle Safety.

REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include #47-00, 44-06, and 58-15.

II. Accreditation Standards
   A. CALEA Accreditation Standards 1.1.3 and 44.1.1 are relevant to this policy.

JUVENILE - FINGERPRINTING / PHOTOGRAPHING

POLICY:

It is the policy of the Omaha Police Department (OPD) that juvenile identification records will include, but are not limited to, fingerprints and mugshots. It is the responsibility of the Douglas County Youth Center (DCYC) to fingerprint and take mugshot photographs of juveniles during their booking process.

DEFINITIONS:
Juvenile: For the purpose of identification records and this policy, juveniles are defined as persons who have not reached their eighteenth (18th) birthday.

Status Offense: Conduct or an act which would not be a crime if committed by an adult, including, but not limited to, being a runaway, uncontrollable and/or truant, and MIP.

PROCEDURE:

I. Juveniles Age 13 and Under

A. Juveniles age thirteen (13) and under who are in custody in the investigation of a suspected unlawful/delinquent act, shall NOT be fingerprinted without a court order from a County, District, or Juvenile Court judge (Nebraska Revised Statute §43-252).

B. Juveniles age thirteen (13) and under who are not suspected of an unlawful act and are not in custody in such an investigation shall NOT be fingerprinted for an identification record or fingerprint comparison/exemplar (i.e., elimination) without written parental/guardian consent.

1. Consensual fingerprinting of a juvenile will only be used for elimination purposes.

2. Officers shall document the parental/guardian consent on a Parental/Guardian Consent Form (OPD Form 229J) and a Request for Forensic Investigations Services Form (OPD Form 140).

3. After completing these forms, the requesting officer will:

   a. Submit the completed copy of the Parental/Guardian Consent Form (OPD Form 229J) to the Records Unit.

   b. Submit the completed copy of the Request for Forensic Investigations Services Form (OPD Form 140) to the OPD Forensic Investigations Unit.

4. Consensual fingerprints of juveniles ages thirteen (13) and under will be destroyed when they are no longer needed for the investigation of the specific incident for which the fingerprints were obtained.

II. Juveniles Age Fourteen (14) and Older

A. Juveniles age fourteen (14) and older who are charged with a misdemeanor or felony offense will be fingerprinted and have mugshot photographs taken by the Douglas County Youth Center (DCYC) personnel during the booking process, following the current DCYC procedures.

B. In order to fingerprint juveniles age fourteen (14) and older for comparison/exemplar purposes, officers shall:

   1. Complete a Request for Forensic Investigations Services (OPD Form 140) and submit the completed form to the OPD Forensic Investigations Unit.

   2. Notify the juvenile’s parent or guardian.

   3. Receive permission to fingerprint the juvenile from the parent or guardian.

      a. Consent must be documented on the Request for Forensic Investigations Services Form (OPD Form 140).
Services (OPD Form 140) and on a Parental/Guardian Consent Form (OPD Form 229J).

b. If the parent or guardian refuses permission, the standard policy of refusal will prevail as in the case of adult suspects.

NOTE: If the requested comparison is positive, the exemplar prints will be retained as evidence. If the comparison is negative, the exemplar prints will be destroyed.

III. Juveniles Accused of Status Offenses

A. Juveniles accused of status offenses shall NOT be fingerprinted (NRS §43-252).

IV. Distribution of Juvenile Fingerprints, Mug Shots, and Evidence

A. Fingerprint records of juveniles shall be stored separately from adult fingerprint records.

B. Fingerprint records of juveniles will not be sent to AFIS or other repositories unless:
   1. The juvenile has been convicted of or adjudged to have committed a felony.
   2. The juvenile has unlawfully terminated their commitment to a youth rehabilitation and treatment center.
   3. The juvenile is a runaway and the fingerprint check is needed for identification purposes to return the juvenile to their parent, custodian, or guardian.

C. Digital mug shots will be available online in the digital mug shot database.

D. Property and evidence will be turned in to the OPD Evidence and Property Unit, per OPD policies and procedures.

REFERENCES:

I. Laws

A. NRS §43-252 is relevant to this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #71-73, #115-74, #69-83, #2-88, #38-96, #11-06, #22-09, #69-14, and #31-15.

III. CALEA Accreditation Standards

A. Relevant CALEA Accreditation standards include the following: 1.2.5, 82.1.2

**JUVENILE – IDENTIFICATION OF JUVENILES, RIGHTS ADVISORY, AND INTERROGATION POLICY:**

It is the policy of the Omaha Police Department (OPD) to advise juveniles of their Miranda Rights using developmentally appropriate language and to conduct juvenile eyewitness identifications and interrogations in a manner that protects the public and the best interest of juvenile law violators. The OPD will pursue the least coercive course of action necessary to protect both the public and the juvenile.
PROCEDURE:

I. Eyewitness Identification
   A. Officers shall adhere to the procedures in the OPD “Eyewitness Identification” policy when conducting eyewitness identifications with juveniles.

   EXCEPTION: Officers shall NOT conduct physical lineups to identify juvenile suspects. If a lineup is necessary, officers may utilize a photo lineup to identify a juvenile suspect.

II. Rights Advisory
   A. All juveniles who are in custody shall be advised of their Miranda Rights using developmentally appropriate language as noted on OPD Form 17A (Juvenile Rights Advisory) without unnecessary delay (see the OPD “Miranda Warning – Law of Interrogation” policy for policies and procedures regarding adults).

      1. Officers shall be certain to give the Miranda Warnings prior to any questioning that could be legally construed to be intended to elicit, or that would be likely to elicit, an incriminating response.

      2. Officers shall complete OPD Form 17A (Juvenile Rights Advisory) when advising juveniles of their Miranda Rights.

         a. Officers shall confirm with the juvenile that they understand their rights using the questions on OPD Form 17A (Juvenile Rights Advisory).

         NOTE: Officers shall complete this form when advising juveniles of their rights regardless of where they are taken into custody (i.e., school, home, etc.).

   B. Accused Juveniles’ Response

      1. To invoke the right to stop questioning, the juvenile must articulate the desire with sufficient clarity, such that a reasonable police officer under the circumstances would understand the statement as an invocation of the right to remain silent.

         NOTE: The juvenile may invoke their Miranda Rights at any time during questioning.

      2. The juvenile must acknowledge that they understand the warnings.

         a. If the juvenile refuses to talk, or remains totally silent, the questioning will cease.

         b. A nod of the head in an affirmative manner of yes is acceptable as long as it is clearly understood that this is an affirmative response.

         c. Officers will use their best judgement to determine whether a juvenile truly understands their Miranda Rights.

      3. In some situations, officers may attempt to question the juvenile after an initial refusal.

         a. A complete second advisory shall be made by the interviewing officer.

         b. The juvenile may waive their rights on the second occasion.
NOTE: Officers will be cautious in questioning juveniles after an initial refusal. There are particular requirements about when and how officers may attempt to question a suspect after they have invoked their Miranda Rights. If these requirements are not met there is a high risk that the statement may be suppressed.

III. Interrogations

A. During custodial interrogation, officers will explain to the juvenile and any present parents/guardians or custodians the OPD’s procedures, in detail, regarding:

1. The arrest and/or detention of juveniles.
2. Any aspect of the juvenile justice system that is relevant to the situation at hand.

B. The length of the interrogation and the number of officers who participate in the interrogation will be limited to a level that is reasonable.

C. Officers will make certain that the personal needs of the juvenile, such as restroom and water breaks, are met during the interrogation.

D. If a juvenile’s parent, guardian, or custodian wishes to be present during the interrogation, the interviewing officer will determine whether to allow or deny the request.

   1. If parents, guardians, or custodians are allowed to be present, they shall remain silent and they shall not interfere with the interrogation.

IV. Statements

A. Some juveniles have the capacity to make voluntary statements without the presence or consent of counsel or another responsible adult.

B. Admissibility of juvenile statements does not depend solely on the juvenile’s age but on a combination of age and other factors. These factors may include, but are not limited to:

   1. The juvenile’s intelligence and educational background.
   2. The juvenile’s experience, including prior experience in the criminal justice system.
   3. The juvenile’s ability to comprehend the meaning and effect of the statement and the interrogation process.
   4. The juvenile’s mental capacity, including the juvenile’s physical condition and whether the juvenile was nervous.
   5. Whether the juvenile was suffering from any injury, pain, or tiredness at the time of the statement.
   6. Time of day.
   7. Duration of the questioning.
   8. Length of confinement.
   9. Room size, adequate furniture, etc.
   10. Whether the juvenile was handcuffed or threatened.
11. Whether the juvenile was advised of their Miranda Rights prior to the interview/interrogation and whether the juvenile understood them.

12. Whether the juvenile was allowed the use of the bathroom and/or allowed food or drink.

13. Whether the juvenile was promised leniency.

14. Whether the parents/guardians were notified.

15. Whether the juvenile requested parents, guardians, or custodians to be present.

16. Whether the juvenile was prohibited from speaking with a parent, guardian, or custodian.

17. The juvenile’s familiarity with the language used in the interrogation (i.e., English, Spanish, etc.).

C. Officers will include indicators of the juvenile’s capacity to make a statement in the Supplementary Report (e.g., age, educational background, experience, etc.).

D. Officers will let all juveniles attempt to write their own statement.

1. If juveniles cannot write out their own statement, there is a strong possibility that they have difficulty reading and/or cannot read at all.

2. Officers will not write statements for juveniles, unless approved by a supervisor.

REFERENCES:

I. Laws

A. NRS §43-248.01.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #37-00 and #55-16.

III. CALEA Accreditation Standards

A. Relevant CALEA Accreditation Standards include the following: 1.2.3, 44.2.2, and 44.2.3.

JUVENILE - MISSING PERSONS

PREAMBLE:

The Adam Walsh Child Protection Act of 2006 requires law enforcement agencies to enter missing juveniles into the NCIC/NIS System(s) within two hours of receiving the information. Additionally, Suzanne’s Law expanded the Crime Control Act of 1990 and requires law enforcement agencies to report each case of a missing person twenty (20) years of age and younger via the NCIC/NIS System without delay. The FBI conducts regular audits to verify OPD’s compliance with all NCIC rules and regulations. If OPD fails to comply with NCIC rules and regulations, there is a risk that the department would no longer have access to this database.

POLICY:
It is the policy of the Omaha Police Department (OPD) to immediately and intensively investigate juvenile missing persons cases (including runaway, abandonment, abducted, or other missing status) and to enter missing persons aged twenty (20) and younger into the NCIC/NIS System(s) within two hours of OPD’s receipt of the information.

PROCEDURE:

I. Investigation of Missing Juveniles

A. The OPD Child Victim/Sexual Assault Squad (CVSA) will investigate missing persons eighteen (18) years of age and younger as juveniles.

   1. All statewide broadcasts for missing persons aged eighteen (18) and under will be originated as missing juveniles.

B. The OPD Missing Person Squad will investigate missing persons aged nineteen (19) years of age and older as adults (see the “Missing Persons – Adults” policy for applicable procedures).

C. A police unit will be dispatched to all citizen requests concerning a missing adult or juvenile.

D. Officers will notify the CVSA Squad in all cases involving suspicious circumstances. The CVSA Squad will determine whether an AMBER Alert should be requested.

E. Officers will complete the Missing Persons Report in PortalOne. Officers will:

   1. Obtain the following information immediately for NCIC/NIS reporting purposes:

      a. Name.
      b. Date of Birth.
      c. Sex.
      d. Race.
      e. Height.
      f. Weight.

   2. Make a radio broadcast as soon as practical.

F. In the case of missing juvenile NCIC/NCIS entries involving an emancipated juvenile, the Date of Emancipation (DOE) in NCIC/NCIS entries will show the appropriate year when the missing juvenile will have reached the age of nineteen (19) years.

G. Officers will complete a separate Missing Persons Incident Report in PortalOne in cases where the missing juveniles left/went missing together. The same RB number can be used for each report.

H. When employees respond to a call of a missing juvenile, they will utilize the following chart to determine the proper response. See PPM Appendix “A” for phone numbers, fax numbers, and email addresses.

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Report</th>
<th>Immediate Notification (in order of notification)</th>
<th>Fax or Email Reports</th>
<th>Responsibility for Follow-up</th>
</tr>
</thead>
</table>

Blank Table
<table>
<thead>
<tr>
<th>Juveniles thirteen (13) years of age or younger.</th>
<th>Missing Person Report</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Radio Broadcast.</td>
<td></td>
<td>The OPD Data Center and the CVSA Squad will automatically be notified by PortalOne once the officer submits the report. Officers do not need to fax or email the report.</td>
</tr>
<tr>
<td></td>
<td>Field Sergeant.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“B”- and “C”-Shift:</td>
<td></td>
<td>The officer will remain out of service to conduct follow-up until CVSA has determined that all reasonable actions to locate the juvenile have been exhausted.</td>
</tr>
<tr>
<td></td>
<td>o CVSA Squad.*</td>
<td></td>
<td>CVSA will advise the parent or guardian to call the assigned detective or 911 as soon as possible if the juvenile is located or returns home.</td>
</tr>
<tr>
<td></td>
<td>“A”-Shift:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Regional Investigator.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*CVSA will be immediately notified in all cases of suspicious circumstances. CVSA Command will determine if an AMBER Alert will be activated.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Juveniles fourteen (14) years of age through eighteen (18) years of age.</th>
<th>Missing Person Report</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Radio Broadcast.</td>
<td></td>
<td>The OPD Data Center and the CVSA Squad will automatically be notified by PortalOne once the officer submits the report. Officers do not need to fax or email the report.</td>
</tr>
<tr>
<td></td>
<td>Field Sergeant.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“B”- and “C”-Shift:</td>
<td></td>
<td>The officer will remain out of service to conduct reasonable follow-up on available information.</td>
</tr>
<tr>
<td></td>
<td>o Notify CVSA Squad.*</td>
<td></td>
<td>The officer will advise the parent or guardian to call 911 as soon as possible if the juvenile is located or returns home.</td>
</tr>
<tr>
<td></td>
<td>“A”-Shift:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Notify Regional Investigator.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*CVSA will be immediately notified in all cases of suspicious circumstances. CVSA Command will determine if an AMBER Alert will be activated.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. Juvenile is Located or Returns Home

A. Employees will utilize the following chart in determining the proper response when a missing juvenile is located and/or returns home.

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Report</th>
<th>Telephone Notification (in order of notification)</th>
<th>Fax or Emails</th>
<th>CVSA Responsibility</th>
</tr>
</thead>
</table>
| Juvenile is located or returns prior to completion of report. | • Complete Missing Person Report and select the checkbox indicating the child was located. Include the following information:  
  o Where the juvenile was located.  
  o Who the juvenile was with or their description.  
  o What the juvenile was doing.  
  o If appropriate, ask the juvenile how they became lost. | • 911, if a Radio Broadcast was made.  
  • Field Sergeant if notifications were made.  
  • CVSA if notification was made. | • No fax or email if fax is required. | • If appropriate, the CVSA Squad will complete an Overnight Report to document the juvenile has been located. |
| Juvenile is located or returns soon after completion of and emailing of report to CVSA and the Data Center. | Complete Missing Person Cancellation Form (OPD Form 208A). Include the following information:  
  - Where the juvenile was located.  
  - Who the juvenile was with or their description.  
  - What the juvenile was doing.  
  - If appropriate, ask the juvenile how they became lost. | 911, if a Radio Broadcast has been made within that 24-hour period.  
  - Field Sergeant if notifications were made.  
  - CVSA if notification was made. | The OPD Data Center and the CVSA Squad will automatically be notified by PortalOne once the officer submits the report. Officers do not need to fax or email the report.  
  - Turn in the original Missing Person Cancellation Form (OPD Form 208A) through normal report channels. | If appropriate, the CVSA Squad will complete an Overnight Report to document the juvenile has been located. |  
| Parent calls 911 advising the juvenile has been located or returned home. (911 will dispatch to verify the juvenile was located.) | After the dispatched officer verifies the juvenile has been located, the officer will complete the Missing Person Cancellation Form (OPD Form 208A). Include the following information:  
  - Where the juvenile was located.  
  - Who the juvenile was with or their description.  
  - What the juvenile was doing.  
  - If appropriate, ask the juvenile how they became lost. | 911, if a Radio Broadcast has been made within that 24-hour period.  
  - Field Sergeant and CVSA if appropriate. | Fax or email a copy of the Form 208A to the Data Center and to CVSA.  
  - Turn in the original report through normal report channels. | If appropriate, the CVSA Squad will complete an Overnight Report to document the juvenile has been located. |

### III. Outside Agency Locates Missing Juvenile

#### A. When NCIC receives a hit confirmation request on a missing juvenile from an outside agency, the NCIC operator will verify that the Missing Person Report is still active and will respond accordingly to the outside agency.

1. If the outside agency requests additional information during "B"- and "C"-Shifts, the NCIC operator will advise the agency to contact the CVSA Squad and will provide the CVSA Squad’s telephone number to the agency.

2. On "A"-Shift, the NCIC operator will take the teletype and a copy of the Missing Person Report to the Front Desk Squad for them to handle.

#### B. The NCIC operator will provide the CVSA Squad with copies of all teletype communications.

#### C. The CVSA Squad will complete the Missing Person Cancellation Form (OPD Form 208A) and:

1. Forward a copy to the Data Center to enter the cancellation.

2. Turn the original Missing Person Cancellation Form (OPD Form 208A) in to the Records Unit through normal channels.
D. The CVSA Squad will notify the Uniform Patrol Bureau and the Criminal Investigations Bureau, via an email to all OPD Sergeants, that the party has been located. Sergeants may disseminate the information about the cancellation to officers by Roll Call or by e-mail.

IV. Release of Runaways

A. OPD officers will never release runaways into their own custody.

1. If officers cannot locate a runaway’s parents, guardians, or adult relative, they will contact the CVSA Squad on the "B"- and "C"-Shifts Monday through Friday, or the Regional Sergeant on "A"-Shift or weekends.

2. Officers will contact the State Probation (Intake) Officer who represents the Juvenile Court to make arrangements for placement of the juvenile (see the OPD “Juvenile Arrests – Authorization to Detain” policy for more details).

V. Harboring a Child

A. If someone harbors a juvenile younger than sixteen (16) years of age, Omaha Municipal Code §20-82, “Harboring a Child Under 16 Years of Age,” will apply and appropriate law enforcement action will be taken.

REFERENCES:

I. Laws

A. NRS §43-2101 and Omaha Municipal Code §20-82 are relevant to this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #2-90, 7-94, 65-02, 65-02 Supplement #1, 41-03, 13-07, 13-09, 42-12, 70-14, and 19-15.

III. CALEA Accreditation Standards

A. Relevant CALEA Accreditation Standards include the following: 41.2.6.

IV. Other

A. PPM Update #9-2016.
All participating radio and television stations will interrupt programming to broadcast information about the missing child using the Emergency Alert System (EAS).

Strict criteria have been established by the AMBER Plan Committee to evaluate child abductions and must be met prior to activating the AMBER Alert. The AMBER Alert is activated only when the specific requirements of the Plan are met as outlined in this policy, therefore the AMBER Alert is not activated for every child abduction incident.

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to participate in the Nebraska AMBER Alert Statewide Plan, which is a cooperative program between Nebraska law enforcement agencies and broadcasters to send an emergency alert to the public when a child has been abducted.

**PROCEDURE:**

I. **Criteria**

A. Criteria for an AMBER Alert are as follows:

1. The child abducted is seventeen (17) years of age or younger.

2. Law enforcement has reason to believe the child is in danger of serious bodily harm or death.

3. There must be enough descriptive information about the child, abductor, and suspect’s vehicle to believe an immediate broadcast alert will help.

4. The Plan is not intended for use in runaway or child custody situations unless it is strongly believed by law enforcement that the child is in imminent danger of serious bodily harm or death.

B. Officers will gather enough information to determine if AMBER Alert criteria can be met. In addition to the AMBER Alert criteria listed above, officers will try to gather the following information:

1. Victim (Child) Information:

   a. Complete name.

   b. Date of birth / age.

   c. Gender.

   d. Height in feet and inches.

   e. Weight in pounds.

   f. Race.

   g. Hair color and style.

   h. Eye color.

   i. Clothing description.

2. Abduction Information:
a. Date and time of abduction.

b. Location of abduction.

c. Direction of travel or destination.

3. Suspect Information:

   a. Complete name.
   b. Date of birth / age.
   c. Gender.
   d. Height in feet and inches.
   e. Weight in pounds.
   f. Race.
   g. Hair color and style.
   h. Eye color.
   i. Clothing description.
   j. Possible relationship to the victim.

4. Vehicle Information (If involved):

   a. Make.
   b. Model.
   c. Style.
   d. Color.
   e. Year.
   f. License Plate (Number & State).

II. Authority to Activate

   A. When a report of a potential child abduction case is received, the officer at the scene will evaluate the situation to confirm that a child has been abducted.

      1. If confirmed, a command officer assigned to the Child Victim/Sexual Assault Squad (CVSA) shall be notified IMMEDIATELY.

   B. Only command officers assigned to the CVSA Squad that have received training in the AMBER Plan, for the purposes of issuing AMBER Alerts, will be authorized to issue such an alert.

      1. The lieutenant in charge of the Special Victims Unit (SVU) will be responsible for coordinating training of CVSA Squad officers.
2. A list of trained officers will be maintained by the SVU and will be forwarded to the Nebraska AMBER Plan Committee as needed.

C. It is the responsibility of the lieutenant in charge of the SVU to verify the information received and authorize the alert.

D. If it is determined that the Plan’s criteria is not met, an alert will not be activated and standard operating procedures for juvenile missing persons are to be followed (see the OPD “Juvenile – Missing Persons” policy for policies and procedures).

**NOTE:** An AMBER Alert may be issued any time within the first 24 hours of the abduction. If additional information becomes available, and the criteria are met, an AMBER Alert can then be requested.

### III. Requesting Activation of Alert

A. After receiving approval from the SVU Lieutenant, an Amber Alert Request (OPD Form 205A) will be completed and faxed to the Nebraska State Patrol (NSP) 24-Hour Dispatch in Lincoln (see Appendix A for the fax number).

1. A follow-up phone call will be made to the NSP 24-Hour Dispatch in Lincoln (see Appendix A for the phone number), to confirm receipt of the AMBER Alert Request.

B. If available, a photograph of the child, the abductor, and/or the abductor’s vehicle will be forwarded via e-mail to the NSP (see Appendix A for the email address). The NSP will include these photographs on their web site at statepatrol.nebraska.gov/amberalert/.

C. The child’s parent or legal custodian will sign the Authorization for Release of Juvenile Information (OPD Form 205B) and the Liability Agreement (OPD Form 205C).

1. These forms will be faxed to the NSP 24-Hour Dispatch in Lincoln (see Appendix A for the fax number).

2. If a parent or legal custodian is not available to sign these forms at the time the AMBER Alert is requested, the officer will fax the forms with a written explanation. Officers will continue to attempt to obtain the parent or legal custodian’s signature and fax the form once the signature has been obtained.

D. After faxing the completed AMBER Alert forms to the NSP, officers will complete a Missing Person Report (OPD Form 205) and fax it to the OPD Data Center. This report will be entered into NCIC and locally by Data Center employees.

### IV. Activation

A. The NSP Dispatch Center will contact the NSP AMBER Alert Verification Officer to certify the information received and confirm that the information contained in the AMBER Alert Request (OPD Form 205A) meets the AMBER Plan criteria.

B. If the NSP AMBER Alert Verification Officer determines the information received meets the AMBER Plan’s criteria, they will activate the AMBER Alert through the Nebraska Educational Telecommunications (NET) with information to release over the Emergency Alert System (EAS).

1. The broadcast will provide public alerts, descriptions and other vital information in the crucial first hours after a child’s abduction.
2. Participating stations will announce the information every 15 minutes for the first two hours, then every 30 minutes for the next three hours at a minimum.

**NOTE:** Participating stations have the option of announcing the information at more frequent intervals and for a longer period of time, however the frequency indicated above is the established minimum.

3. The Alert will also be posted on the NSP website at statepatrol.nebraska.gov/amberalert/.

**NOTE:** If an alert is not authorized by the NSP, OPD policies and procedures will be followed for juveniles reported missing (see the OPD “Juvenile – Missing Persons” policy for policies and procedures).

C. If an AMBER Alert is activated, the Douglas County Communications Center (911) will be notified immediately (see Appendix A for the phone number).

D. Citizens are enlisted in an effort to recover the child unharmed. Citizens with information regarding the abduction will be directed to call 911 or the established OPD AMBER Alert Hotline at 402-444-5636.

1. Employees assigned to the CVSA Squad will be responsible for answering the hotline for at least 24-hours when an Amber Alert is activated or until the AMBER Alert is canceled if within 24-hours.

V. Canceling the AMBER Alert

A. If the child is recovered during the activation period of the alert, the officer will notify the following agencies:

1. NSP by faxing an AMBER Alert Cancellation form (OPD Form 205D) (see Appendix A for fax number).

2. Douglas County Communications Center (911) (see Appendix A for the phone number).

B. Officers will also complete a Missing Person Cancellation Form (OPD Form 208A) according to current operating procedures for missing juveniles.

VI. After Action Report

A. The lieutenant in charge of the SVU will complete an after action report that includes a summary of the events regarding this case.

1. This report will be forwarded to the Nebraska AMBER Plan Committee within 30 days of an AMBER Alert activation.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #67-02 and #25-03.

II. Accreditation Standards

A. CALEA Accreditation standard 41.2.6 is relevant to this policy.
JUVENILE – MISDEMEANOR (NON-TRAFFIC) REFERRAL TO THE COUNTY ATTORNEY

POLICY:
It is the policy of the Omaha Police Department (OPD) that officers should not advise victims of criminal acts committed by juveniles seventeen (17) years of age and younger to seek misdemeanor warrants from the Douglas County Attorney’s Office – Juvenile Division because citizens do not have the ability to obtain a warrant for the arrest of a juvenile. If officers make a misdemeanor arrest in the case, officers should instruct victims that their case has been referred to the Douglas County Attorney’s Office – Juvenile Division for formal review as set forth in this policy.

PROCEDURE:
I. Referral to Douglas County Attorney’s Office – Juvenile Division
   A. Victims will be advised their case has been referred to the Douglas County Attorney’s Office – Juvenile Division for formal review and appropriate disposition. The Douglas County Attorney’s Office – Juvenile Division will make the determination on whether or not a juvenile’s case will be petitioned in juvenile court, offered diversion, or not prosecuted.
   B. If the suspect of a misdemeanor offense is eighteen (18) years of age or older, officers should advise the victim to contact the City Prosecutor’s Office for warrant information.
   C. Officers should document the incident involving the juvenile on the appropriate report(s), per OPD policies and procedures.
   D. See the OPD “Juvenile Arrests – Authorization to Detain” policy for OPD procedures governing requests to detain/place juveniles.

II. Juvenile Court Process
   A. Officers will refer interested parties to the Douglas County Attorney’s Office – Juvenile Division for further information regarding the juvenile’s case (402-444-7051).
   B. The Douglas County Attorney’s Office – Juvenile Division values input from officers on individual cases where the goal is to seek alternative methods to alter the juvenile’s delinquent behavior. Officers should report additional information and facts not originally documented at the time of the incident that would aid the Douglas County Attorney’s Office – Juvenile Division in diverting the offender from delinquent behavior.

REFERENCES:
I. Previous OPD Orders
   A. The previous OPD General Orders are #55-00, #38-13, and #67-14.

II. Accreditation Standards
   A. CALEA Accreditation standard 44.2.1 is relevant to this policy.
It is the policy of the Omaha Police Department (OPD) to request detention of serious or violent juvenile offenders and certain missing juveniles by the Criminal or Juvenile Justice System. OPD will follow juvenile booking and detention request procedures in all applicable cases involving juvenile suspects.

DEFINITIONS:

Juvenile Booking: Process of completing reports and administrative tasks as required by policy subsequent to the arrest of a juvenile. Juvenile Booking does NOT include the process of placement or detention. Officers may request detention/placement for the juvenile through the State Probation (Intake) Officer in addition to booking the juvenile.

Non-Secure Detention: Detention characterized by the absence of restrictive hardware, construction, and procedure. Non-Secure Detention services may include a range of placement and supervision options such as home detention, electronic monitoring, day reporting, drug court, tracking and monitoring supervision, staff secure and temporary holdover facilities, and group homes (NRS §43-245).

Secure Detention: Detention in a highly structured, residential, hardware-secured facility designed to restrict a juvenile’s movement (NRS §43-245).

Staff Secure Juvenile Facility: Juvenile residential facility operated by a political subdivision that does not include construction designed to physically restrict the movements and activities of juveniles who are in custody in the facility. The physical restriction of movement or activity of juveniles is provided solely through staff that may establish reasonable rules restricting ingress to and egress from the facility. The movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision (NRS §83-4,125).

PROCEDURE:

I. Authorization to Detain Juveniles

A. OPD officers will notify the State Probation (Intake) Officer to conduct a detention interview to determine the need for detention or release of juvenile offenders (see Appendix A for phone numbers).

1. Juveniles suspected of Driving Under the Influence or who may otherwise require a blood, breath, or urine test for intoxicating drugs, will first be taken to the appropriate facility for such tests prior to contacting the State Probation (Intake) Officer for a detention/placement decision.

   a. Breath, blood, and/or urine testing of juveniles will follow procedures described in the OPD “Driving Under the Influence (DUI)” policy.

B. While retaining temporary custody of the juvenile, the arresting officer will deliver the juvenile, if necessary, to the State Probation (Intake) Officer and communicate all relevant available information regarding the juvenile to the State Probation (Intake) Officer.

1. Officers will advise the State Probation (Intake) Officer whether or not they are requesting detention for the juvenile.

2. Per NRS §43-248, OPD officers may request detention of juveniles if they determine that the juvenile:

   a. Violated a state law or municipal ordinance.

   b. Has run away from their parent, guardian, or custodian.
c. Is in violation of their probation and may attempt to leave the jurisdiction or place lives or property in danger as determined by a probation officer.

3. OPD officers shall request detention of all missing juveniles who they determine are an immediate flight risk and all juveniles who they determine may be a danger to themselves or other persons unless officers believe the missing juvenile to be mentally ill and dangerous, at which point OPD officers will follow procedures described in the OPD “Mental Health Response – Juveniles” policy).

4. OPD officers will obtain supervisory approval to request detention/placement of juveniles.

   NOTE: See the OPD “Juvenile Arrests – Prostitution – Under 18 Year of Age” policy if juveniles are suspected of prostitution offenses. See the OPD “Abuse/Neglect/Injury – Child” policy if juveniles are believed to be seriously endangered in their surroundings.

C. After the detention interview, the State Probation (Intake) Officer will determine the need for detention or release of the juvenile.

   1. The State Probation (Intake) Officer may deny requests to detain juveniles for detention or placement and will advise officers of the intake decision. Officers may still book the juvenile on charges when detention or placement is denied.

II. Detention or Placement of Juveniles

A. Upon determining that a juvenile should be detained or placed, the State Probation (Intake) Officer will:

   1. Decide if detention or placement should be in a secure or non-secure setting.

   2. Arrange for appropriate detention or placement.

B. Officers shall implement the State Probation (Intake) Officer’s decision to place, detain, or release the juvenile.

   NOTE: Officers will not implement the State Probation (Intake) Officer’s placement decision until they have notified the parent or guardian per the “Parental/Guardian Notification” procedures detailed in this policy.

C. If the State Probation (Intake) Officer determines the juvenile should be detained at the Douglas County Youth Center (DCYC), officers should be aware of the following:

   1. DCYC has the medical authority to determine fitness for confinement.

   2. The DCYC facility at 1341 South 41st Street may be accessed from South 42nd Street or Pacific Street. The secure garage entrance is located on the north end of the Youth Center Administration Building.

   3. It is the responsibility of the Douglas County Youth Center to fingerprint and mug shot photograph juveniles during their booking process.

      NOTE: DCYC will NOT fingerprint juveniles accused of status offenses.

D. After booking at DCYC, even when detention is requested, the State Probation (Intake) Officer may decide the juvenile will be:
1. Placed in DCYC or a non-secure placement (i.e., staff secure or shelter).
2. Placed on an electronic monitor.
3. Released to a responsible parent or guardian per DCYC procedures.

III. Parental/Guardian Notification

A. In all cases in which juveniles are taken into temporary custody, regardless of whether they are detained or placed, the arresting officer will complete a Parent Notification Form (OPD Form 37) and notify the parent or guardian of the nature of the charge(s).

1. The parent or guardian will be advised that all reports regarding the incident will be forwarded to the City Prosecutor’s Office or to the County Attorney’s Office.
2. If the arresting officer is unable to contact a guardian or legal representative, the officer will attempt to contact a relative.
3. If still unsuccessful, the arresting officer will arrange to have a note left at the residence of the parent or guardian.
4. The Parent Notification Form (OPD Form 37) will indicate “Unable to Contact, Note Left at Residence.”
5. Once notification is complete, the arresting officer will implement the State Probation (Intake) Officer’s decision to detain or place the juvenile by carrying out arrangements made by the State Probation (Intake) Officer.

IV. General Booking Procedures at DCYC

A. Juveniles, age fourteen and older, may only be booked as adults for Class I, IA, IB, IC, ID, II, or II A Felonies.

1. When officers book juveniles (ages 14 through 17) as adults, they will still follow the juvenile booking procedure outlined in this policy, including notifying the State Probation (Intake) Officer to perform a detention interview and make the appropriate detention and placement decision.

B. If juveniles have adult AND juvenile charges, two bookings must be completed – one adult, one juvenile. Adult and juvenile charges shall be booked separately.

C. Juveniles SHALL NOT be booked at the Douglas County Department of Corrections. Juveniles SHALL ONLY be booked at DCYC, including when a juvenile is booked as an adult.

D. Property and evidence will be handled in accordance with OPD policies and procedures.

V. Reporting Requirements for Booking at DCYC

A. DCYC will provide adequate workspace for the completion of reports.

B. The Uniform Patrol Bureau, Southeast Precinct, will make certain an adequate supply of blank forms and reports required for use by OPD officers is maintained at the DCYC.
C. DCYC will not place/detain a juvenile in their facility until all of the reports and copies have been made by the officer, and the State Probation (Intake) Officer has authorized detention or placement.

D. In all cases, officers will complete the following reports:

1. Affidavit of Probable Cause (OPD Form 156)
2. Affidavit for Removal of Juvenile(s) from Parental/Custodial Home Report (OPD Form 96).
   a. If officers are unable to complete the electronic PortalOne Booking Arrest Report for any reason they will complete the paper Juvenile Arrest Information Form (OPD Form 263).

   **NOTE:** These forms will be kept on file by DCYC staff. The forms are available for copy by the State Probation (Intake) Officer as needed.

E. Juvenile misdemeanor traffic offenders sixteen (16) years and older will be issued Super Citations, per the OPD “Citations” policy.

1. When officers book a juvenile sixteen (16) years of age or older who has also committed misdemeanor traffic offenses, a Super Citation shall be issued in addition to booking the juvenile on the adult and/or juvenile charges.

F. Officers will distribute reports as follows when booking juveniles on adult and/or juvenile charges:

1. Officers will make two (2) copies of all completed reports prior to placing juveniles into the DCYC facility or staff-secure placement as directed by the State Probation (Intake) Officer.
   a. One (1) copy will be attached to the DCYC booking sheet and placed in the mail tray marked “Douglas County Attorney’s Office” at DCYC.
   b. One (1) copy will be left with the DCYC booking technician.
2. If the juvenile was also issued a Super Citation in addition to being booked, the “Prosecutor’s Copy” of the Super Citation and a copy of the related report(s) will be placed in the “City Prosecutor” mail tray at DCYC.
3. Felony arrest packets will be prepared and turned in to the Criminal Investigations Bureau (CIB) in accordance with current procedures.
   a. When a juvenile is booked by DCYC, the arresting officer will receive three (3) copies of the Record of Arrest (i.e., “booking sheet”). The officer will prepare the felony arrest packets and submit them to the responsible CIB Unit.
   b. The appropriate CIB Unit will be responsible for submitting the required number of felony arrest packets to the County Attorney’s Office for review and to the Domestic Violence Squad (when needed).
   c. The responsible CIB Unit will place copies of all felony booking reports and related forms in the Douglas County Attorney’s mailbox located in the CIB area on the fourth (4th) floor of OPD Central Headquarters.
4. The original reports will be submitted prior to the end of the officer’s shift. All non-electronic original reports will be stamped “juvenile arrest” in red ink.

VI. Warrant Only Arrests

A. After verifying the warrant, and prior to transporting the juvenile, the arresting officer will contact the State Probation (Intake) Officer to determine the need for detention or placement of the juvenile and transport the juvenile to DCYC or placement as directed by the State Probation (Intake) Officer.

B. Officers will complete the following reports as described in this policy:

1. Affidavit of Probable Cause (OPD Form 156).

2. Affidavit for Removal of Juvenile(s) from Parental/Custodial Home Report (OPD Form 96).

   a. If officers are unable to complete the electronic PortalOne Booking Arrest Report for any reason they will complete the paper Juvenile Arrest Information Form (OPD Form 263).

C. Officers will make two (2) copies of the completed forms prior to placing the juvenile into the DCYC facility or staff-secure placement, as directed by the State Probation (Intake) Officer.

D. If the warrant was issued by the County Court, officers will distribute the reports as follows:

1. One (1) copy will be attached to the DCYC booking sheet (if applicable) and placed in the tray marked “City Prosecutor” at DCYC along with a copy of the warrant.

2. One (1) copy will be left with the DCYC booking technician along with a copy of the warrant.

E. If a juvenile has a “missing juvenile” entry, officers will complete a Missing Persons Cancellation form (OPD Form 208A) and forward the completed form via fax or email to the OPD Data Center and the Child Victim/Sexual Assault Squad.

F. If officers are instructed to transport a juvenile with a warrant to school (or leave them at school if they are already there), instead of placing the juvenile into DCYC, officers shall contact DCYC to conduct a paper booking over the phone.

1. The officer will fax a copy of the completed OPD forms to the Douglas County Attorney’s Office – Juvenile Division (see PPM Appendix A for fax number).

VII. No Identification

A. Juveniles who are not positively identified will be subject to an ID check prior to admission into the DCYC facility. DCYC staff may assist arresting officer(s) in performing a two-finger ID search using the Livescan system.

1. If officers simply want to verify a juvenile’s identification, this can be done by utilizing any of the Mobile ID stations located at each OPD precinct assembly or by bringing the juvenile to the OPD Front Desk and utilizing the Livescan system.
2. If the Mobile ID station at the OPD precincts or Front Desk is not an option, the juvenile may be brought to the OPD Forensic Investigations Section for an identification check. The Forensic Investigations Section will then notify the officer of the results upon completion, and the juvenile may be booked by DCYC.

VIII. OPD Courier Responsibilities

A. The OPD Courier will transport all reports from the DCYC to the Douglas County Attorney’s Office – Juvenile Division and the City Prosecutor’s Office each court day.

REFERENCES:

I. Laws

A. NRS §29-1816, 43-245, 43-248, 43-250, 43-252, 71-908, and 83-4,125 are relevant to this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #116-88, #72-90, #90-00, #27-02, #34-05, #9-09, #15-12, #71-14, #40-15, and #86-15.

III. CALEA Accreditation Standards

A. Relevant CALEA Accreditation Standard 44.2.2 is relevant to this policy.

III. Other

A. PPM Update #10-2016.

JUVENILE ARRESTS - ALCOHOL VIOLATIONS

POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce liquor laws relating to minors and the consumption and possession of alcohol.

DEFINITIONS:

Consumption: Knowingly and intentionally drinking or otherwise ingesting alcoholic liquor.

PROCEDURE:

I. Minors Misrepresenting Age

A. According to NRS §53-180.01, no minor shall obtain or attempt to obtain alcoholic liquor by misrepresentation of age or by any other method in any tavern or other place where alcoholic liquor is sold.

B. Any person who uses false or altered identification to purchase liquor is guilty of a Class III Misdemeanor.

C. If officers receive a complaint of a minor attempting to purchase liquor with false or altered identification and the minor is being detained by the liquor store or bar owner or manager, the following procedure shall be followed:
1. Street Release juveniles who are seventeen (17) years of age or younger.

2. Issue a citation to persons aged eighteen (18) years or older, whether they admit to the offense or not.

3. False or altered identifications shall be booked into the OPD Evidence and Property Unit, per OPD policies and procedures.

II. Minor in Possession

A. According to NRS §53-180.02, minors may not sell, dispense, consume, or have in their possession or physical control (except in their permanent place of residence or as a part of a bona fide religious rite, ritual, or ceremony), any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any public place, including but not limited to the public streets, alleys, roads, highways, or upon property owned by the State of Nebraska or any subdivision thereof.

1. The following exceptions are allowed, as provided by NRS §53-168.06:

   a. Persons sixteen (16) years old or older carrying alcoholic liquor from licensed establishments when they are accompanied by a person who is at least twenty-one (21) years old.

   b. Persons sixteen (16) years old or older handling alcoholic liquor containers and alcoholic liquor in the course of their employment.

   c. Persons sixteen (16) years old or older removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment.

   d. Persons who are nineteen (19) years old or older serving or selling alcoholic liquor in the course of their employment.

B. Any person under the age of twenty-one (21) years who violates NRS §53.180.02 shall be guilty of Class III Misdemeanor.

C. When a minor under twenty-one (21) years of age is cited or arrested for being a Minor in Possession of Alcohol and is in control of a vehicle, the vehicle shall not be impounded.

III. Minors Granted Limited Legal Immunity

A. Minors under the age of 21 are granted limited immunity from Minor in Possession (NRS §53-180.02) violations when they seek emergency medical assistance for a possible overdose of themselves (others). See NRS §53-180.05 and 53-181 for details.

REFERENCES:

I. Laws

A. NRS §§ 53-168.06, 53-180, 53-180.05, 53-180.01, and 53-180.02 are referenced in this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #35-01, 68-14, and 36-15.
II. Accreditation Standards

A. CALEA Accreditation standard 44.2.1 is relevant to this policy.

**JUVENILE ARRESTS - MISDEMEANOR OFFENSES (AGE 16 AND 17)**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to Street Release juveniles aged 16 and 17 in lieu of arresting and/or booking when possible.

**PROCEDURES:**

I. General

A. OPD officers will physically arrest and book sixteen (16) and seventeen (17) year old misdemeanor offenders in the following circumstances:

1. All arrests for carrying a concealed weapon (CCW).

2. When they fail to identify themselves satisfactorily, which may apply to those instances in which the accused does not have identification, and/or officers have reasonable suspicion to believe the identification is false.

3. When officers have reasonable grounds to believe the accused will fail to respond to a Super Citation or summons.

4. When they have insufficient ties to the community to guarantee their appearance in court.

5. When they have previously failed to appear in response to citations.

6. When their arrest involves a crime of violence and/or their continued liberty would reasonably pose a risk of immediate harm to other persons or the destruction of property.

7. When officers have reasonable grounds to believe evidence may be recovered by taking the accused juvenile into custody (such as the offense of shoplifting or driving under the influence).

B. In accordance with NRS §43-248, OPD officers may request detention and placement of juveniles, in some circumstances. Supervisory approval is required to request detention and placement of juveniles. See the OPD “Juvenile Arrests – Authorization to Detain” policy for details.

C. Juveniles aged 16 and 17 who have committed misdemeanor traffic offenses may be issued Super Citations.

D. Juvenile non-traffic misdemeanor offenders must be booked/charged as juveniles (i.e., booked to juvenile court).

**REFERENCES:**

I. Laws

A. Nebraska Revised Statute §43-248 is relevant to this policy.
II. Previous OPD Orders

A. Previous OPD General Orders include the following: #72-14.

III. Accreditation Standards

A. CALEA Accreditation Standards 44.2.1 and 61.1.3 are relevant to this policy.

**JUVENILE ARRESTS - FELONY CHARGES / REDUCTION OF CHARGES**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to receive prior approval from the Douglas County Attorney’s Office – Criminal Division to book juveniles as adults for Class IA, IB, IC, ID, II, or IIA Felony crimes.

**PROCEDURE:**

I. Juveniles Fourteen (14) Through Seventeen (17) Years of Age

A. Juveniles fourteen (14) through seventeen (17) years of age may be booked as adults for Class IA, IB, IC, ID, II, or IIA Felonies with prior approval from the Douglas County Attorney’s Office – Criminal Division.

1. The officer(s) directly involved in the investigation must justify to the Douglas County Attorney’s Office – Criminal Division why the juvenile should be booked as an adult.

   a. If OPD Criminal Investigations Bureau (CIB) detectives are directly involved in the investigation, the detectives will be responsible for contacting the County Attorney’s Office.

   b. If OPD CIB detectives are not directly involved in the investigation, the arresting officer will:

      (1) Contact the Douglas County Attorney’s Office – Criminal Division with the necessary information.

      (2) Contact the appropriate CIB unit to inform them of the investigation.

B. Juveniles cannot be booked as adults for non-traffic Misdemeanors or for Class IIIA or IV Felonies.

II. Juveniles Thirteen (13) Years of Age and Under

A. Juveniles aged thirteen (13) and under cannot be booked as adults.

III. Reduction of Charges

A. When a juvenile has been booked as an adult on a Felony offense (criminal or traffic) that is later reduced to a Misdemeanor by the Douglas County Attorney’s Office – Criminal Division, the Criminal Division will refer the matter to the Douglas County Attorney’s Office - Juvenile Division.

IV. Reports
A. All arrest-related reports will be either faxed to CIB or placed in the CIB mail tray at Central Headquarters prior to completion of the officer's duty shift.

**NOTE:** See the OPD “Juvenile Arrests – Authorization to Detain” policy for procedures related to the detention of juveniles, parental/guardian notification, distribution of reports, etc.

**REFERENCES:**

I. **Previous OPD Orders**
   A. Previous OPD General Orders include the following: #72-90, #47-97, and #73-14.

II. **Other**
   A. PPM Update #2-2017.

III. **Accreditation Standards**
   A. CALEA Accreditation standard 61.1.3 is relevant to this policy.

### JUVENILE ARRESTS - PROSTITUTION ARRESTS (UNDER 18 YEARS OLD)

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to comply with Nebraska Revised Statutes (NRS) pertaining to juveniles under the age of eighteen (18) who engage in prostitution. OPD Child Victim/Sexual Assault (CVSA) Squad employees will work with the OPD Special Operations/Vice Squad (SOVS) and the Department of Health and Human Services (DHHS) in the investigation of juvenile prostitution and trafficking offenses.

**PROCEDURE:**

I. **Juvenile Prostitution**
   A. Juveniles under the age of eighteen (18) are immune from prosecution for prostitution offenses and will not be arrested for this offense per Nebraska Revised Statute (NRS) § 28-801.
   
   B. The DHHS is responsible for the placement, treatment, and care of juveniles suspected of prostitution.
   
   C. Officers will take immediate steps to protect the juvenile and investigate any prostitution or sexual assault offenses that occurred as the result of trafficking.
   
   D. Any person who knowingly, intentionally, or negligently causes or permits a juvenile to be placed in a situation to be a sex or labor trafficking victim will be arrested for Trafficking (NRS §28-831).

II. **Immediate Notification of the CVSA Squad and Follow-Up Required**
   A. OPD officers will immediately notify the CVSA Squad when:
      1. An officer determines a person suspected of prostitution is a juvenile under the age of eighteen (18).
a. The SOVS is responsible for the investigation of prostitution, trafficking, pandering and other vice crimes. The CVSA Squad will notify the SOVS Sergeant, or designee, as soon as possible for assistance with the investigation of complaints of juvenile prostitution, trafficking and/or follow-up investigation of juveniles suspected of prostitution.

b. The SOVS will immediately notify the DHHS of OPD’s custody of the juvenile (per NRS §43-250).

c. The juvenile shall be subject to temporary custody (per NRS §43-248) and further disposition as determined by the DHHS.

2. An officer suspects sex or labor trafficking of a juvenile under eighteen (18) years of age.

a. SOVS will then notify the DHHS, who is required to commence an investigation within 24 hours, under the Child Protection Act (NRS §28-801).

b. OPD officers will work with the DHHS to conduct the investigation, as needed.

B. 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 who will then notify the SOVS as appropriate.

III. Required Reports

A. Officers will complete the following reports/documentation:

1. An Incident Report (OPD Form 189) for the offense of “Prostitution.”

   a. SOVS will forward the Incident Report and supporting reports to the Juvenile County Attorney who will apply appropriate confidentiality measures.

   b. Complete an Affidavit for Removal of Juvenile(s) from Parental or Custodial Home (OPD Form 96).

REFERENCES:

I. Nebraska Revised Statutes (NRS)

   A. Nebraska Revised Statutes §28-801, §28-801, §28-831, §43-248, and §43-250 are referenced in this policy.

II. Previous OPD Orders

   A. The previous OPD General Orders include #72-90, #37-13, and #68-16.

III. Accreditation Standards

   A. CALEA Accreditation standard 44.2.1 is relevant to this policy.
It is the policy of the Omaha Police Department (OPD) that a Street Release Report (OPD Form 70) or its electronic equivalent will be used by officers for the purpose of Street Releasing juvenile arrestees.

PROCEDURE:

I. General

A. When juveniles under the age of eighteen (18) are taken into custody for a non-traffic misdemeanor:

1. An electronic Street Release will automatically be generated based upon the subject’s age when the e-citation is completed.

   - OR -

2. A paper Street Release Report (OPD Form 70) will be completed as necessary.

B. Juveniles fifteen (15) through seventeen (17) years of age will be turned over to their parent/guardian whenever possible. If parents/guardians cannot take responsibility for juveniles (i.e., at work) juveniles can be Street Released to themselves if authorized by the parents/guardians.

   1. OPD officers are required by NRS §43-250 to “immediately take reasonable measures to notify the juvenile’s parent, guardian, custodian, or relative.”

C. Juveniles fourteen (14) years of age and younger will be turned over to their parent/guardian.

D. When juveniles are turned over to their parents, guardians, custodians, or relatives, officers will verify the identity of the adult who takes custody of them.

   1. Verification of the parent, guardian, custodian, or relative should be accomplished by requesting a valid, government-issued identification.

      a. If the adult does not have a valid, government-issued identification, officers may use other methods (such as family photographs, school documents, birth certificates, etc.) to verify the identity of adults who take custody of juveniles.

      b. If an alternative method of identification is used, officers will document the method of identification in the “Narrative” portion of the Incident Report and/or the Juvenile Street Release Report (OPD Form 70).

   2. If a paper Street Release Report (OPD Form 70) is completed, the adult will be asked to sign the Street Release Report, for documentation purposes.

   3. If an electronic Street Release is completed, a signature is not required. However, officers are required to verify the parent or guardian’s identification and check the “Identification Verification” box.

E. When officers are unable to locate a juvenile’s parent, guardian, or custodian they will attempt to contact an immediate adult relative, i.e., grandparent, uncle, aunt, to take custody of the juvenile.

F. When a parent, guardian, custodian, or adult relative cannot be located:
1. Officers will notify their supervisor that they are unable to locate anyone to take custody of the juvenile.

2. If the supervisor determines no alternatives are available, the supervisor will make certain the investigating officer contacts the State Probation Juvenile (Intake) Officer for assistance with placement of the juvenile.

3. The supervisor will document this information in an Overnight Report to the Child Victim/Sexual Assault Unit.

4. Officers will document what notification attempts were made (note at the residence, voice or text message, etc.).

G. Juveniles aged sixteen (16) and seventeen (17) who commit traffic offenses will be issued Super Citations.

II. Transportation

A. If the parent, guardian, custodian, or adult relative is unable to arrange transportation, the investigating officer will transport the juvenile.

III. Information that Must be Provided to the Parent/Guardian Upon Street Release, Citation or Detention of a Juvenile

A. When officers Street Release juveniles to parents, guardians, custodians, or adult relatives information regarding the juvenile’s arrest must be provided to the adult, including, but not limited to, the following:

1. The name of the arresting person if the arrest was made by a private citizen, or the name of the officer if the juvenile was arrested by an officer.

2. The place/location of arrest.

3. The charge(s) for which the juvenile was arrested.

4. In the event of theft, what property was stolen.

5. The name of the person who filed the charge, or the complainant.

B. Officers will advise the parent, guardian, custodian or adult relative they may contact the Douglas County Attorney’s Office – Juvenile Division for more information regarding the case (402-444-7051).

C. When a juvenile is arrested and detained/placed (for example, at the Douglas County Youth Center) the juvenile’s parent/guardian SHALL be notified.

1. A Parent, Guardian or Custodian Notification Report (OPD Form 37) shall be completed to document the notification.

IV. Juveniles Ineligible for Street Release

A. Juveniles arrested on Felony charges.

B. Suspected Runaways.
1. If officers have reasonable grounds to believe that a juvenile has run away from their parent, guardian, or custodian and will run away again, officers will contact the State Probation Juvenile (Intake) Officer who will determine proper placement.

2. Officers will articulate the facts provided to the State Probation Juvenile (Intake) Officer in an OPD Continuation/Supplemental Report (OPD Form 200A) (NRS §43-248 through §43-250). See the OPD “Juvenile Arrests – Authorization to Detain” and “Juveniles – Missing Persons” policies for additional details.

3. OPD officers are required by NRS §43-250 to “immediately take reasonable measures to notify the juvenile’s parent, guardian, custodian, or relative.”

C. Juveniles six (6) years old and younger will not be processed.

1. Investigating officers will document the criminal incident on an Incident Report (OPD Form 189) without mention of the suspect/child. The release of the juvenile suspect to a parent/guardian will be documented on an OPD Continuation/Supplementary Report (OPD Form 200A).

D. Juveniles aged sixteen years and older who commit traffic offenses.

1. Sixteen (16) and seventeen (17) year old juveniles who commit traffic offenses will be issued Super Citations (for example, suspended drivers, etc.).

2. OPD officers are required by NRS §43-250 to “immediately take reasonable measures to notify the juvenile’s parent, guardian, custodian, or relative.”

E. Juveniles sixteen (16) years and older arrested for certain misdemeanor offenses.

1. See the OPD “Juvenile Arrests – Misdemeanor Offenses (Age 16 and 17)” policy for details.

V. Handling of Property Shoplifted or Stolen by Juveniles

A. Recovered property that is alleged to have been shoplifted by a juvenile who is to be Street Released will be maintained by the victim business. The victim business is responsible for maintaining the proper chain of custody and the proper presentation at Court at the time of trial.

B. When an officer has recovered property that is alleged to have been stolen by a juvenile who is to be Street Released, and the property has no evidentiary value, the property can be returned to the citizen at the scene.

1. Officers will verify the identification of the citizen they release the property to and will document the citizen’s information, to include the contact information, in an OPD Continuation/Supplementary Report (OPD Form 200A).

C. In all cases, the officer should document as much identifying information about the property as possible. This includes the make, model, serial number, identifying marks and the approximate value of the property at the time it was stolen.

D. The person who maintains custody of the property, whether it is the victim or a person maintaining custody of the property on behalf of the victim, will be documented in the report in detail to include their name, address, telephone number where they can be reached, and employment position if employed by the victim.
E. If recovered items taken in a theft cannot be released to the owner at the scene, the property will be entered in Tracker and booked into the OPD Evidence and Property Unit as appropriate.

VI. Reports

A. The Street Release Report will be forwarded to the Records Unit for processing, along with all original reports relating to the incident.

B. If the officer completes an electronic or paper Juvenile Street Release Report and the victim is “Society,” a corresponding Incident Report is NOT REQUIRED. The Juvenile Street Release Report acts as the original report.
   1. The officer will complete the narrative section of the electronic or paper Juvenile Street Release Report.
   2. A Continuation/Supplemental Report (OPD Form 200A) will be completed when needed.

C. When a juvenile is arrested for a crime against a “person” or other entity, such as a business, an OPD Incident Report IS REQUIRED in addition to the Street Release Report.

VII. Criteria for the Detention or Out of Home Placement of Juveniles

A. The OPD “Juvenile Arrests – Authorization to Detain” policy details procedures for OPD officers to contact the State Probation Juvenile (Intake) Officer for a detention/placement decision.

B. Detention or out of home placement is generally only considered for:
   1. Outstanding warrants (criminal, juvenile, or traffic).
   2. Violent incidents and/or threats of violence.
      - OR -
   3. Runaways who are a danger to themselves and/or others or who pose an immediate flight risk.

REFERENCES:

I. Laws

A. Relevant NRS include NRS §43-248 and 43-250.

II. Previous OPD Orders

A. Previous OPD General Orders include #72-90, #18-07, #18-07 Supplement #1, #5-14, #5-14 Supplement #1, and #5-14 Supplement #2.

III. Accreditation Standards

A. CALEA Accreditation Standards 44.2.1, 44.2.2, and 61.1.3 are relevant to this policy.
PREAMBLE:

The Omaha Police Department (OPD) recognizes the importance of effective and accurate communication between OPD employees and the community we serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with Limited English Proficiency (LEP) from accessing and/or understanding important rights, obligations, and services or from communicating accurately and effectively in difficult situations. Hampered communications with LEP victims, witnesses, alleged perpetrators, and community members can present the OPD with safety, evidentiary, and ethical challenges. Making certain of maximum communication ability between law enforcement and all segments of the community serves the interests of both. The purpose of this policy is to establish guidelines for OPD employees to follow when they provide services to or interact with individuals who are LEP.

POLICY:

It is the policy of the Omaha Police Department (OPD) to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the OPD provides in all OPD conducted programs and activities. All OPD employees shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. OPD employees will inform members of the public that language assistance services are available free of charge to LEP persons and that OPD employees will provide these services to them.

Under NO CIRCUMSTANCES will an LEP individual be denied access to OPD services based on their inability to speak English.

DEFINITIONS:

Primary Language: The language in which an individual is most effectively able to communicate.

Interpretation: The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpretation requires special knowledge and skills beyond simply being able to speak both languages.

Translation: The replacement of written text from one language into an equivalent written text in another language. Translation requires special knowledge and skills.

Limited English Proficiency (LEP): Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (for example, speaking or understanding), but still be LEP for other purposes (for example, reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting, but may find these skills are insufficient in other situations.

Language Proficiency List (LPL): List of OPD personnel and language volunteers certified proficient by the City of Omaha Human Resources Department to interpret for LEP persons. The LPL is maintained by the Front Desk Squad.

Qualified Interpreter: Police personnel certified proficient to interpret for others in certain situations, language volunteers who are certified proficient to interpret for the OPD in certain situations, and all contracted interpreters, including the AT&T Language Line.

Police Language Volunteer (PLV): Bilingual OPD volunteer certified proficient by the City of Omaha Human Resources Department to interpret for others in certain situations. PLV's must meet all OPD volunteer requirements, including background checks.

PROCEDURE:

I. In-Person or Telephonic Communication with LEP Individuals
A. Calls to Douglas County Communications Department (DCCD) / Emergency and Non-Emergency Calls to 911.

1. DCCD has procedures to identify and assist LEP callers to 911 and non-emergency numbers. All other non-LEP DCCD procedures for 911 calls will be followed.

2. 911 dispatchers will indicate when the caller is an LEP individual, and will note the language involved either in the CAD text field or in the CAD disposition comments field, if recognized.

   NOTE: If the responding officer(s) do not have CAD capability, the 911 dispatcher will notify the responding officer of LEP information via radio.

3. Upon completion of any call for service or officer initiated activity involving an LEP individual, officers will record the LEP information in the CAD.
   a. Officers will notify dispatch of the call with the appropriate disposition code followed by the letter “L” and the language involved.
   b. If the 911 Dispatcher has not already noted the language in the CAD text field, officers will note “LEP – (language involved)” in the CAD call comments. If the language is unknown officers shall write “LEP – Other/Unknown.”

B. Interpreters are required in all of the following situations:

1. When an officer is unable to communicate with an individual attempting to access or in need of police services.

2. When requested by an LEP individual.

3. When an officer is unable to communicate the Miranda Warning and the nature of the criminal charges to a suspect.

C. LEP Suspects.

1. If probable cause exists for an arrest, officers may transport LEP suspects to Central Police Headquarters (CPHQ) or another police facility where they may convey the information through the use of a qualified interpreter. Upon completion, the officer will cite or arrest the subject as necessary.
   a. LEP individuals suspected of non-criminal violations (such as non-criminal traffic infractions) may be issued a citation without the use of an interpreter if the LEP individual indicates they speak a language for which a Citizen Contact Brochure (OPD Form 211) and Translation Card (OPD Form 211A) are available.
      (1) In this situation, officers will follow the procedures described in this policy.
      (2) Officers must provide an interpreter upon request by the LEP individual.
      (3) If the primary language of the LEP individual has not been translated into a Form 211 or 211A, an interpreter must be used to explain the nature of the citation. The procedures described in Section I, L below should be followed when possible.

D. Other LEP Individuals (Victims, Witnesses, Etc.).
1. In no case will an LEP individual who is not under arrest be transported without their consent.

2. If an LEP individual consents and the situation permits transportation, officers may transport the LEP individual to a different location to access an interpreter or the AT&T Language Line in accordance with procedures described in section I, K of this policy.

3. If the LEP individual does not wish to be transported, officers may exercise any of the following options:

   a. Notify 911 dispatch and request an interpreter from the LPL, if available, be dispatched to the location.

   b. Request a command officer respond to the location with an OPD issued cellular telephone. The command officer will then decide whether or not to utilize the AT&T Language Line in accordance with procedures described in section I, K of this policy.

   c. Contact the Front Desk Squad and request the services of an interpreter from the Language Proficiency List.

E. Exigent Circumstances.

   1. OPD employees are expected to follow the general procedures outlined in this policy. However, exigent circumstances may require some deviations. In exigent circumstances, OPD employees will use the most reliable, temporary interpreter assistance available. Once an exigency has passed, all employees are expected to adhere to the general procedures in this policy.

F. Use of Non-Police Interpreters.

   1. In non-exigent circumstances, officers should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, police personnel should not use minor children to provide interpreter services.

G. Conflict of Interest/Bias of Interpreter.

   1. If the OPD employee believes the interpreter has any conflict of interest, the employee will consult with their immediate supervisor. The supervisor will decide if another interpreter is warranted.

      a. If a conflict of interest occurs, the supervisor will advise the Front Desk Squad Supervisor to have another interpreter, if available, respond.

      b. The employee’s supervisor will submit an Inter-Office Communication to their Bureau Deputy Chief and will make certain the conflict of interest is noted on the interpreter’s (LEP) Limited English Proficiency Request for Service Log (OPD Form 183), on their unit’s (LEP) Limited English Proficiency Request for Service Log (OPD Form 183), if used, and in any reports completed.

H. Language Identification Tools.

   1. Each OPD building with public access will clearly post language identification signs to assist LEP individuals identify their primary language. All sworn and non-sworn police employees working in public access areas will be familiar with the LEP folder contained in the OPD Public Folders on Google Sites. The LEP folder contains tools
to assist in the immediate communication with any LEP individuals, including the following:

a. This policy.

b. The OPD “I Speak” card (OPD Form 183A).

c. A link to the free Google translation tool (https://translate.google.com/) which allows full translation in most languages.

**NOTE:** The Google translation link is especially helpful in non-emergency situations where the individual can access an OPD computer and type out their request in their own language.

d. Under NO CIRCUMSTANCES will an LEP individual be denied services based on their inability to speak English.

I. Language Proficiency List (LPL).

1. The Front Desk Squad will maintain the Language Proficiency List (LPL).

   a. The Front Desk Squad supervisor will determine what category of interpreter is needed for a situation based on the information provided by the OPD employee who requests the interpreter.

   b. The LPL will include schedules and availability of PLV’s and OPD employees who are certified as language proficient, as well as their Category designation.

   c. The Training Unit will provide the Front Desk Squad with the names of all OPD employees receiving Specialty Pay for Foreign Language Proficiency. The Front Desk Squad will note the employee’s current assignment and hours on the LPL.

   d. The Coordinator of Volunteers will provide the Front Desk Squad with the names and availability of all PLVs.

   e. The Front Desk Squad will forward the names and assignments of all UPB personnel, as well as PLV’s available for call-out, on the LPL to dispatch at each semi-annual shift change.

   f. When the Front Desk Squad receives a request for interpreter services, Front Desk Squad personnel will consult the LPL for an interpreter who is on-duty or a PLV who has agreed to respond during the requested time period. If an interpreter on the LPL is available, Front Desk Squad personnel will, after consulting with the requesting individual, determine what location the LPL interpreter should respond to and contact the LPL interpreter with this location and the nature of the request and obtain an estimated time of arrival (ETA) from the LPL interpreter. Front Desk Squad personnel should then relay the ETA to the requesting individual.

J. If an Interpreter is Used.

1. UPB employees will document the use of an interpreter in their PortalONE Daily Log and will include the “LEP” disposition code and the language involved. The use of the interpreter shall be documented in the comments section of the Log entry.

2. Other OPD employees will document the use of an interpreter on their unit’s (LEP) Limited English Proficiency Request for Service Log (OPD Form 183). The
interpreter’s name, amount of time spent on the call, and the RB number (if applicable) will be documented on the log.

3. If an Incident Report, or any other report, is made, all identifying information regarding the interpreter will be documented in the report.

K. AT&T Language Line.

1. The OPD, the State of Nebraska, and AT&T have entered into an agreement by which police employees, in those situations for which it is physically impossible for an interpreter to come to the scene of an incident, or when the language is such that an interpreter is not available, are authorized to use the AT&T Language Line.

**NOTE:** The AT&T Language Line is a *fee paid* interpretation service operated by AT&T and will only be used with an OPD supervisor’s approval.

a. Employees will request authorization from their immediate supervisor to use the AT&T Language Line.

b. The supervisor will contact the Front Desk Squad to determine if an interpreter is available locally. If an interpreter is not available, the supervisor will authorize the use of the AT&T Language Line.

c. Upon authorization, the OPD employee will contact the AT&T Language Line for assistance at 1-800-523-1786. This number will be included in the contact list of OPD issued cellular telephones. If necessary, the Front Desk Squad will relay the instructions to access the AT&T Language Line to the supervisor, who will assist the employee who requested the interpreter service.

d. Upon making contact, the OPD employee will provide the following details:

   (1) The OPD six (6) digit Access Code:

   (2) The OPD Organizational Name:

   (3) The OPD Personal Code:

L. Citizen Contact Brochure, Requesting Cooperation Card, and Language Identification Flashcard.

1. OPD officers will carry the Citizen Contact Brochure (OPD Form 211) and the Translation Cards (OPD Form 211A) for use during traffic stops or arrest situations involving LEP individuals.

a. Upon encountering an LEP individual, the OPD employee will present the Translation Card (OPD Form 211A), if it is available in the LEP individual’s primary language.

b. The officer should present the appropriate language Citizen Contact Brochure (OPD Form 211) to the LEP individual. The OPD form 211 will assist the officer in advising the LEP individual of the action being taken (issuance of a citation, physical arrest, towing of a vehicle, or their release).

c. To communicate with foreign speakers in languages not currently translated, the officer will identify the individual’s language utilizing the “I Speak” card (OPD Form 183A) and then request the use of an interpreter through their supervisor.
NOTE: All OPD vehicles will have a laminated “I Speak” card (OPD Form 183A) readily available.

d. In the event the LEP individual’s language is not on the “I Speak” card, OPD employees should attempt to ascertain the LEP individual’s language through any means available.

(1) OPD employees should attempt to obtain as much information about the language and the LEP individual’s presence in Omaha. As a minimum, the following questions should be asked:

(a) Are they a visitor or do they live in Omaha?

(b) If they live in Omaha, what is the approximate size of their language group?

(c) Is there a community organization or church that caters to their language group?

NOTE: This list is not comprehensive and any other information deemed relevant should be obtained.

(2) The information obtained from the LEP individual will be recorded in an Information Report and forwarded to the Neighborhood Services Unit.

(a) The Neighborhood Services Unit will assess the information and determine if the language group should be included in the LEP community meetings.

(b) The Neighborhood Services Unit will forward the names of the languages encountered that are not on the current “I Speak” card to the Research and Planning Unit for possible inclusion on future “I Speak” cards.

II. Interrogation, Interviews, and Complaints

A. Criminal Interrogations and Crime Witness Interviews.

1. Criminal interrogations and crime witness interviews potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Failure to protect the rights of LEP individuals during arrests and interrogations can damage the integrity of an investigation. Miscommunication during interrogations or witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution.

a. A qualified interpreter will be used for any interrogation or taking of a formal statement where the suspect or witness’ legal rights could be adversely impacted.

b. Every effort should be made to document the entire interview and/or interrogation using video and/or audio recordings.

c. If an electronic translation method is used (such as the Google translation tool), written questions and responses relating to the interrogation or interview deemed as evidence will be booked into the OPD Evidence/Property Unit as evidence.

B. Miranda Warnings and Other Vital Documents.
1. Miranda warnings and all other vital written materials will be made available to the LEP suspects or witnesses in their primary language.

2. If the primary language of the LEP individual has not been translated into OPD forms or in the case of illiteracy, forms will be read to the LEP individual in their primary language by a qualified interpreter.

C. Complaint Procedures for LEP Individuals.

1. Any individual who wishes to file a complaint with the OPD regarding language access or the discharge of law enforcement duties will be provided with a translated Citizen’s Commendation/Inquiry/Complaint (OPD Form 80). The Internal Affairs Unit will provide written notice of the disposition of any LEP complaint in the complainant’s primary language.

NOTE: The term “citizen” as used in this context refers only to an individual who is NOT an OPD employee (i.e. a civilian), and is not meant to refer to individuals’ citizenship status.

III. Public Notification of OPD Language Services

A. Signage.

1. At the entry point or lobby of each OPD building with public access, signage will be posted in the most commonly spoken foreign language in Omaha. The signage will state that interpreters are available free of charge to LEP individuals.

2. Precinct/Section command officers in command of OPD buildings with public access will make certain the LEP signage is posted and is visible to the general public.

B. Documents.

1. The OPD will provide certain translated OPD Forms and other documents for LEP individuals who speak the most commonly spoken foreign languages in Omaha.

2. A listing of the translated documents will be available in the LEP folder in the OPD Public Folders on Google Sites.

3. In the case of illiteracy or languages into which written materials have not been translated, necessary forms and documents will be translated for the LEP individuals in their primary languages via the use of a qualified interpreter or translator.

IV. Tracking Contact with LEP Individuals

A. An (LEP) Limited English Proficiency Request for Service Log (OPD Form 183) will be available at all OPD buildings with public access and will be used to track/document contact with LEP individuals that walk-in for service and require interpretation or translation assistance.

B. The (LEP) Limited English Proficiency Request for Service Log (OPD Form 183) will be used by Criminal Investigation Bureau (CIB) and other OPD Units/Sections who do not have access to the CAD system to note the date, language, event or case number (if applicable), the person assisting in the interpretation or translation, and the type of service requested by the LEP individual.

C. All interpreters on the Language Proficiency List (LPL) will document their interpretation activities on the OPD Form 183.

D. UPB officers shall document LEP interactions/calls as follows:
1. UPB officers will notify 911 dispatch of what language was used by the LEP person utilizing the “L” disposition code.

2. If the 911 Dispatcher has not already noted the language in the CAD text field, officers will note “LEP – (language involved)” in the CAD call comments. If the language is unknown officers shall write “LEP – Other/Unknown.”

   a. Employees who do not have access to the CAD system shall complete OPD Form 183.

E. DCCD will forward CAD information pertaining to LEP involved dispatches to the Research and Planning Unit on an annual basis. As a minimum, the report will contain the number of calls and the LEP language encountered.

F. The (LEP) Limited English Proficiency Request for Service Logs (OPD Form 183) will be forwarded to the Research and Planning Unit monthly for tracking and fiscal purposes.

V. Training – Language Assistance Policy and Interpreter Skills

A. OPD employees will be trained as follows regarding LEP policies:

1. The OPD will provide biennial training to employees regarding OPD’s LEP policies, including how to access Departmental-authorized telephonic and in-person interpreters. This training will be conducted via in-service training and/or roll-call bulletins.

2. OPD recruits will receive training regarding OPD’s LEP policies and procedures during the academy phase of their training.

3. LEP Refresher Training.

   a. Precinct commanders are encouraged to provide refresher training on interaction with LEP individuals at the beginning of each semi-annual shift change.

   b. Refresher training may be conducted at roll-calls during the initial weeks of each shift change.

   c. Precinct commanders should focus on the following issues while assessing the need for LEP refresher training:

      (1) What officers are most in need of LEP training? For example, whether or not there are officers that are recently assigned or who have not previously been assigned to areas with a large concentration of LEP individuals.

      (2) Officer familiarity with OPD forms that have been translated into foreign languages and OPD requirements to carry the Translation Card (OPD Form 211A).

      (3) The need for staff adjustments to make certain of adequate patrol coverage during refresher training.

   d. Precinct commanders may coordinate with the Training Unit to determine the scope and development of LEP refresher training.
e. The Training Unit commander will assist in the development of an LEP refresher training course that can be tailored to meet precinct commanders’ needs.

B. Because Spanish is the most common foreign language utilized in Omaha, the Training Unit will provide additional oral language skills training and written Spanish translations of basic law enforcement words and phrases to all interested officers.

1. The Training Unit will coordinate and provide a basic Spanish language skills training elective in-service annually.

2. Other languages may be addressed as needed. The Chief of Police, or their designee, in coordination with the Training Unit Commander will determine the need for additional language skills training.

3. The Training Unit will develop and maintain a curriculum for non-sworn employees and PLV’s regarding conflict of interest and confidentiality for interpreters.

C. The OPD will provide specialty pay to sworn and non-sworn employees who demonstrate proficiency in a language other than English.

1. Omaha Municipal Code Section 23-185 mandates that qualified employees must be specifically assigned and required to use the language other than English in the performance of their duties in order to receive specialty pay.

   NOTE: Sign Language is considered a foreign language for purposes of specialty pay.

2. Language proficiency testing is available to both sworn and non-sworn employees and will be administered on an as-needed basis only.

   a. To request language proficiency testing, the employee must submit an Inter-Office Communication to the Training Unit via the chain of command.

   b. The Training Unit will coordinate with the City of Omaha Human Resources Department to schedule the language proficiency test.

      (1) Supervisors and managers will be responsible for any staff adjustments due to language proficiency testing and will coordinate with the Training Unit regarding the testing schedule.

      (2) Employees who test on-duty will not deduct leave time for the testing.

      (3) Employees who test off-duty will not be paid for the time spent testing.

   c. The City of Omaha Human Resources Department contracts with a private agency to administer the examination(s) for language proficiency.

   d. The Training Unit commander will make certain language proficiency certifications are maintained on a triennial basis.

3. To qualify for specialty pay, an employee must demonstrate proficiency by an oral test only.

4. Two levels of language proficiency will be considered for specialty pay. The level of language proficiency is determined by the agency that administers the examinations.

   a. Minimal proficiency at the intermediate mid-level.
b. Interpreter proficiency at the advanced-low proficiency level.

5. To maintain specialty pay status, employees must demonstrate their proficiency every three years.

6. The City Human Resources Department will provide the Chief of Police, or designee, with a list of employees who are eligible for language proficiency specialty pay.
   a. The Chief of Police, or designee, will authorize employees to receive specialty pay.
   b. The Chief of Police, or designee, will notify City Human Resources which employees were selected and are authorized for specialty pay.
   c. The selection process will not consider the employee’s current assignment, and the employee’s assignment will not change as a result of being authorized.
   d. The Language Proficiency List (LPL) will be maintained at the Front Desk Squad and will be available as needed to OPD personnel.
      (1) The LPL will show the employees’ schedules and will be updated at each semi-annual shift change.
      (2) The Front Desk Squad will forward the names and assignments of all UPB personnel on the LPL to 911 dispatch at each semi-annual shift change.

7. Employees who receive specialty pay for language proficiency must submit the (LEP) Limited English Proficiency Request for Service Log (OPD Form 183) to the Research and Planning Unit on a monthly basis, in order to track the number of LEP contacts and the amount of time spent interpreting for LEP individuals.

VI. Additional Requirements – UPB Employees Receiving Language Proficiency Pay

A. UPB employees who receive specialty pay for language proficiency will notify their Sergeant of their language proficiency status. Sergeants will make certain this status is reflected on the UPB Shift Detail (UPB Form 17).

B. If in-service, these employees will respond to requests for interpreter from 911 dispatch. 911 dispatch may directly assign LEP calls to these employees while in-service.

C. If not in-service but on-duty, 911 dispatch will contact the language proficient employee’s supervisor who will determine the availability of the employee to respond to requests from 911 dispatch.

VII. Police Language Volunteers (PLV’s)

A. The OPD utilizes civilian volunteers in various assignments throughout the Department. All volunteers must pass background checks and meet other qualifications.

B. The Coordinator of Volunteers is responsible for recruiting language proficient volunteers and coordinating their training and certification.
   1. Volunteers who wish to serve as interpreters must complete the language proficiency certification process as described in section V, C of this policy.
   2. The OPD Coordinator of Volunteers will schedule certification sessions for PLV’s with the City of Omaha Human Resources Department.
3. Upon language proficiency certification, PLV’s will be assigned to an Interpreter Category by the Chief of Police, or designee, and placed on the LPL.
   a. Category 1 PLV’s are qualified interpreters who are fully certified in confidentiality requirements and conflict of interest situations and may be used in all police interpretation situations, including criminal investigations.
   b. Category 2 PLV’s are qualified interpreters who are familiar with confidentiality requirements and conflict of interest situations and may be used for witness and victim interpretations.
   c. Category 3 PLV’s are qualified interpreters who have not been trained in confidentiality requirements or conflict of interest situations and should only be utilized for community relations-type events.

4. The LPL will show the PLV’s schedules and times of availability and will be maintained at the Front Desk on the LPL. The PLV information will be updated by the Coordinator of Volunteers as needed.

C. PLV’s must submit the (LEP) Limited English Proficiency Request for Service Log (OPD Form 183) to the Coordinator of Volunteers on a monthly basis. The Coordinator of Volunteers will forward these to the Research and Planning Unit monthly in order to track the time the PLV’s spent interpreting.

VIII. Monitoring and Updating Language Assistance Efforts

A. Recruitment Efforts.
   1. The OPD will take reasonable steps to develop Department-wide language capacity. Using the various assessment processes described in this policy, the OPD will work with Department recruiters and the City of Omaha Human Resources Department to recruit and hire qualified bilingual employees.

B. Community Review.
   1. The Research and Planning Unit will be responsible for the collection of LEP contact information.
      a. The data may be collected through the review of Omaha’s demographic data, dispatch logs, to include Computer Aided Dispatch (CAD) reports, the (LEP) Limited English Proficiency Request for Service Logs (OPD Form 183), billing statements submitted by the telephonic and/or in-person interpreter or translation service providers.
      b. Community data may also be obtained from the Nebraska State Data Center via the Center for Public Affairs Research at the University of Nebraska at Omaha.
   2. The Research and Planning Unit will prepare an annual report for the Chief of Police, or designee.
      a. The annual report will be completed during the 1st quarter of each year to allow for the analysis of new US Census and American Community Survey data that is generally released in September of each year and the annual LEP reporting from DCCD.
      b. The annual report will be used by the Chief of Police, or designee, to determine if vital documents should be translated into additional languages.
3. The Neighborhood Services Unit will make certain meetings for the LEP community are hosted at least semi-annually.
   a. At the semi-annual meetings with LEP community members, OPD employees will distribute surveys. The surveys are intended to ascertain the effectiveness of the Department in meeting the needs of the LEP community.
   b. Department employees hosting LEP community meetings will obtain the surveys from the Neighborhood Services Unit.
   c. The completed surveys, along with documentation of the meeting to include the purpose of the meeting, the location, and the number of people in attendance, will be submitted to the Research and Planning Unit.

C. Complaint and/or Incident Reporting.

1. During the course of responding to a call for service involving an LEP individual or during an investigation involving an LEP individual, OPD employees may utilize their own language proficiency skills, the Google translation site, an interpreter from the LPL, or the AT&T Language Line.

2. UPB officers will notify dispatch of LEP information as described in section I, A, 3 of this policy.

3. Douglas County Communications Department will forward LEP call log information to the Research and Planning Unit on an annual basis, as described in Section IV, E of this policy.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #32-11, #85-15, and #81-16.

LIQUOR ESTABLISHMENTS - INSPECTIONS

POLICY:

The Omaha Police Department (OPD) shall enforce all liquor laws of the Omaha Municipal Code, Nebraska Revised Statutes (NRS), and the Rules and Regulations of the Nebraska Liquor Control Act.

DEFINITIONS:

Tavern Check: An officer-initiated spot check, announced or unannounced, of a liquor establishment conducted by OPD officers that may or may not include the participation of the Special Operations/Vice Squad (SOVS). A tavern check would likely be used for taverns or bars that cause ongoing problems for the Uniform Patrol Bureau (UPB) that are not specifically enumerated in the above-listed statutory bodies.

Tavern Inspection: A full administrative inspection of a liquor establishment, conducted by the Nebraska State Patrol and/or the OPD Special Operations/Vice Squad, to determine compliance by the establishment of specific Omaha Municipal Code, NRS, and the Nebraska Liquor Control Act. These inspections can be announced or unannounced, and are documented by the Nebraska State Patrol and/or the OPD Special Operations/Vice Squad (SOVS).

PROCEDURE:

I. Tavern Checks
A. Taverns constitute a potentially violent and unpredictable environment due to the consumption of alcohol, loud music, bright erratic lights, and possible large crowds. Caution should be exercised when making the decision to conduct a tavern check based on officer safety considerations due to these factors.

B. When Uniform Patrol Bureau (UPB) officers initiate a tavern check, they must first contact their Area Sergeant or Precinct Lieutenant to advise the name and address of the establishment being checked and the reason for the check.

1. A minimum of two (2) uniform officers and a uniform sergeant shall be present during a tavern check.

C. When uniformed officers enter a liquor establishment for the purpose of a tavern check, the officers will contact the owner or manager of the establishment as soon as possible, and inform the owner or manager of the reason for the tavern check. If the owner or manager is not present, the officers shall notify the employee in charge.

1. If the liquor establishment has an open-air beer garden, officers will instruct the bar owner to keep outside gates unlocked.
   a. City Fire Ordinance §46-144 requires that outside gates surrounding open-air beer gardens be left unlocked in order that exit can be made through them in case of a fire or other emergencies.
   b. It is the responsibility of the bar owner to be sure that juveniles do not enter through these areas and consume alcoholic beverages on the premises.

D. Officers who conduct a tavern check of a liquor establishment shall check the liquor license, occupancy permit and other applicable permits for compliance. The inspecting officers shall also check for minors and/or intoxicated persons being served liquor and any other applicable violations.

E. Plain clothes officers not assigned to the OPD Special Operations/Vice Squad (SOVS) who are not performing an undercover investigation will follow the same procedure as uniform officers. The plain clothes officers will contact the Area Sergeant as well as their own supervisor before initiating a tavern check, informing them of the name and address of the establishment being checked and the reason for the tavern check.

II. Reporting Standards

A. The CAD dispatch information will reflect the following when an inspection of a liquor distributing establishment is conducted:

1. The 10-7 and 10-8 time.

2. Name and address of the establishment.

B. Officers will document the following information in an Information Report:

1. Owner, manager, or employee on duty at the time of the inspection.

2. Any arrests or reports made as a result of the inspection, to include the OPD Liquor Establishment/Tavern Incident Report (OPD Form 2).

C. A copy of all reports completed during the tavern check, including the OPD Liquor Establishment/Tavern Incident Report (OPD Form 2) will be forwarded to the SOVS for review and possible further action.
III. Tavern Inspections

A. Due to the complexity of Tavern Inspections, and the detailed inspection of records involved therein, Tavern Inspections will be conducted by the OPD SOVS in accordance with the OPD SOVS Unit Manual.

REFERENCES:

I. Laws

A. City of Omaha Fire Ordinance 46-144 is referenced in this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include: #40-90, 217-90, 27-13, 3-14, and 81-16.

LIQUOR ESTABLISHMENTS - VIOLATIONS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers will prepare a Liquor Establishment/Tavern Incident Report whenever an incident occurs on or outside the premises of a liquor establishment or tavern along with all required departmental reports as appropriate.

PROCEDURE:

I. Reporting

A. Officers shall complete an OPD Liquor Establishment/Tavern Incident Report, (OPD Form 2) to document the following:

1. Any arrest on or outside the premises of a liquor establishment or tavern in connection with an assault or fight disturbance.

2. Any arrest on or outside the premises of a liquor establishment tavern in connection with a vice or narcotics violation.

3. Any arrest involving underage drinking in the parking lot or public right-of-way outside the premises of a liquor establishment or tavern.

4. Any incident involving the management of the liquor establishment or tavern.

   EXCEPTION: When police presence is requested by the liquor establishment or tavern for the issuance and enforcement of ban and bar. Standing alone, the ban and bar is considered a positive police contact and a Tavern Incident Report (OPD Form 2) will not need to be completed.

B. When officers complete a Liquor Establishment/Tavern Incident Report (OPD Form 2), they shall list their name as the complainant and use OPD’s Central Headquarters address (505 South 15th Street, Omaha, Nebraska, 68102) as the location.

II. Distribution and Disposition of the Liquor Establishment/Tavern Incident Report

A. The Liquor Establishment/Tavern Incident Report, (OPD Form 2) will be processed by the Data Center and distributed by the Records Squad, to the Special Operations/Vice Squad.
B. Upon receipt, the Special Operations/Vice Squad will take the appropriate action and make final disposition. If deemed appropriate, the Special Operations/Vice Squad will forward the report to the Nebraska Liquor Control Commission through the Office of the Chief of Police.

III. Licensed Liquor Establishments Open Past Normal Closing Hours: After Hours Dancing and Food Service

A. Retail liquor establishments need a permit to allow dancing after hours.

B. Any liquor establishment that is found open after 0215 hours and has cleared the tables of alcoholic beverages may remain open to serve food, coffee, etc., without a specific permit. Establishments that serve food must have all other required permits from the City to serve the food.

C. Officers who observe a licensed liquor establishment open after hours should check only to see that patrons are not consuming alcohol, whether purchased there or brought in by patrons. Proper enforcement action will be taken when persons are drinking alcoholic beverages or have open containers on licensed premises after hours.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #21-84, 55-97, 38-02 and 82-15.

LITTER

POLICY:
The Omaha Police Department (OPD) is committed to prohibiting litter activities within the City of Omaha. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of Nebraska State Statute §28-523, the operator of such motor vehicle or watercraft commits the offense of littering. Officers responding to calls of illegal dumping/littering shall complete a PortalOne Incident Report and either effect an arrest or document all information available for follow-up by the Nuisance Task Force Squad.

PROCEDURE:

I. Litter – Thrown From Vehicles.

A. In the event of litter coming out of a vehicle on the public streets, and the officer is unable to determine which occupant threw the litter out, the presumption should be exercised, and the operator of the vehicle should be cited for the offense under State Statute §28-523.

NOTE: First Offense Littering is a Class III misdemeanor crime; Second Offense Littering is Class II misdemeanor crime; Third Offense Littering is a Class I misdemeanor crime.

II. Litter – Trash Complaints.

A. Based on observations made by an officer, the Omaha Municipal Code shall be enforced for litter on property, or for littering from a vehicle. When the violation does not fall under the Omaha Municipal Code, State Statute §28-523, pertaining to litter on public or private property, may be used. The violator shall be issued a criminal citation or be booked in accordance with current policy. Officers shall complete the necessary reports and forward all information to the City Prosecutor's Office.

B. In cases where the officer does not observe the violation, or the suspect is not positively identified or apprehended, but a complainant is present, officers shall complete a PortalOne Incident Report, including all information available.
C. The report shall be sent through normal channels, and Data Review will forward a copy to the Nuisance Task Force Squad for follow-up. Material identifying the suspect(s) should be retrieved and booked into the Evidence/Property Unit. The Nuisance Task Force shall follow normal investigative procedures to identify suspects and complete all necessary reports.

D. The victim shall be listed as the owner, agent, occupant, or person in possession, charge, or control of the property where the violation occurred. In cases where the owner, or occupant, cannot be determined, the victim shall be listed as Society.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #60-78 Supplement #9, #94-90, #38-01, and #74-15.

LOCATE PERSONS

POLICY:

It is the policy of the Omaha Police Department (OPD) that investigating officers will complete a Locate Person form (OPD Form 99) when they are looking for a witness to a crime or have evidence that a party committed a crime but they do not have enough evidence to obtain an arrest warrant. Because the Locate Person form is used for ongoing felony investigations, officers should use caution when in contact with parties listed in a Locate Person form. The possibility exists that the party MAY have committed felonies.

DEFINITIONS:

Contact Officer(s): For purposes of this policy only, a Contact Officer is any officer having direct contact with the subject of a Locate Person form.

Investigating Officer: For purposes of this policy only, an Investigating Officer is an officer assigned to CIB or the Traffic Unit who has direct contact with the subject of a Locate Person form or advises a non-CIB/Traffic Unit Contact Officer as to the disposition of the contact with the subject of a Locate Person form. The Investigating Officer may be from the same Unit or Squad as the Originating Officer, from another CIB Unit or Squad, or a Regional Investigator.

Originating Officer: For purposes of this policy only, the Originating Officer is the officer who completes the Locate Person form. The supervisor of the Originating Officer may delegate the duties of the Originating Officer to another officer within their Squad or Unit.

PROCEDURE:

I. General

A. A Locate Person (OPD Form 99) gives Contact Officers reasonable cause to detain a party long enough to contact an Investigating Officer or the Information Channel about the purpose (disposition) of the Locate Person.

B. A Locate Person may be used to obtain current information about an individual’s address or their vehicle. A Locate Person may also be used to locate an individual who may be a witness to a crime or a person of interest in a crime.

C. A Locate Person will not normally specify that a party be arrested. A Locate Person form shall not be used in lieu of a Wanted Persons form (OPD Form 23). Only in the following limited circumstances will a Locate Person form specify that a party shall be arrested:

1. When probable cause exists to arrest the party.
   – AND –
2. A warrant is being drafted and actively sought.
D. A Locate Person by itself does not allow officers to enter a residence or to remove a party from private property without the party’s consent.

E. A Locate Person does not transmit or imply ANY USE OF FORCE to detain a party while the information is being retrieved.

F. A Locate Person in no way interferes or affects an officer’s own probable cause for arrest that they may have developed during the original stop of the party.

II. Requesting a Locate Person

A. When investigating officers determine that a Locate Person is necessary, the following procedures shall be completed immediately:

1. Originating Officers shall fill out the Locate Person form (OPD Form 99) in its entirety with instructions on what officers should do if the party is located.
   a. A box is provided for the Originating Officer to indicate what reports are required by the Contacting Officers, such as the completion of a Supplementary Report, an Information Report, or a Field Observation Card.
   b. The space for "Reason for Locating Person" will contain instructions that can be relayed to an officer in the field.
   c. If probable cause exists to arrest, the Originating Officer shall not use a Locate Person (OPD Form 99) and shall seek an arrest warrant and complete a “Wanted Persons” (OPD Form 23).

   EXCEPTION: The Originating Officer may issue a Locate Person (OPD Form 99) if the conditions listed in Section I, C, of this policy are met.

2. Within 16 hours of determining the need to issue a Locate Person, Originating Officers will distribute copies of the completed Locate Person form (OPD Form 99) to Units (i.e., Uniform Patrol Bureau (UPB), Criminal Investigations Bureau (CIB), and the Traffic Unit) that may encounter the person listed on the Locate Person form.

3. The Originating Officer shall forward the completed Locate Person form electronically to their supervisor for approval and posting to the appropriate network drive. The supervisor shall also send out an OPD Overnight Report with a link to the Locate Person form (OPD Form 99) and any additional pertinent information.

4. In most cases, the Originating Officer will be working from an existing case. The Originating Officer will use the same RB number on OPD Form 99 that corresponds with the case on which they are working.

5. The Originating Officer will send the original Locate Person form to the Data Center.
   a. All Locate Person forms will be reviewed and approved by a command officer before being forwarded to the Data Center.
   b. The Originating Officer shall retain one copy for the Unit file and one copy for their work file.

6. The Originating Unit will be responsible for maintaining its file of Locate Person forms. The Administrative Sergeant of each Unit will review the Unit’s Locate Person file once every two weeks.

B. The Data Center, upon receiving the original Locate Person form, will immediately enter and assign the data number and locate number to the Locate Person.
1. The Locate Person form will then be forwarded to NCIC for the item number to be assigned.

2. At this point, the Data Center will forward two copies of the Locate Person to CIB, keep one copy for their Locate Person file, scan the original form into RMS, and file the original Form 99 in the Records Section.

C. Contact Officers shall call the Information Channel, the Investigating Unit, or the Field Investigations Unit on “A”-Shift. Contact Officers will follow the directions of the Investigating Officer.

D. Investigating Officers advised of a located party shall read the Locate Person (OPD Form 99) instructions in their entirety and check Case Management for specific direction.

E. Upon conclusion of contact with the located party and by the end of their shift, the Investigating Officer shall advise the Originating Officer of the contact with the located party and the details concerning the disposition of the contact.

III. Canceling a Locate Person

A. Contact Officers will not complete a Felony Wanted / Locate Person Cancellation Form (OPD Form 208).

B. Investigating Officers shall notify the Originating Officer of the contact with the individual named in the Locate Persons form. Only the Originating Officer or an officer designated by the supervisor of the Originating Officer shall complete a Felony Wanted / Locate Person Cancellation Form (OPD Form 208).

1. The form will include the data number, locate number, item number, and RB number.

2. The Originating Officer shall send the original Felony Wanted / Locate Person Cancellation Form (OPD Form 208) to the Data Center.

C. The Data Center will cancel the Locate Person and then give Form 208 to NCIC for cancellation. The original Form 208 shall be scanned into RMS and filed in the Records Section.

D. If the original Locate Person form (OPD Form 99) includes specific instructions about cancellation, the Investigation Officer will adhere to those instructions. On a high profile case, the Investigating Officer shall notify all OPD Sergeants via e-mail that the party has been located.

E. Upon completing the Felony Wanted / Locate Person Cancellation Form (OPD Form 208) on a high profile case, the Originating Officer will notify UPB and CIB Sergeants via email that the party has been located and shall also forward the completed form to the Data Center.

NOTE: UPB and CIB Sergeants may disseminate the information about the cancellation to officers by Roll Call or e-mail.

IV. File Maintenance

A. The Originating Officer or an officer designated by the supervisor of the Originating Officer shall ensure that the Locate Person form becomes a part of the case file in the Unit. The original Locate Person form that was sent to Data Center will be filed in the Records Section under the RB number.

B. It is the sole responsibility of each Investigative Unit to make sure that their Locate Person files are purged on an up-to-date basis and that no outdated Locate Persons remain in the computer.
1. Originating Officers shall check their email and case files on a day-to-day basis to make sure that a Felony Wanted / Locate Person Cancellation Form (OPD Form 208) with the correct RB number for every located party is completed, and the original Form 208 is forwarded to the Data Center.

2. CIB Administrative Sergeants and Accident Investigation Sergeants shall verify that their Unit Locate Person files are purged on a daily basis.

3. CIB and Traffic Lieutenants shall verify that their Unit Locate Person files are purged on a weekly basis.

C. DotComm will update and forward the Monthly Exception Report to the Data Center daily. The Data Center will forward the Monthly Exception Report to CIB Units and the Traffic Unit daily. The CIB Units and the Traffic Unit will assist in maintaining current files.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #77-95, 66-02, 66-02 Supplement #1, 66-02 Supplement #2, 39-03, and 97-16.

II. Accreditation Standards

A. CALEA Accreditation standards 42.2.2, 42.2.3, and 42.2.7 are relevant to this policy.
POLICY:

It is the policy of the Omaha Police Department (OPD) to authorize an OPD Marksmanship Team to represent the City of Omaha and the OPD at Firearm Marksmanship Matches throughout the United States. OPD Marksmanship Team membership is voluntary and all expenses incurred, including transportation, lodging, meals and other expenses shall be the responsibility of the team members. Specific procedures related to team membership, match procedures, etc. are detailed in the OPD Marksmanship Team Manual.

DEFINITIONS:

Firearm Marksmanship Match: A contest of skill in the use of one or various firearms in a sporting venue.

Marksmanship Kit: Equipment necessary to participate in approved Firearms Marksmanship Matches.

PROCEDURE:

I. Equipment

A. Officers assigned to the OPD Marksmanship Team will be responsible for the acquisition of the weapons, ammunition and related equipment necessary for competition.

B. OPD uniform vouchers may be authorized for OPD Marksmanship Team gear and marksmanship kits for active team members.

1. Marksmanship Team members’ voucher requests for team-related items shall be submitted to the Firearms Training Sergeant and forwarded via the Training Unit chain of command.

II. Selection of Marksmanship Team Members

A. Open competition tryouts will be held during the first quarter of each year.

B. Tryouts will be conducted at the OPD Public Safety Training Center on the OPD Training Ranges during announced times.

1. Multiple dates and times may be scheduled to accommodate interested officers’ duty schedules. Special Duty is not authorized for tryouts.

2. The number, dates and times of the tryouts will be determined by the Firearms Training Sergeant after consultation with the Training Unit Lieutenant.

3. Each candidate for the Marksmanship Team will fire a predetermined combination of modified NRA courses of fire, to be determined by the Firearms Training Sergeant or their designee.

   a. The tryouts will be conducted on the candidates’ own time, using their own equipment and ammunition.

4. After each candidate has fired all courses, the scores will be combined.

   a. Each candidate will be notified of their scores.
b. The Training Unit Lieutenant will forward all candidates’ scores to the Deputy Chief of the Executive Services Bureau, via chain of command.

5. The Executive Command Staff (i.e. Deputy Chiefs and the Chief of Police) will make the final determination regarding Marksmanship Team membership.

6. The OPD Marksmanship Team will be comprised of twelve members and two alternate members.
   a. Six OPD Marksmanship Team members will be female, and six will be male.
      (1) In the event that less than six candidates from one gender tryout for the Marksmanship Team, the remaining members will be selected from the opposite gender group.

      Example: If only four females try out for the team, the team would be comprised of four females and eight males.
   
   c. One female and one male will be chosen as alternate team members.
      (1) In the event there is not a candidate from one gender group to serve as an alternate team member, the alternate will be selected from the opposite gender group.

      Example: If there are no female candidates available/willing to serve as one of the alternate team members, both alternate members will be male.

7. After the open competition and selection process is completed, an Information Order will be issued with the names of the twelve (12) OPD Marksmanship Team members and two (2) alternate members.

III. Firearm Marksmanship Match Schedules and Attendance

A. All Firearm Marksmanship Matches where OPD Team members represent the OPD must be approved by the Firearms Training Sergeant.

   1. In the first quarter of each calendar year, the Firearms Training Sergeant, or their designee, will prepare a list of approved Firearm Marksmanship Matches for that year.

   2. The list shall note the sponsor, location and date of each approved match.

B. Special Duty to attend Firearm Marksmanship Matches may be approved via the Marksmanship Team member’s chain of command.

   1. The employee’s respective Deputy Chief, or their designee, has discretion to approve or deny Special Duty requests.

   2. Marksmanship Team members will forward their authorization from the Firearms Training Sergeant via their chain of command.

      a. The authorization may be in any form, such as an email, Inter Office Communication or phone call from the Firearms Training Sergeant to the Marksmanship Team member’s immediate supervisor.

   3. No more than four (4) Special Duty days (8 hour work shifts) per calendar year may be approved for Marksmanship Team members and alternate members.
C. Marksmanship Team members may participate in approved Firearm Marksmanship Matches as OPD representatives on their own time.

D. Marksmanship Team members may attend non-approved matches but they may not wear OPD uniforms, use OPD equipment or gear, or otherwise present themselves as representatives of the OPD.

REFERENCES:

I. Previous OPD Orders

A. Previous General Orders include the following: #73-90 and 17-14.

MENTAL HEALTH FACILITIES – CALLS FOR ASSISTANCE

POLICY:

It is the policy of the Omaha Police Department (OPD) to respond to calls for service at mental health facilities and, if necessary, to utilize the appropriate amount of force required in accordance with NRS §28-1412 and current OPD policies and procedures to make a lawful arrest.

PROCEDURE:

I. General Procedures

A. When called to assist mental health facility staff with a crime in progress, 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 to make a lawful arrest.

B. Officers shall evaluate, assess, and determine the appropriateness of being armed when called to assist facility staff with a crime in progress involving a mentally ill patient.

1. If facility staff request that the officer disarm, the officer will first assess the situation and, if disarming does not seem prudent, the officer will advise the facility staff of such.

2. If the staff continues to insist that the officer disarm before proceeding into a secure area, the officer will contact their supervisor.

3. The officer’s supervisor will assess the situation and attempt to negotiate a reasonable solution with the facility’s staff.

4. If facility staff still refuse to permit the officer into the facility while armed, the officer’s supervisor will inform the staff that the officer will not proceed unarmed and will return to service if not authorized to continue under those conditions.

   a. Officers who return to service under these circumstances will complete an Information Report detailing the circumstances of the incident and their reason for returning to service. The Information Report will be routed to the UPB Deputy Chief via the officer’s chain of command.

NOTE: Under no circumstances, shall officers be ordered to disarm themselves to subdue individuals who are armed with dangerous weapons.

REFERENCES:

I. Laws

A. NRS §28-1412.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #59-16.
MENTAL HEALTH RESPONSE - ADULTS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers will follow the procedures described in this policy when they determine the response to and/or placement of a mentally ill and dangerous person or a dangerous sex offender for mental evaluation or mental health board proceedings. In accordance with Nebraska Revised Statutes (NRS), any time an officer has probable cause to believe that an adult individual is mentally ill and dangerous or a dangerous sex offender, the officer may place that person in a medical treatment facility rather than jail. This is referred to as Emergency Protective Custody (EPC).

DEFINITIONS:

Adult: Anyone over the age of nineteen (19) or anyone emancipated by the courts. See the OPD “Mental Health Response - Juveniles” policy for procedures for persons 18 years of age or younger.

Civil Protective Custody (CPC): CPC is an involuntary method of detainment used to preserve life or prevent injury to an intoxicated person or others. See the OPD “Civil Protective Custody” policy for applicable procedures.

Crisis Intervention Team (CIT) Officers: CIT Officers are trained and certified in law enforcement-based crisis intervention training for assisting those individuals with a mental illness. CIT training improves the safety of patrol officers, consumers, family members, and citizens within the community. Officers who successfully complete the training are considered CIT Officers and are able to wear the CIT pin on their OPD uniform.

Custody: The state of being detained or held under guard. Care, supervision, and control exerted by one in charge.

Dangerous: Substantial risk of serious harm to oneself or another in the near future and/or the inability to care for oneself.

Emergency Protective Custody (EPC) Paperwork: Emergency Admittance Pursuant to Certificate of Peace Officer Form (OPD Form 78). This form is used to certify that a person is mentally ill and dangerous or is a dangerous sex offender and should be hospitalized.

Involuntary committal: Mandatory medical treatment. NRS §71-919, provides that whenever a law enforcement officer believes that a person is mentally ill and dangerous or a dangerous sex offender and that the person is likely to harm either themselves or another before mental health board proceedings under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act may be initiated to obtain custody of the person, the officer may immediately take the person into emergency protective custody, cause them to be taken into emergency protective custody, or continue their custody if they are already in custody.

Medically stable: Physically well or stable; needs no medical treatment at the time.

Medically unstable: Physically ill or unstable; needs medical treatment immediately.

Mental Health Liaison: A command officer appointed by the Chief of Police to work with those involved in the Mental Health Community. Responsibilities include, but are not limited to: training other employees, participating in task forces, addressing mental health system issues, and supervision of the Peer Support Specialist.

Mentally ill and dangerous person: NRS §71-908 defines a mentally ill and dangerous person as a person who is mentally ill or substance dependent, and because of such mental illness or substance dependence presents: 1) A substantial risk of serious harm to another person or persons within the near future as manifested by evidence of recent violent acts or threats of violence by placing others in reasonable fear of such harm; or 2) A substantial risk of serious harm to himself or herself within the near future as manifested by evidence of recent attempts at, or threats of, suicide or serious bodily harm or evidence of inability to
provide for his or her basic human needs, including food, clothing, shelter, essential medical care, or personal safety.

**Police Hold:** A request for the hospital/mental health facility to notify OPD of a patient’s discharge. The request does not constitute the person being in police custody. A Police Hold may be based on either an active warrant(s), or an active OPD Locate(s).

**Peer Support Specialist (PSS):** A person who self identifies as having a mental illness, who is trained to act as a peer to individuals who are in mental health crisis. The PSS will engage peers in the community to provide support and will assist individuals with accessing services within the community.

**Voluntary Admission:** Mentally ill person seeks treatment on their own.

**PROCEDURE:**

I. **Mental Illness - General**

A. The OPD’s procedures addressing the mentally ill consist of three principles:

1. Standing alone, mental illness signifies nothing and permits no special police responses. A mentally ill person has a right to be left alone so long as they do not violate any laws.

2. No person will be taken involuntarily into police custody by reason of mental illness alone. A person will be taken into custody only if they have also committed an arrestable offense or have demonstrated by acts observed by OPD officers or reliable others that they threaten the lives or safety of themselves and/or others.

3. No one is to be treated as being mentally ill unless a compelling necessity exists.

B. These principles protect the basic right to be left alone until others are threatened with harm or one's own life is in danger. A person's peculiarity does not make them a second-class citizen; and mentally ill persons as a class are no more dangerous to others than mentally "healthy" people are. The third principle recognizes that the label of "mentally ill" carries with it a stigma that is equal to or greater than a stigma of a criminal conviction. Thus, OPD officers shall exercise extreme care in determining that a person is mentally ill.

C. A Behavioral Health Incident Tracking Form (OPD Form 78B) shall be completed to document all officer contacts with persons who appear to be suffering from mental illness.

1. OPD Form 78B is intended to document ALL officer contacts with mentally ill persons, and is not limited to EPC or Voluntary Admissions incidents/contacts.

2. Individuals sometimes self-report their mental illness to officers however in many cases officers must rely on their observation of individuals' behavior in order to determine when to complete the OPD Form 78B.

II. **Training**

A. Mandatory training provides guidance to all employees in dealing with persons suspected of being mentally ill. Training will be developed in collaboration with mental health professionals, who will assist the agency with training, if requested.

B. The following characteristics may be an indication of mental illness:

1. Abnormalities in perception (seeing or hearing things with no basis in reality).

   a. **Hallucinations** – apparently listening or talking back to person/thing which is not there.
2. Abnormalities in thought (illogical thoughts or false beliefs).
   a. **Delusions** – person may describe belief that they possess some special power or is being persecuted.

3. Abnormalities in mood (the general feeling tone displayed by the person).
   a. **Abnormal qualities of mood** in mental illness may be categorized as follows:
      1. Reduced emotional response or emotional flatness.
      2. Extremes in emotion.
      3. Inappropriate emotions.
      4. Mood swings.

C. The following guidelines are recommended for all OPD employees dealing with mentally ill adults:
   1. Do not use a threatening voice tone (speak calmly and more slowly).
   2. Be aware of your body language (do not appear threatening, and give the individual a wide area of personal space).
   3. Do not give multiple commands.
   4. Express your concern about their well-being.
   5. Try to get the individual to talk to you. Remember, speech is one of the best indicators that something is wrong.
   6. In general:
      a. Be compassionate.
      b. Show sincere interest.
      c. Express your concern for the individual.
      d. Be respectful.
      e. Be sensitive to physical, emotional, and cultural boundaries.
      f. Be honest.

D. All new recruits and newly-hired non-sworn employees will receive documented training on the recommended guidelines for dealing with mentally ill adults.

E. Mandatory Review and Analysis.
   1. The OPD requires a triennial mandatory review of the “Mental Health Response – Adults” policy.
      a. This General Order serves as notice to all OPD employees to review the “Mental Health Response – Adults” policy.
III. General

A. When taking a mentally ill person into voluntary custody, the crucial word is CUSTODY. Officers will take note of this word and, before subjecting anyone to involuntary custody, make very sure of the grounds for action.

B. If all of a subject’s legal rights are not observed, officers subject themselves to the liability of lawsuit and to criminal prosecution.

C. When the decision is made to take the person into involuntary custody, officers will contact their Field Sergeant. The Sergeant will meet with the officers at either the original call location or the accepting medical facility. The Sergeant will confer with the officers and make a final decision on taking the person into involuntary custody.

D. This policy does not prohibit taking a person arrested for a felony to jail instead of an available psychiatric facility. Officers shall weigh the seriousness of the offense versus the seriousness of the mental illness symptoms observed before making a decision regarding where to hold an individual.

E. Omaha’s mental health facilities include but are not limited to (see appendix A for phone numbers and addresses):

1. Douglas County Community Mental Health Center.
   a. Except in exigent circumstances, officers will secure their firearms in a firearms locker prior to entering the secured section of this facility.
   b. Officers will not secure their firearm in a firearms locker if they are in a non-secured area of the facility.
   c. If the officer feels that there is a need to remain armed while in the secured area of the facility they will contact their supervisor for guidance.

   **NOTE:** This applies to firearms only. Less-lethal weapons are still permitted into the secured section of this facility.

2. CHI Health Center for Mental Health at Immanuel Hospital.

3. Lasting Hope Recovery Center.

4. University of Nebraska Medical Center.

IV. Policy for Dealing with a Mentally Ill and Dangerous Person

A. When officers make contact with the mentally ill and dangerous person, the officers will first take all necessary steps to protect the person, the officers, and others against any risk of serious harm. The officers will then determine whether the person is medically stable or medically unstable.

1. If the mentally ill and dangerous person is medically unstable, then the officers will immediately transport the person by cruiser or rescue squad to the nearest hospital in that catchment area.

2. If the mentally ill and dangerous person is medically stable, then the officers will call the Lasting Hope Recovery Center at (402) 717-BLUE (2583) for direction. This may include transporting the person to a Mental Health Facility or to the nearest hospital.
in the catchment area, if directed by Lasting Hope. For example, if the Lasting Hope assessment center is full, Lasting Hope may direct officers to the nearest Emergency Department.

B. Officers will then determine if the person will be a Voluntary Admission or an Involuntary Committal.

1. If the person is a voluntary admission, then officers will complete and submit an Injury/Sickness Incident Report. Officers will then advise hospital security of their departure and return to service.

2. If the person is an involuntary committal, then officers will complete and submit an Injury/Sickness Incident Report and the EPC paperwork.
   a. Officers will give the mentally ill and dangerous person a copy of “The Rights of a Person Involved in a Commitment Proceeding” worksheet.
   b. Officers will leave the top/white copy of the EPC paperwork with the hospital.

   NOTE: If the hospital would like a copy of the Incident Report, the hospital may contact the OPD Front Desk to request a copy free of charge.
   c. Upon completing the required paperwork, officers will advise security of their departure and return to service.
   d. Other EPC paperwork will be turned in to the Data Center.

V. Alternative Resources for Individuals Who Do Not Meet EPC Criteria

A. The Douglas County Crisis Response Team (DCCRT) is a collaborative service providing immediate response to law enforcement for assessing “at risk” individuals who do not clearly meet EPC criteria.

1. Officers can access a licensed mental health therapist by calling the DCCRT access number at the number listed in the Policies and Procedures Manual, Appendix “A.”

2. A therapist will respond to the scene and will assist officers with assessing the immediate needs of the individual. This could include but is not limited to the following services:
   a. Conducting a brief mental health exam.
   b. Assessing safety and risk.
   c. Providing Crisis Intervention and de-escalation.
   e. Making community referrals and appointments for services.

3. After conducting the assessment, the therapist will debrief with officers to provide a summary of the assessment and offer a recommendation.

4. Officers will consider the therapist’s recommendation and will determine if an EPC is necessary. Any outpatient services may be coordinated through the DCCRT.

5. If the person is admitted for EPC the officer will complete the top portion of the EPC paperwork indicating if DCCRT was on the scene.
6. In both EPC and voluntary admissions, the hospital/mental health facility staff will be provided with any paperwork forwarded on by the DCCRT. This will be provided to the nurse or physician treating the patient, to assist in the coordination of care.

B. Officers also have the option to refer individuals to the Peer Support Specialist (PSS).

1. The PSS will be accessed when there is a low-level crisis individual who is more chronic in nature. The PSS is there to offer support and help the person access services.

2. The PSS will not be used when the person is experiencing an immediate crisis and is in need of a higher level of care. An individual may be referred to the PSS by telephone or by email.

C. The Crisis Intervention Team (CIT) may be called upon as a resource on a mental health call.

1. CIT response may be requested to a scene by family or by other officers.

2. Response to the scene will be determined by availability of CIT officers and by call load.

VI. Transportation of Mentally Ill Persons

A. Any patient transfer requests from the hospital staff to use OPD employees or vehicles will be allowed only under extreme circumstances (i.e., extreme violence) and requires the approval of the respective Precinct Lieutenant.

B. When a person being released from Civil Protective Custody and is also under an EPC, officers will transport them from the Campus of Hope to the final committal location after they are released from Civil Protective Custody.

C. While transporting mentally ill persons to the appropriate facilities, officers will refer to the person using the appropriate radio code and will avoid using the medical facility’s name (see the “Radio Procedures – Signals, Codes, Call Signs, and Related Information policy for the appropriate radio code). Officers will give the address of the facility instead of the name so as not to alarm the patient.

D. All transfers of a person who is being committed without police assistance will be the responsibility of the patient, relative, or physician, except in cases involving extreme violence. In such cases, OPD will assist as needed.

E. Two (2) officers are required to transport mentally ill individuals. The individual shall be in handcuffs.

F. If a medically stable patient asks to be transported to a specific facility, contact the Lasting Hope Recovery Center for direction.

VII. Police Holds

A. If officers EPC or voluntarily admit an individual to a mental health facility with an active warrant or locate officers will verify the warrant/locate and will have a copy of the warrant(s)/locate(s) sent to the hospital/mental health facility during the admission process.

B. Officers will complete all paperwork and forward copies as follows:

1. Complete the top portion of the EPC paperwork indicating if there is a Police Hold at the time of the EPC and/or note in the Incident Report narrative that a hold was placed on the individual and at which facility.
2. Officers will complete all paperwork requested by the hospital/mental health facility. Different facilities may require different forms, as the facilities are under private ownership.

3. Officers will obtain a copy of any forms that the hospital has them complete. They will label the copy of the hospital paperwork with the RB number and will forward this copy to the Records Unit for the file.

C. When a patient is planned for discharge the following procedures will be followed:

1. The hospital/mental health facility will advise 911 that the patient with a police hold is planned for discharge. The decision on when a person is allowed to leave the facility after police are notified of discharge shall be made by the hospital/mental health facility. After notification has been made the person is not under arrest but is just subject to arrest upon release if justified by the warrant.

2. Officers will respond to the hospital/mental health facility in a timely manner to pick up the patient and/or speak to them.

3. Officers will either proceed to book the patient for the warrant(s), or follow directions as detailed in the OPD Locate(s).

REFERENCES:

I. Nebraska Revised Statutes (NRS)
   A. Nebraska Revised Statutes §§ 71-908 and 71-919.

II. Previous OPD Orders
   A. Previous OPD General Orders include #44-78, 34-84, 95-90, 10-92, 57-92, 40-94, 2-99, 52-99 and 52-99 Supplement #1, 2-00, 63-02 and 63-02 Supplement #1, 14-03 and 14-03 Supplement #1, 46-03, 3-06, 18-06, 1-07, 11-07, 14-08, 21-09, 45-12, 33-13, 41-14, 19-15, 60-15, and 65-17.
   B. Previous OPD Information Orders include #209-94 and #370-03.

III. Accreditation Standards
   A. CALEA Accreditation Standard 41.2.8 is relevant to this policy.

IV. Other
   A. PPM Update #8-2016.
MENTAL HEALTH RESPONSE - JUVENILES

POLICY:

It is the policy of the Omaha Police Department (OPD) to place mentally ill and dangerous juveniles in a mental health facility rather than jail, in accordance with Nebraska Revised Statutes (NRS). Officers will...
follow the procedures described in this policy when determining the response to and/or placement of a mentally ill and dangerous juvenile for mental evaluation.

**DEFINITIONS:**

**Adult:** Any person nineteen (19) years of age or older, or anyone emancipated by the courts.

**Crisis Intervention Team (CIT) Officers:** CIT Officers are trained and certified in law enforcement-based crisis intervention training for assisting those individuals with a mental illness. CIT training improves the safety of patrol officers, consumers, family members, and citizens within the community. Officers who successfully complete the training are considered CIT Officers and are able to wear the CIT pin on their OPD uniform.

**Custody:** The state of being detained or held under guard. Care, supervision, and control exerted by one in charge.

**Dangerous:** Substantial risk of serious harm to oneself or another in the near future and/or the inability to care for oneself.

**Emergency Protective Custody (EPC) Paperwork:** Emergency Admittance Pursuant to Certificate of Peace Officer Form (OPD Form 78). This form is used to certify that a person is mentally ill and dangerous and should be hospitalized.

**Involuntary committal:** Pursuant to NRS §43-248, if an officer believes that a juvenile is mentally ill and dangerous (definition below), and that the harm described in that section is likely to occur before proceedings may be instituted before the juvenile court, then the juvenile may be placed in a mental health facility.

**Juvenile:** Any person eighteen (18) years of age or younger who has not been emancipated by the courts or by marriage.

**Medically stable:** Physically well or stable; needs no medical treatment at the time.

**Medically unstable:** Physically ill or unstable; needs medical treatment immediately.

**Mental Health Facility:** A treatment facility as defined in NRS §71-914 as a government, private, or state hospital which treats mental illness.

**Mental Health Liaison:** A command officer appointed by the Chief of Police to work with those involved in the Mental Health Community. Responsibilities include, but are not limited to: training other employees, participating in task forces, addressing mental health system issues, and supervision of the Peer Support Specialist.

**Mentally ill and dangerous person:** Nebraska Revised Statute §71-908 defines this as a person who is mentally ill or substance dependent, and because of such mental illness or substance dependence presents: 1) A substantial risk of serious harm to another person or persons within the near future as manifested by evidence of recent violent acts or threats of violence by placing others in reasonable fear of such harm; or 2) A substantial risk of serious harm to himself or herself within the near future as manifested by evidence of recent attempts at, or threats of, suicide or serious bodily harm or evidence of inability to provide for his or her basic human needs, including food, clothing, shelter, essential medical care, or personal safety.

**Police Hold:** A request for the hospital/mental health facility to notify OPD of a patient’s discharge. The request does not constitute the person being in police custody. A Police Hold may be based on either an active warrant(s), or an active OPD Locate(s).

**Region VI Behavioral Health Care:** Composed of five counties (Cass, Dodge, Douglas, Sarpy, and Washington) and is responsible for organizing and financing community-based behavioral health (mental health and substance abuse) services for area residents.
PROCEDURE:

I. Mental Illness - General

A. The OPD’s procedures addressing the mentally ill consist of three principles:

1. Standing alone, mental illness signifies nothing and permits no special police responses. A mentally ill juvenile has a right to be left alone so long as they do not violate any laws.

2. No juvenile will be taken involuntarily into police custody by reason of mental illness alone. A juvenile will be taken into custody only if they have also committed an arrest-able offense or have demonstrated by acts observed by police officers or reliable others that they threaten the lives or safety of themselves and/or others.

3. No one is to be treated as being mentally ill unless a compelling necessity exists.

B. These principles protect the basic right to be left alone until others are threatened with harm or one’s own life is in danger. A juvenile’s peculiarity does not make them a second class citizen; and mentally ill juveniles as a class are no more dangerous to others than mentally "healthy" people are. The third principle recognizes that the label of "mentally ill" carries with it a stigma that is equal to or greater than a stigma of a criminal conviction. Thus, police officers shall exercise extreme care in determining that a juvenile is mentally ill.

C. A Behavioral Health Incident Tracking Form (OPD Form 78B) shall be completed to document all officer contacts with persons who appear to be suffering from mental illness.

1. OPD Form 78B is intended to document ALL officer contacts with mentally ill persons, and is not limited to EPC or Voluntary Admissions incidents/contacts.

2. Individuals sometimes self-report their mental illness to officers however in many cases officers must rely on their observation of individuals’ behavior in order to determine when to complete the OPD Form 78B.

II. Training

A. Mandatory Training provides guidance to all employees in dealing with persons suspected of being mentally ill. Training will be developed in collaboration with mental health professionals, who will assist the agency with training, as requested.

B. The following characteristics may be an indication of mental illness:

1. Abnormalities in perception (seeing or hearing things with no basis in reality).

   a. Hallucinations – apparently listening or talking back to person/thing which is not there.

2. Abnormalities in thought (illogical thoughts or false beliefs).

   a. Delusions – person may describe belief that they possess some special power or are being persecuted.

3. Abnormalities in mood (the general feeling tone displayed by the person).
Abnormal qualities of mood in mental illness may be categorized as follows:

1. Reduced emotional response or emotional flatness.
2. Extremes in emotion.
3. Inappropriate emotions.
4. Mood swings.

C. The following guidelines are recommended for all OPD employees dealing with mentally ill individuals:

1. Do not use a threatening voice tone (speak calmly and more slowly).
2. Be aware of your body language (do not appear threatening, and give the individual a wide area of personal space).
3. Do not give multiple commands.
4. Express your concern about their well-being.
5. Try to get the individual to talk to you. Remember, speech is one of the best indicators that something is wrong.
6. In general:
   a. Be compassionate.
   b. Show sincere interest.
   c. Express your concern for the individual.
   d. Be respectful.
   e. Be sensitive to physical, emotional, and cultural boundaries.
   f. Be honest.

D. All new recruits and newly-hired non-sworn employees will receive documented training on the recommended guidelines for dealing with mentally ill juveniles.

E. Mandatory Review and Analysis.

1. The OPD requires a triennial mandatory review of the “Mental Health Response - Juveniles” policy.
   a. This General Order serves as notice to all OPD employees to review the “Mental Health Response - Juveniles” policy.
   b. All employees will review the policy triennially. The review will be documented per OPD policies and procedures.

III. General

A. This policy does not prohibit taking a juvenile arrested as an adult for a felony to jail instead of an available psychiatric facility. Officers shall weigh the seriousness of the offense versus
the seriousness of the mental illness symptoms observed before making a decision regarding where to hold an individual.

B. Due to the unpredictable nature of mental illness, two (2) officers will transport all voluntary or involuntary committal juveniles in handcuffs. All transfers of a juvenile who is being committed without police assistance will be the responsibility of the patient, relative, or physician. Any patient transfer requests from the hospital staff to use OPD employees or vehicles will be allowed only under extreme circumstances (i.e., extreme violence) and requires the approval of the respective Precinct Lieutenant.

C. In taking the mentally ill juvenile into involuntary custody, the crucial word is CUSTODY. The officer will take note of this word and, before subjecting anyone to involuntary custody, make very sure of the grounds for the action.

D. If all of a juvenile's legal rights are not observed, the officer subjects themselves to the liability of lawsuit and to criminal prosecution.

E. When officers make contact with the mentally ill and dangerous juvenile, the officers will first take all necessary steps to protect the person, the officers, and others against any risk of serious harm. The officers will then determine whether the juvenile is medically stable or medically unstable.

F. After an officer makes initial contact with a juvenile, the officer shall first determine the following: 1) whether the juvenile is mentally ill and dangerous; 2) whether or not the officer is able to locate the parent/guardian; and 3) whether or not the parent/guardian is willing to sign the juvenile in for treatment. If the decision is made to take the juvenile into involuntary custody, the officer will contact their Field Sergeant.

1. The Sergeant will meet with the officer at either the original call location or the accepting medical facility.

2. The Sergeant will confer with the officer and make a final decision on taking the juvenile into involuntary custody.

IV. Voluntary Admission/Involuntary Committal

A. Officers will immediately transport mentally ill and dangerous juveniles by rescue squad or cruiser to the nearest Emergency Department in that catchment area. This procedure will be followed for both medically stable and medically unstable juveniles.

B. The officer will contact the juvenile’s parent(s) or guardian(s) and confirm they are willing to sign the juvenile in for voluntary treatment.

1. If the parent(s)/guardian(s) are willing to sign the juvenile in for voluntary treatment, the officer will complete and submit the following reports:
   b. OPD Behavioral Health Incident Tracking Form.

2. If officers are NOT able to locate the parent(s) or the parent is NOT willing to sign in the juvenile, the officer will complete the “Injury/Sickness” Incident Report, the Affidavit for Removal of Juvenile(s) from Parental/Custodial Home (OPD Form 96), the EPC paperwork (OPD Form 78), and other relevant forms if/as requested by the hospital employees.
   a. Officers will leave a copy of the EPC paperwork with the hospital.
NOTE: If the hospital would like a copy of the Incident Report, the hospital may contact the OPD Front Desk to request a copy free of charge.

b. Officers will submit copies of all other paperwork to the Data Center for processing.

c. The officer will send the following paperwork/information to the Child Victim/Sexual Assault Squad (see PPM Appendix A for the email address and fax number):

(1) Fax copies of all paperwork including the Affidavit for Removal of Juvenile(s) from Parental Custodial Home (OPD Form 96).

(2) Email the Incident Report’s PortalOne report number, RB number, victim name and date of birth to the Child Victim/Sexual Assault Squad.

d. The Child Victim/Sexual Assault Squad will fax copies to the Douglas County Attorney’s office.

e. Officers will attempt to notify the parent(s)/guardian(s), and will complete a Parent/Guardian/Custodian Notification form (OPD Form 37) as needed.

C. After completing all required reports, the officer will advise hospital security of their departure, and the officer will return to service.

V. Alternative Resources for Juveniles Who Do Not Meet EPC Criteria

A. The Douglas County Crisis Response Team (DCCRT) is a collaborative service providing immediate response to law enforcement for assessing “at risk” individuals who do not clearly meet EPC criteria.

1. Officers may access a licensed mental health therapist by calling the DCCRT at the number listed in the Policies and Procedures Manual Appendix “A.”

2. A therapist will respond to the scene and will assist officers with assessing the immediate needs of the individual. This could include but is not limited to the following services:

   a. Conducting a brief mental health exam.

   b. Assessing safety and risk.

   c. Providing Crisis Intervention and de-escalation.


   e. Making community referrals and appointments for services.

3. After conducting the assessment, the therapist will debrief with officers to provide a summary of the assessment and offer a recommendation.

4. Officers will consider the therapist’s recommendation and will determine if an EPC is necessary. Any outpatient services may be coordinated through the DCCRT.

5. If the juvenile is admitted for EPC the officer will complete the top portion of the EPC paperwork indicating if DCCRT was on the scene.
6. In both EPC and voluntary admissions, the hospital/mental health facility staff will be provided with any paperwork forwarded on by the DCCRT. This will be provided to the nurse or physician treating the patient, to assist in the coordination of care.

B. The Crisis Intervention Team (CIT) may be called upon as a resource on a mental health call.
   1. CIT response may be requested to a scene by family or by other officers.
   2. Response to the scene will be determined by availability of CIT officers and by call load.

VI. Police Holds

A. If officers EPC or voluntarily admit a juvenile to a mental health facility with an active warrant or locate officers will verify the warrant/locate and will have a copy of the warrant(s)/locate(s) sent to the hospital/mental health facility during the admission process.

B. Officers will complete all paperwork and forward copies as follows:
   1. Complete the top portion of the EPC paperwork indicating if there is a Police Hold at the time of the EPC and/or note in Incident Report narrative that a hold was placed on the juvenile and at which facility.
   2. Officers will complete all paperwork requested by the hospital/mental health facility. Different facilities may require different forms, as the facilities are under private ownership.
   3. Officers will obtain a copy of any forms that the hospital has them complete. They will label the copy of the hospital paperwork with the RB number and will forward this copy to the Data Center for the file.

C. When a patient is planned for discharge the following procedures will be followed:
   1. The hospital/mental health facility will advise 911 that the patient with a police hold is planned for discharge. The decision on when a person is allowed to leave the facility after police are notified of discharge shall be made by the hospital/mental health facility. After notification has been made the person is not under arrest but is just subject to arrest upon release if justified by the warrant.
   2. Officers will respond to the hospital/mental health facility in a timely manner to pick up the patient and/or speak to them.
   3. Officers will either proceed to book the patient for the warrant(s), or follow directions as detailed in the OPD Locate(s).

VII. Radio Procedures

A. While officers transport mentally ill persons to the appropriate facilities, officers will refer to the person using the appropriate radio code and will avoid using the medical facility's name (see the “Radio Procedures – Signals, Codes, Call Signs, and Related Information policy for the appropriate code). Officers will give 911 the address of the facility instead of the name so as not to alarm the patient.

REFERENCES:

I. Nebraska Revised Statutes (NRS)

   A. Nebraska Revised Statutes §§ 43-248, 71-914 and 71-908 are referenced in this policy.
II. Previous OPD Orders
   A. Previous OPD General Orders include the following: #4-06, 2-07, 12-07, 9-08, 20-09, 43-12, 32-13, 42-14, 19-15, and 59-15.

III. Accreditation Standards
   A. CALEA Accreditation standard 41.2.7 is relevant to this policy.

IV. Other
   A. PPM Update #8-2016.
Officers come into contact with mentally ill and dangerous juvenile

Immediately Transport juvenile by squad or cruiser to nearest Emergency Dept.

Contact parent(s)/guardian(s) and determine if he/she is willing to sign-in the juvenile for voluntary treatment

Parent(s)/Guardian(s) not located or located but unwilling to sign-in juvenile

Complete paperwork and distribute per policy. Notify the parent(s)/guardian(s).

Advise facility security of departure and return to service

Parent(s)/Guardian(s) located and willing to sign in juvenile

Complete Incident Report and OPD Behavioral Health Incident Tracking Form and distribute per policy

Advise facility security of departure and return to service
POLICY:

It is the policy of the Omaha Police Department (OPD) to coordinate with the Douglas County Sheriff's Office (DCSO) to verify the existence of possible Mental Health Warrants and to transport persons to the appropriate medical facility. Procedures in the Mental Health Warrants policy are limited only to cases where a Mental Health Warrant has been issued for a person. The Mental Health Warrant procedure does not apply to other types of emergency admittance situations such as voluntary admission and involuntary commitments.

PROCEDURE:

I. Requesting and Maintaining Mental Health Warrants
   A. If a private citizen believes that another person is a mentally-ill and dangerous and the officer is in doubt about the need for immediate custody, the officer will advise the complainant to contact the County Attorney for the issuance of a Mental Health Warrant.
   B. The Douglas County Sheriff's Office (DCSO) is responsible for serving Mental Health Warrants issued by the County Attorney.
      1. The DCSO enters information on Mental Health Warrants into the mainframe (not NCIS).
      2. The DCSO maintains a file on Mental Health Warrants that indicates the medical facility that the person named in the warrant shall be transported to.

II. Mental Health Warrant Procedures
   A. OPD officers may request a record check to determine if a person has an outstanding Mental Health Warrant on file.
   B. If a record check indicates a possible Mental Health Warrant on file the Information Operator will:
      1. Advise the requesting officer.
      2. Call the DCSO to verify the existence of the warrant as follows:
         a. DCSO Fugitive Warrants Division if between the hours of 0830-1630, Monday through Friday (excluding holidays) (see Appendix A for the phone number).
         -OR-
         b. DCSO Communication Division at all other times.
      3. Notify the officer of the medical facility that the person should be taken to.
         NOTE: Officers shall wait to transport the person until the Information Operator has obtained the name of the medical facility that the person shall be transported to.
   C. Officers shall then transport the person to the designated medical facility, advising their supervisor if the facility is outside the officer’s area.
      NOTE: When transporting a female on a Mental Health Warrant, per NRS §71-928, officers shall make certain that the person is accompanied by either an adult female, an adult member of the family, or a female officer. The medical facility staff will require the name of the person accompanying the female detainee for its records.
   D. A member of the DCSO will be dispatched to meet the officers at the designated facility with a copy of the Mental Health Warrant.
NOTE: The facility will not accept the detainee without the Mental Health Warrant paperwork.

REFERENCES:

I. Laws
   A. NRS §71-928.

II. Previous OPD Orders
   A. Previous OPD General Orders include the following: #60-16.

III. Other
   A. PPM Update #8-2016.

MIRANDA WARNING - LAW OF INTERROGATION

POLICY:

It is the policy of the Omaha Police Department (OPD) to advise all suspects of crimes (whether felony or misdemeanor) of their rights according to Miranda v. Arizona, prior to any custodial interrogation. OPD employees shall refer to the “Juveniles - Identification of Juveniles, Rights Advisory, and Interrogation” policy for policies and procedures regarding the advisement of juveniles of their Miranda Rights.

PROCEDURE:

I. Miranda v. Arizona (5th Amendment)
   A. According to the Supreme Court, whenever a law enforcement officer takes a person into "custody" or otherwise deprives them of their "freedom of action in any significant way," they are required to give the accused, "prior to any questioning," with the exception of biographical information, the following five warnings encompassed under the constitutional privilege against self-incrimination:
      1. You have the right to remain silent.
      2. Any statement you make can and will be used against you in a court of law.
      3. You have the right to consult with an attorney before answering any questions.
      4. You have the right to have an attorney present with you during the interrogation.
      5. If you cannot afford an attorney, one will be appointed for you without cost, prior to the questioning, if you so desire.

   B. The giving of these warnings is an absolute prerequisite to any police custodial interrogation.

   C. These warnings must be given in clear and unequivocal terms in order for any statement made by the accused during the period of in-custody interrogation to be admissible as evidence.

   D. Officers will only initiate their interrogation when the accused makes a voluntary, knowing, and intelligent waiver of their rights.

   E. Miranda only applies where the accused is in custody and is questioned by law enforcement officials.

II. Administering Miranda Rights
   A. Miranda warnings will be given prior to questioning (State v. Juranek).
      1. Miranda warnings are not required when obtaining biographical information or building rapport.
2. Miranda warnings shall be given prior to questioning that could be legally construed to be intended to elicit, or that would be likely to elicit, an incriminating response.

B. The accused shall be Mirandized once for each interview.

C. The Miranda warnings shall be given in the following manner:
   1. Clearly and deliberately.
   2. In such a way that the accused feels free to claim their rights without fear.
   3. In a manner that the accused can comprehend and knowingly act on the information.

D. When possible, a Miranda Rights Advisory Form (OPD form 17) will be used during interrogations.

E. Officers will adhere to the following procedures when giving the Miranda Rights to the following individuals:
   1. Limited English Proficiency (LEP) Individuals:
      a. Officers will adhere to the procedures in the OPD “Limited English Proficiency (LEP)” policy when giving the Miranda Rights to LEP individuals.
      b. The reverse side of the Miranda Rights Advisory Form (OPD Form 17) is written in Spanish.
         (1) Officers may read the Spanish Miranda Rights Advisory Form to the accused if:
            (a) The officer believes the accused person cannot comprehend the reading of their Miranda Rights in English.
            (b) The accused has indicated, or the officer knows that the accused is Hispanic or any derivative thereof.
               -AND-
            (c) The officer can read the rights advisory effectively in Spanish.
         (2) The English rights advisory may be read to a Spanish-speaking person if they demonstrate a clear understanding of the English language.
   2. Hearing Impaired Individuals:
      a. Officers shall adhere to the procedures in the OPD “Hearing Impaired Persons” policy when giving the Miranda warnings to Hearing Impaired individuals.
   3. Juveniles:
      a. Officers shall adhere to the procedures in the “Juveniles – Identification of Juveniles, Rights Advisory, and Interrogation” policy when giving the Miranda warnings to juveniles.

F. Every effort shall be made to document the entire interview and/or interrogation using video and/or audio recordings.

G. If an electronic translation method is used (such as the Google translation tool), written questions and responses relating to the interrogation or interview deemed as evidence will be booked into the OPD Evidence and Property Unit as evidence.

H. Reports shall document the exact procedure, including the date, start time and end time of the Miranda warnings.

III. Accused Persons’ Response
A. To invoke the right to stop questioning, the suspect must articulate the desire with sufficient clarity, such that a reasonable police officer under the circumstances would understand the statement as an invocation of the right to remain silent.

**NOTE:** The accused may invoke their Miranda Rights at any time during questioning.

B. The accused must acknowledge that they understand the warnings.

1. If the accused person refuses to talk, or remains totally silent the questioning will cease.

2. A nod of the head in an affirmative manner of yes is acceptable as long as it is clearly understood that this is an affirmative response.

C. In some situations, officers may attempt to question the accused after an initial refusal.

1. A complete second advisory shall be made by the interviewing officer.

2. The accused may waive their rights on the second occasion.

**NOTE:** Officers will be cautious in questioning the accused after an initial refusal. There are particular requirements about when and how officers may attempt to question a person after they have invoked their Miranda Rights. If these requirements are not met there is a high risk that the statement may be suppressed.

IV. **Circumstances that Do Not Require Miranda Warnings**

A. Voluntary Statements

1. Voluntary statements by the suspect to the officer are acceptable.

2. The officer has no duty to silence voluntary statements made before questioning.

B. Field Interviews

1. The officer may make inquiries of persons on public or private property under suspicious circumstances without advising them of their Miranda rights if the suspicious circumstances could be resolved with an explanation from the person questioned.

   a. The absence of custodial atmosphere is required.

C. Crime Scene Questioning

1. Miranda v. Arizona was not intended to hamper the traditional function of police officers in investigating crime. General on-the-scene questioning as to the facts surrounding the crime or other general questioning of citizens in the fact-finding process is not affected by this ruling.

   **EXAMPLE:** Police being summoned to the scene of a shooting, entered the house and were confronted by the defendant. An officer asked the defendant what happened, and the defendant answered that "I killed my wife." The court later held that this statement was the result of on-the-scene questioning prior to the arrest and was not open to challenge by the defendant.

2. If the officer takes the suspect into custody or denies them freedom of movement within the crime scene, then Miranda Warnings shall be given before specific questioning.

   **NOTE:** The moment that custody begins, no questioning shall be acceptable without advising the suspect of their Miranda Rights.

V. **Court References**

A. Orozco v. Texas
1. An accused person was questioned at 4:00 a.m. in his bedroom by four officers, one of whom testified that the accused was under arrest.
   a. The Court held that the accused was the subject of custodial interrogation even though the questioning was brief and took place in his bedroom.
      (1) The key factors were time of the interrogation, number of officers and evidence of a formal arrest.

B. Griffin v. U.S.

1. Griffin was accused of a bank robbery and was interviewed for two hours at his residence by two FBI agents. During the interview the agents did not allow him freedom of movement out of their presence. The Court used the following factors to determine indication of custody:
   a. Advice given by the agents that the questioning was voluntary, that the accused could ask the agents to leave and that the accused was not considered to be under arrest.
   b. Restraint - whether the accused possessed unrestrained movement during the questioning.
   c. Who initiated the contact.

   NOTE: The court held these first three factors to be “mitigating factors.”

   d. Tactics used - whether strong arm or deceptive strategies were employed during the questioning.
   e. Domination of interview - whether the atmosphere of questioning was police dominated.
   f. Arrest - whether the accused was placed under arrest at the termination of the questioning.

   NOTE: The court held these second three factors to be “coercive factors”

C. The 8th Circuit analyzes the totality of the circumstances surrounding an interview to determine whether an accused person is in custody for Miranda purposes.

VI. Right to Counsel (6th Amendment)

A. The Right to Counsel applies:
   1. Once a formal charge (initial appearance, indictment, information) has been made.
   2. Whether the accused is in custody or not.

B. If the right to counsel is invoked during custodial interrogation, no interview can take place without having an attorney present except in the following situations:
   1. The accused seeks out the officer and insists on communicating without the knowledge of a representing attorney.
   2. Contact is necessary to secure information critical to the safety of life or limb.

C. If the accused invokes their right to counsel during a hearing and not during custodial interrogation, they can be interviewed regarding crimes they have not been charged with.
   1. If in custody, Miranda warnings shall be given.
   2. If not in custody, no Miranda warnings are necessary.

D. Officers shall not use an informant, cooperating witness, or undercover officer to obtain a statement from an accused person once the 6th Amendment right to counsel has been invoked.
MISSING PERSONS - ADULTS

POLICY:

It is the policy of the Omaha Police Department (OPD) to investigate reported missing persons 19 years of age and older. The OPD Missing Persons Squad will be responsible for investigating all missing persons 19 years of age and older (see the Juveniles – Missing Persons policy for policies and procedures regarding missing persons 18 years of age and younger).

PROCEDURE:

I. General

A. A police unit will be dispatched to all citizen requests concerning a missing adult or juvenile.

B. Pursuant to Suzanne’s Law (part of the Amber Alert Bill of 2003), missing persons aged twenty (20) years of age and younger must be entered into NCIC/NCIS within two hours of OPD receiving the report (see the “Juveniles – Missing Persons” policy for policies and procedures regarding missing persons 18 years of age and younger).

C. Officers will obtain the following information immediately for NCIC/NCIS reporting purposes:

1. Name.

2. Date of Birth.

3. Sex.

4. Race.

5. Height.

6. Weight.

D. Officers will complete the Missing Person Report (PortalOne/OPD Form 205).

1. In cases where the missing person left/went missing with another person, officers will complete a Missing Person Report in PortalOne for each missing person.

a. A separate RB Number will be assigned for each missing person.
EXCEPTION: In cases where an adult leaves with their biological child, a Missing Person Report will only be completed for the missing adult. In this case the child is not considered missing since they are with their biological parent.

E. Officers will document the missing person’s maiden name in the report, if applicable.

F. PortalOne will automatically notify the OPD Data Center, the Missing Persons Squad, and the Child Victim/Sexual Assault (CVSA) Squad of the report when it is submitted by the officer. Officers do not need to fax or email the report(s).

G. The reports will be processed and entered into NCIC by Data Center employees.

II. Unusual Cases

A. Examples of unusual circumstances are:
   1. The mentally ill.
   2. Foul play is suspected.
   4. Elderly.
   5. Mysterious conditions.

B. Officers will adhere to the following procedures for unusual circumstances involving a missing person:
   1. A missing person radio broadcast will be made.
   2. Enter the missing adult in NCIC/NCIS.
   3. Notify the Missing Persons Squad immediately.
   4. Follow-up contact with the reporting person.
   5. Conduct a follow-up investigation and search, if applicable.
   6. An overnight email shall be completed by the officer’s command.

III. Missing Person is Located

A. Adult Returns Home:
   1. If a missing adult returns home after a report is made, the officer receiving the information will notify the Missing Persons Squad.
   2. The officer will complete the Missing Person Cancellation Form (OPD Form 208A) to clear the case and include detailed information as to where the party was located and with whom.
      a. The officer will immediately scan and email copies of the form to the OPD Data Center and the Missing Persons Squad along with the following information:
         (1) PortalOne report number.
3. If an overnight email was completed, a follow-up email will be issued indicating that the missing adult has returned home.

B. Officer Locates Missing Adult:

1. When an officer locates an adult missing person, the officer will:
   a. Advise the missing person of the name of the person who filed the Missing Person Report.
   b. Request that the missing person contact the person who filed the Missing Person Report.
   
   **NOTE:** Officers will not provide details about the missing person’s location or disappearance to the reporting party. Officers may disclose the missing person’s location or other information only if the missing person is unable to communicate (i.e., because of injury).

   c. Complete a Missing Person Cancellation Form (OPD Form 208A) and include detailed information as to where the party was located and with whom.

   (1) The officer will immediately scan and email copies of the form to the OPD Data Center and the Missing Persons Squad along with the following information:

   a. PortalOne report number.
   b. RB number.
   c. Missing person’s name and date of birth.

   (2) The officer will send the original Form 208A to the Data Center.

   **NOTE:** If the officer does not include information as to where the party was located and with whom in OPD Form 208A, the officer shall complete a Supplementary Report detailing this information.

   d. If an overnight email was completed, a follow-up email will be issued indicating that the missing adult has been located.

C. Outside Agency Locates Missing Adult:

1. When NCIC receives a hit confirmation request on a missing adult from an outside agency, the NCIC operator will verify that the Missing Person Report is still active and respond accordingly to the outside agency.

2. If the outside agency requests additional information during “B”- and “C”-Shifts, the NCIC operator will advise the agency to contact the Missing Persons Squad and
provide the squad’s telephone number to the agency. On “A”-Shift, the NCIC operator will take the teletype and a copy of the Missing Person Report to the Front Desk Squad for them to handle.

3. The NCIC operator will provide the Missing Persons Squad with copies of all teletype communications.

4. The Missing Persons Squad will:
   a. Complete a Missing Person Cancellation Form (OPD Form 208A) and forward it to the Data Center for cancellation.
   b. Notify UPB and CIB that the party has been located via an email to all OPD Sergeants.
      (1) Sergeants may disseminate the information about the cancellation to officers by roll call or by e-mail.
   c. Officers will not provide details about the missing person’s location or disappearance to the reporting party. Officers may disclose the missing person’s location or other information only if the missing person is unable to communicate (i.e., because of injury).

IV. Care for Missing Persons

A. If found parties cannot care for themselves, then proper care will be provided or arranged. The officer may take the person to a hospital for treatment, turn the missing person over to a properly qualified person or organization, or take the person into Civil Protective Custody (CPC).

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #56-87, 2-90, 36-90, 7-94, 64-02 and 62-02 Supplement #1, 40-03, 41-12, 19-15, and 74-16.

II. Accreditation Standards

A. CALEA Accreditation standard 41.2.5 and 41.2.6 is relevant to this policy.

MOBILE AUDIO/VIDEO RECORDERS - IN-CAR VIDEO RECORDERS

PREAMBLE:

The Omaha Police Department adopted the use of Mobile Video Recorder (MVR) systems to provide persuasive evidence and to help provide accountability and protection for OPD police officers. 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 Mobile Video Recorder (MVR) systems.

POLICY:

It is the policy of the Omaha Police Department (OPD) that police officers assigned the use of Mobile Video Recorders (MVR) will adhere to OPD training, operational objectives, and protocols in order to maximize the effectiveness of the in-car camera system, and to make certain of the integrity of evidence and related video documentation.

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

In-Car Camera System / Mobile Video Recorder (MVR): Synonymous terms referring to any system capable of being installed in a vehicle that captures audio and video signals and includes, at minimum, a camera, microphone, recorder, and monitor.

MVR Technician: Person trained in the operational use, troubleshooting, and repair of in-car camera systems or MVRs, duplicating methods, and storage and retrieval procedures; and who possesses a working knowledge of video and evidentiary procedures. Each precinct normally has an assigned Administrative Sergeant who will assume the role of MVR Technician; however, in some cases, the duty of MVR Technician may be delegated to another individual with particular skills or interests corresponding with MVR Technician responsibilities.

MVR Administrator: Employee assigned, as necessary, as the department-wide MVR contact and who is responsible for coordinating and troubleshooting, as well as the overall management of MVR systems.

Designated Employee: Individuals who have been trained and authorized by the Chief of Police (or their designee) to remove recording media and manually or automatically upload video and audio of pursuits and other high liability and serious incidents (i.e., officer involved shootings, cruiser accidents, serious crime scenes).

PROCEDURE:

I. Program Objectives

A. MVRs will be used to accomplish the following objectives:

1. Enhance officer safety.

2. Accurately capture statements and events during the course of an incident.

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 for use in investigations.

II. Training

A. All MVR users will successfully complete an OPD approved training course prior to being deployed with an MVR system in an operational setting.

B. Original training documentation will be retained throughout any revision process and archived as necessary to be available for future reference.

C. Officers and supervisors will receive training updates according to Departmental needs.

D. Training will be documented per OPD policy and procedures.

III. Installation and Maintenance of MVR Equipment

A. It will be the OPD’s responsibility to make certain that all MVR equipment is properly installed according to the manufacturer’s recommendations.
B. Inspection and general maintenance of MVR equipment installed in vehicles will be the responsibility of the officer assigned to the vehicle.

C. Assigned officers will operate MVR equipment in accordance with the manufacturer’s recommended guidelines and OPD training and policies.

D. Prior to beginning each shift, assigned officers will perform an inspection to make certain the MVR is performing in accordance with the manufacturer’s recommendations.

1. A pre-shift inspection guide has been provided to assist officers with the proper testing and setup of the MVR system. Officers will inspect the MVR as follows:
   a. Remote Audio Transmitter:
      (1) Functional and fully charged as indicated by the green light on the charger in the assembly.
      (2) Synchronized with the recording equipment.
      (3) Remote activation of the system via the transmitter is operational.
      (4) Placed on the officer’s person in a manner that does not obstruct the audio (i.e., approved belt holder).
   b. Camera lens:
      (1) Windshield and camera lens are free of debris.
      (2) Camera is facing the intended direction.
   c. Officers will make certain the recording mechanism is capturing both audio and video information, including system playbacks of both audio and video tracks.

2. The inspection will be documented on the MVR (see the OPD “Vehicles – Maintenance of Police Vehicles” policy).

E. Malfunctions, damage, or theft of MVR equipment will be immediately reported by the officer who identifies the problem to an immediate supervisor prior to placing the unit in-service.

1. After notifying their supervisor, officers will immediately complete the following forms:
   a. Police Equipment – Accountability form (OPD Form 24).
   b. Incident Report (OPD Form 189).

2. Any supervisor who is notified of malfunctioning/damaged MVR equipment will report the information on the shared Camera Status Log spreadsheet, located on the “P” drive.
   a. Supervisors may view and/or update the status of all MVR equipment at any time using the Camera Status Log spreadsheet, thereby reducing the likelihood of duplicate reports.

3. The supervisor will then notify the MVR Administrator of the malfunctioning/ damaged MVR equipment via email.

F. “No Uploading Video Alerts.”
1. Email notifications, known as “No Uploading Video Alerts,” will be automatically generated and sent to designated recipients when the MVR is not uploading video to the server.

   a. The MVR Administrator will maintain a distribution list of designated recipients for these notifications.

   b. Recipients will be responsible for verifying that each MVR is operational and will coordinate with the MVR Administrator to resolve any potential issues.

IV. MVR Operational Guidelines

A. Operation of the MVR (both audio and video) is mandatory in vehicles equipped with operable cameras in the following situations:

1. Traffic stops and roadside citizen contacts (i.e., traffic violations, stranded motorist assistance, accident scenes, all criminal interdiction stops, etc.).

2. Expedited level responses (i.e., help an officer, shooting, cutting, personal injury accident, etc.).

3. Vehicle pursuits.

4. Transportation of parties (i.e., all citizen transports, missing juveniles, motorist assists, witness transports, etc.).

   **NOTE:** The interior camera and microphone will be activated during all transports.

B. Officers will record any situation or incident they believe, through training and experience, should be audibly and visually recorded.

C. When feasible, officers will inform subjects that they are being audio and video recorded via MVR.

D. Activation of MVR Equipment.

1. Automatic activation of MVR equipment will occur in the following circumstances:
   
   a. Vehicle emergency lights have been activated in positions #2 and #3.

      (1) Officers will not attempt to expedite, clear intersections or initiate traffic stops with emergency lights in position #1.

   b. Vehicle operating speed reaches or exceeds 80 MPH.

      (1) When the MVR is triggered by speed, officers will not turn off the recording until they reach the destination, are cancelled over the radio, or have received permission from a command officer.

   c. Vehicle collides with an object at a force sufficient to activate installed MVR sensors.

      (1) Officers will not deactivate the recording until such time as a command officer or accident investigator reaches the scene.


   a. Officers located outside the vehicle may activate MVR equipment using the wireless transmitter.
(1) This may be done to record a field interview, document suspicious circumstances, or to document any incident as appropriate.

b. Officers may also activate the MVR equipment manually from the camera software loaded on the Mobile Data Computer or from the control buttons on the rear of the front camera.

E. The MVR system will be configured to capture 30 seconds of video data from the buffer prior to automatic or manual activation. It will not be configured to record audio during that 30-second period.

F. When the MVR is activated, officers will make certain the audio portion is also activated so that all events are properly documented.

1. With the exception of the police radio, officers will make certain the volume from other electronic devices within the police vehicle does not interfere with MVR recordings.

2. Officers are encouraged to narrate events using audio recording to provide the best documentation for pretrial and courtroom presentation.

   NOTE: If an officer deactivates the MVR for any reason, the officer shall narrate their reason for deactivating the MVR prior to turning it off.

3. When operating a two-officer vehicle, driver/contact officers shall wear the audio transmitter on their person in a manner that will capture audio of any officer-civilian interactions.

   EXCEPTION: If the driver/contact officer is using a Body Worn Camera (BWC), the passenger/backup officer shall wear the MVR audio transmitter. If both officers are using a BWC, the MVR audio transmitter does not have to be carried by either officer.

4. Temporary muting of the remote microphone may occur, but only after the intention to mute the microphone has been indicated verbally by the officer.

G. Officers using digital transmitters individually synchronized to their MVR will activate both audio and video recording when responding in a support capacity to any situation outlined in Subsection IV, A above. This will ensure additional perspectives of the scene are documented.

H. Officers wearing a functional Body Worn Camera (BWC) are not required to wear an MVR audio mic.

I. The MVR will NOT be deactivated during an event/incident, unless:

   1. The incident or event is of such duration that the MVR is deactivated to conserve recording time.

   2. The officer does not reasonably believe that deactivation will result in loss of critical documentary information.

   3. A supervisor directs an officer to stop recording.

   4. In the event of a pursuit or vehicle fled/non-pursuit, the MVR will not be deactivated until the cruiser returns to the assembly or a supervisor directs the deactivation.

J. If the MVR is deactivated during an event/incident officers shall narrate the reason for doing so prior to deactivating the MVR.
K. Officers will be responsible for copying the video to a DVD for criminal prosecution of their cases and will book an “original” into the Evidence and Property Unit (EPU) in accordance with OPD policies and procedures. Officers may be required to make an additional “working copy” to be used for ongoing investigations.

L. When the recording time remaining is less than one (1) hour, the recording media will be allowed to upload automatically or the media may be replaced by Designated Employees.

V. Supervisor and Designated Employee Responsibilities

A. When a serious incident arises (serious crime scenes, officer-involved shootings, employee-involved accidents, etc.) that requires retrieval of the recorded media, the following procedures will be followed:

1. A field supervisor will respond to the scene and order the affected cruiser(s) to be driven to the respective precinct for automatic upload of the MVR video when feasible.

2. If crime scene processing is still underway, and prohibits moving the cruiser(s), the Designated Employee will remove the secure digital (SD) media from the affected cruiser(s) and transport the recorded media to the precinct for manual upload to the back-end server.

3. The Designated Employee will verify that all recordings have been transferred from the SD media to the server, whether the transfer was made via automatic upload or through a manual process.

4. The Designated Employee will classify the video as “LOCKED.”

a. Recordings classified as “LOCKED” are restricted to specific employees only for a period of 365 days.

5. The Designated Employee will make certain that a copy of the recorded media is prepared for the investigative unit.

a. A DVD created as the original will be booked into the EPU.

b. An OPD Continuation/Supplementary Report (PortalOne/ OPD Form 200A) will be provided to the investigative unit.

6. The Designated Employee will make certain that the SD media is returned to the proper cruiser and inserted into the MVR.

B. Supervisors are responsible for conducting reviews of officer-assigned media in order to:

1. Assess officer performance.

2. Assure proper functioning of MVR equipment.

3. Determine if MVR equipment is being operated properly.

4. Identify recordings that may be appropriate for training.

C. Supervisors are responsible for reviewing the MVR Recorded Media of each officer assigned to their command at least once every six (6) months.

1. At a minimum, supervisors shall review the MVR Recorded Media related to at least one incident for each officer assigned to their command.
2. Supervisors will document the review on an OPD MVR/BWC Recorded Media Audit Form (OPD Form 111).

VI. Recording, Duplication, Dissemination and Review

A. All recording media, recorded images, and audio recordings are the property of the OPD. Dissemination outside the agency is strictly prohibited without specific written authorization of the Chief of Police or designee.

B. Officers will not erase, alter, reuse, modify, or tamper with MVR recordings.

C. Officers will not record, download, or otherwise transfer MVR 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 (SD cards), such media will not be copied, viewed, or otherwise inserted into any equipment or device not approved by the MVR Administrator.

E. Officers may review recordings when preparing written reports of events to help make certain of the accuracy and consistency of accounts.

F. All MVR recordings will be appropriately classified by the recording officer(s) within the system.

G. MVR recordings will be copied to a 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. Vehicle searches in which contraband is recovered and where a felony arrest is made.
3. In all cases when officers determine clear video evidence exists for any crime.
4. All felony crime incidents that are recorded.
5. All misdemeanor crimes involving weapons and/or ammunition.
6. All Driving Under the Influence (DUI) arrests, to include the field sobriety tests.
7. Any other situations officers deem important to document based on their experience and training.

H. When possible and practical, a copy of the original 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 media.

I. 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 EPU.

VII. Video Retention, Classification, and MVR Administrative Responsibilities

A. The retention period for media stored on MVR servers defaults to 240 days unless the recording is classified as “LOCKED.”

1. Recordings classified as “LOCKED” will be retained for 365 days.
a. The classification “LOCKED” will be used to classify serious incidents such as officer-involved shootings, cruiser accidents, or any event that it is deemed necessary to retain for 365 days.

b. Recordings classified as “LOCKED” are restricted to specific employees only.

B. Upon the expiration of its classification-based storage time, the media will be automatically removed from storage unless a request is made to the MVR Administrator stating that it is needed for specific legal proceedings.

C. All media has an identification number that is registered with the recorder when placed into use. The MVR Administrator will maintain tracking of the media.

D. The MVR Administrator will be responsible for the following:

1. Long-term storage of media of evidentiary value consistent with the OPD’s evidence storage protocols and retention schedule (archived server data).

2. The erasure and reissuance of all other SD card media of no evidentiary value consistent with OPD document retention requirements.

3. Deletion of recorded media stored on MVR servers pursuant to a court order.

REFERENCES:

I. Previous OPD Orders

A. The General Order history of this policy includes the following: General Orders #105-95, 17-98, 15-99, 8-03, 8-03 Supplement #1, 22-12, 11-13, 4-16, 24-16, and 79-16.

II. Accreditation Standards

A. CALEA Accreditation standards 41.2.2 and 41.3.8 apply to this policy.

III. Other

A. PPM Update #2-2016 and #8-2016.

**MOBILE DATA COMPUTERS (MDCs)**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to maintain Mobile Data Computers (MDC) for official use by designated employees. All MDCs are the property of the OPD and are subject to random inspections. Employees possess no implied or expressed privacy rights to information contained in the MDCs.

**PROCEDURE:**

I. Authorization for Use

A. OPD employees shall complete OPD approved training and be certified to access NCIC prior to using Mobile Data Computers (MDCs) in an operational setting.

B. OPD MDCs shall only be utilized to access information specifically for OPD authorized investigations and operations.
1. OPD employees SHALL NOT utilize the OPD’s MDCs to access information for personal purposes under any circumstances.

NOTE: All transactions are recorded.

C. Individuals from outside the OPD SHALL NOT be permitted to use OPD MDCs under any circumstance without prior authorization from the Chief of Police or their designee.

D. No unauthorized software shall be installed on OPD MDCs.

E. OPD employees shall not be permitted to manipulate or alter the current software running on OPD MDCs.

II. Maintenance of MDC Equipment

A. MDCs shall only be adjusted, removed, or repaired by approved OPD employees.

B. At start and end of an officer’s tour, the officer will conduct an inspection of the MDC hardware per OPD training.

C. Officers who determine that the MDC is not working properly or appears to have been damaged will:

   1. Immediately notify their immediate supervisor that the MDC is damaged or is not working properly.
      a. The supervisor will note the MDC status on the vehicle status board at the precinct.

   2. Complete OPD Form 24 (Police Equipment – Accountability) and submit the form as follows:
      a. “B”-Shift officers will submit the form directly to MDC Repair.
      b. “A”- and “C”-Shift officers will submit the form to their Administrative Sergeant who will be responsible for submitting the form and notifying MDC Repair of the malfunctioning/damaged MDC equipment.

   3. Complete and submit all other required reports related to the damaged/ malfunctioning MDC (e.g., Chief’s Report, etc.).

D. If instructed by MDC Repair, the Administrative Sergeant will contact the authorized vendor to arrange for MDC repairs.

E. If a cruiser is down (for maintenance and/or repair) for an extended period of time, MDC Repair will remove the MDC’s computer.

III. General Procedures

A. OPD employees shall utilize MDCs in accordance with OPD training and adhere to the following guidelines when utilizing the MDC:

   1. OPD MDCs shall be used in a safe manner while the cruiser is in motion.

   2. Officers shall only use the tip of their finger or the stylus pen provided when utilizing the MDC touch screen.
3. MDC monitors and keyboards shall not be used as a workbench, clipboard holder, shelf, cup holder, etc.

4. Officers shall ONLY adjust the MDC or the MDC mounting system in accordance with OPD training.

B. Officers will power on the MDC and log in at the beginning of their shift.

1. Officers may need to warm up or cool down their cruisers before the MDC will power on.

2. Once they are logged on to the MDC, officers will log on to Computer Aided Dispatch (CAD).

3. Officers shall hit into service at the beginning of each tour of duty using MDC CAD and voice radio.

C. Communication with 911 Dispatch.

1. Officers using MDC CAD will communicate with the Douglas County 911 Communications Center in one of the following ways:

   a. Communicate using voice radio only and no MDC CAD.

   b. Communicate using MDC CAD and voice radio.

      (1) All MDC CAD communications with 911 shall be followed by voice radio.

         (a) Officers shall enter MDC CAD information and receive a confirmation from 911 CAD on their MDC prior to using voice radio.

      (2) The following example shows how officers will voice their communications after an MDC CAD entry:

         (a) **MDC CAD Entry**
             1A26, 10-8, cruiser 126, serial 1143, working 26 and 27

         (b) **Voice Radio**
             “1A26. 10-8. MDC.”

2. The 911 Communications Center will make certain that all calls are dispatched via voice radio and CAD to officers using MDCs (Refer to the OPD “Radio Procedures – Dispatch, Talk Groups, and Call Prioritization” policy for additional information).

D. Conducting Data Checks via MDC.

1. Officers conducting data checks of individuals via MDC shall check all persons via both NCIC/NCIS (date of birth/driver’s license number or date of birth/first and last name) and a local IMS check.

2. Officers shall adhere to all OPD policies regarding wanted parties, missing persons, or persons with locates.

   **NOTE:** Officers will utilize OPD Form 208 (Felony Wanted/Locate Person Cancellation Form) per policy.

F. At the end of their shift, officers will log off the MDC and shut down the power to the computer when parking and locking the cruiser.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #41-01, #18-04, #26-04, #19-12, and #29-16.

II. Accreditation Standards

A. Relevant CALEA Accreditation standards: 41.3.7.

MULTI-JURISDICTIONAL INVESTIGATIVE TASK FORCES

POLICY:

It is the policy of the Omaha Police Department (OPD) to participate in various investigative task forces to address specific crime problems. The OPD recognizes that through joint cooperative efforts, multiple agencies can often accomplish what would not be possible through a singular effort by a single agency.

PROCEDURE:

I. General

A. The purpose of long term multi-jurisdictional task force participation by OPD is to address specific crime problems/offenses in the community.

B. The Chief of Police or their designee will determine the level of commitment to any long-term multi-jurisdictional investigative task force.

C. Each task force will have a designated OPD commander and/or liaison who will be responsible for coordinating and planning investigative task force activities or assigning a designee to do so. This often involves working with other task-force agencies, etc.

II. Written Agreements

A. Participation is generally established in a written agreement between the parties involved.

1. The written agreements will state the purpose of the task force and the authorities and/or responsibilities of the task force parties.

2. The agreements may also state the resources available for use in the task force operations to include staffing, equipment, facilities, and funding.

3. Additional duties of OPD employees who participate in the task force may be detailed in the OPD Policies and Procedures Manual (PPM) and/or OPD unit manuals.

III. Evaluation

A. At least triennially, the Chief of Police or their designee will evaluate the results of each long term multi-jurisdictional task force and the need for continued operation.
REFERENCES:

I. Previous OPD Orders
   A. The previous OPD General Order is #24-13.

II. Accreditation Standards
   A. Relevant CALEA Accreditation Standards include the following: 42.1.6 and 42.2.5.

III. Other
   A. PPM Update #8-2016.
CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
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
PREAMBLE:

There is a need to respond to “vehicle for sale” parking violations in a fair and consistent manner, while conforming to guidelines established by the City Prosecutor’s Office. Legal research supporting this order indicated problem areas regarding “burden of proof” which could prevent successful prosecution. In most instances, these legal hurdles can be overcome by simply using other applicable ordinances for the specific situation. In the vast majority of situations, serving notice results in voluntary compliance, and no further police action is needed.

POLICY:

It is the policy of the Omaha Police Department to enforce “vehicle for sale” parking violations and to ensure consistency, conformity, and fairness in this enforcement effort.

PROCEDURE:

I. Vehicles for Sale Violations

A. The following ordinances commonly apply to these types of violations.

1. 36-158(a)(1) – Parking for certain purposes prohibited.

2. 36-161 – Storage of cars on street.

3. 36-170 – Unlicensed and unregistered vehicles.

4. 36-231 – Unlawfully parked vehicles declared obstruction, misdemeanor, and public nuisance.

5. 36-232 – Summary removal authorized.

6. 36-233 – Complaint and Notice.

II. Guidelines

A. The following guidelines are not meant to be all-inclusive, as unique situations will occur which require unique responses. In complicated situations, contact the Nuisance Task Force Squad for assistance (see PPM Appendix A for phone number).

1. If the vehicle is properly parked on public right of way with a “For Sale” sign or window marking indicating it is for sale.
   a. If there are no other violations, the officer will issue a parking citation, checking the “Other” box and writing “36-158 – Vehicle for Sale” in the space provided. The officer will also issue a 48-hour Tow Notice (OPD Form 243), marking the “Dead Storage” box.
   b. If the vehicle does not have proper license and registration, has active warrants, or is an endangerment to public health and/or safety, the officer will tow it immediately.

2. If the vehicle is parked on private property, it must be currently licensed, in running condition, and on a paved driveway (asphalt, concrete, or brick surface), or it is in violation of Omaha Municipal Code Sections 18-42 and 18-43. In this situation, the officer will issue a Notice of Nuisance (OPD Form 53) and follow-up 10 days later. If they failed to comply, the officer will tow the vehicle.
3. Ongoing situations where multiple “for sale” vehicles are parked together on quasi-public property (adjacent to the street in a large parking lot), and it is apparent that they were placed there for display purposes, advise the Nuisance Task Force Squad by phone or email.

   a. Nothing in this policy refers to private property that is occupied by a business licensed for motor vehicle dealership. If in doubt, contact the Nuisance Task Force Squad by phone (see PPM Appendix A).

REFERENCES:

I. Laws
   A. Omaha Municipal Codes 18-42, 18-43, 36-158(a)(1), 36-161, 36-170, 36-231, 36-232, and 36-233 are referenced in this policy.

II. Previous OPD Orders
   A. Previous OPD General Orders include the following: #36-00 and #92-16.

III. Accreditation Standards
   A. CALEA Accreditation Standard 61.1.13 is relevant to this policy.

PAROLE VIOLATORS

POLICY:

It is the policy of the Omaha Police Department (OPD) to arrest individuals on parole according to Nebraska Revised Statute §83-1,119.

PROCEDURE:

I. Parole Violations
   A. Officers shall verify parole status of all subjects prior to booking to confirm the violation.
   B. Parole status shall be checked with the OPD Data Review Unit in the records system and the State NCIC system to verify if the subject is on parole to the State of Nebraska.
      1. Parties on parole within the State of Nebraska are contained in the information data bank of NCIS.
         a. The printout record returned from the NCIS state system will indicate whether the party is on parole.
      2. Officers shall complete a Field Contact/Observation Card (OPD Form 150), per the OPD “Information Gathering And The Field Observation (FO) Card” Policy when in contact with any individuals on parole.
   C. Officers shall call the Office of Parole Administration when arresting a subject for any charge and who they have verified as a parolee to the State of Nebraska (see PPM Appendix “A” for the phone number).
      1. The on-call Parole Officer will determine whether or not the Office of Parole Administration wants to place a hold.
      2. If the Office of Parole Administration decides to place a hold on the subject, the subject shall be transported to the Douglas County Detention Center and
booked on "Suspicion of Violation of Parole" (NRS §83-1,119) in addition to any new charges, per OPD policies and procedures.

D. If a subject is arrested for any charge and it is determined they are on parole to the State of Nebraska, the following procedures shall be followed.

1. An OPD Incident Report shall be completed by the arresting officer that includes the RB Number of the Original Incident Report for which the parolee was arrested in the "Remarks" section.
   a. If an Incident Report was made by the arresting officer on the initial charge, an additional charge of “Violation of Parole” shall be included.
   b. Limited information is needed concerning the “Violation of Parole” as the factual basis of the situation will be documented for the in the original charge.

2. The parolee shall not be allowed bond for the charge of “Violation of Parole.”

3. All reports shall be forwarded to the District Supervisor for the State of Nebraska Parole Administration through OPD Data Review and Douglas County Department of Corrections (DCDC).

4. DCDC shall notify the District Supervisor for the Parole Administration of the parolee’s arrest and booking.

5. The District Supervisor for the Parole Administration will forward a written detention request from the Nebraska Parole Administration.

6. The arrested parolee shall be handled through the judiciary system in a routine manner as far as bond setting and appearance in court is concerned.

7. DCDC shall follow-up and notify the Municipal Court system to make certain that:
   a. The parole violator is not released without the written consent of the Parole Administration.
   b. They are properly transferred to the custody of the Douglas County Sheriff’s Office (DCSO).
   c. Proper notifications, reports, and written requests for detention are in order and have been received and distributed to the proper persons involved.

REFERENCES:

I. Laws
   A. Nebraska Revised Statutes §83-1,119 “Parolee violation of parole; parole officer; administrative sanction; report to Board of Parole; action of board” is relevant to this policy.

II. Previous OPD Orders
   A. Previous OPD General Orders include #87-74 and #84-16.

PEDDLERS AND PANHANDLERS

DEFINITIONS:

Litter: Any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such street or roadway; or any material that may make the streets or
roadways unsightly, such as rubbish, sewage, garbage, paper, or any other material of such nature; or any burning material.

Panhandler: A person who uses a verbal or nonverbal word or act, or another action or bodily gesture, for the purpose of soliciting money or another thing of value from another person, either directly or indirectly.

Peddler: (1) A person who travels door-to-door selling candies, food, magazines or other merchandise, offers or exposes such items for sale, makes sales and delivers such items to purchasers, or takes orders for sales or services to be delivered immediately or in the future. It does not matter whether or not the person has or exposes a sample of the item(s) for sale, or whether or not the person collects advance payments on the sales. (2) A person who sells candies, food, magazines or other merchandise from any location within the city unless the sales are conducted within a permanent business establishment which has on file with the permits and inspection division a current certificate of occupancy permit. A permanent business establishment is not a peddler when it displays merchandise on the site where it is located. (3) A mobile refreshment truck.

POLICY:

It is the policy of the Omaha Police Department to enforce the laws governing peddlers and panhandlers as established in the Omaha Municipal Code.

PROCEDURE:

I. Peddlers

A. Permit Application.

1. Applications for peddler permits are filed with the City Planning Department, Permits and Inspections Division.

2. The City Planning Department will forward all applications for door-to-door sales to the OPD Front Desk Squad.

3. Upon receiving an application for door-to-door sales, the Front Desk Squad shall investigate the statements provided on the application and conduct a criminal background check on the applicant to determine if the application should be approved or denied.

   a. Applications may be denied for the following reasons.

      (1) Statements provided in the application are untrue or incorrect.

      -OR-

      (2) The applicant has been convicted within the last ten years of a felony or violation of any municipal, state, or federal law that involves moral turpitude.

   b. If the application is denied, the Front Desk Squad shall indicate on the application the reason for denial.

4. Upon approving or denying the application, the Front Desk Squad shall return the application to the City Planning Department.

B. Rules and Restrictions.

1. It is unlawful to engage in business as a peddler within the city limits without first obtaining a peddler permit.
a. Peddler permits are required to show the permittee’s name and address, the kind of goods to be sold or services to be furnished or performed, the date of issuance, the location (if applicable), and the length of time for which the permit is valid.

(1) Peddlers going door-to-door also receive a photo identification badge, which they are required to carry at all times while peddling.

NOTE: Examples of City of Omaha peddler permits are located in Appendix

b. Peddler permits are not transferable, and may not to be used by anyone other than the person to whom it was issued.

c. Peddlers without vehicles or stands are required to display their permit at the request of any police officer, city inspector, or prospective customer.

d. Peddlers with vehicles or stands are required to display their permit in such a manner that the permit is readily visible without the need to request to see it.

2. It is unlawful to make door to door in-person calls as a peddler to prospective customers before 8:00 a.m. or after 6:00 p.m. on any day of the week unless specifically requested to do so by the prospective customer.

3. A peddler permit does not authorize the permit holder to place a stand or display in a location that obstructs a public sidewalk or interferes with free travel on a public sidewalk.

a. Exception: Foods, goods, wares, merchandise or other articles may be sold on the streets and sidewalks if sold under the auspices of a street exhibition, display, festival, or show for which the peddler has a Public Works Department-issued street closing permit.

4. Exceptions.

a. The following persons or groups are exempted from the rules and restrictions governing peddler permits detailed above.

(1) Officers or employees of the city, county, state, or federal government when on official business.

(2) Charities, religious groups, and other non-profits or individuals making charitable solicitation requests.

C. Enforcement.

1. Officers shall enforce the provisions for peddler permits against any person found in violation of the provisions for peddlers listed in Omaha Municipal Code § 19-89.

a. The Fraud Squad shall report to the planning department all convictions for peddler permit violations.

2. Officers shall charge any person found in violation of § 19-89 with a misdemeanor punishable by a fine not to exceed $500 or imprisonment not to exceed six months, or both.

a. Officers may charge the offender with a separate and distinct offense for each day a violation continues.

II. Panhandlers
A. Panhandling within the city limits is lawful if the panhandler remains on approved public property and does not act aggressively.

B. It is unlawful for panhandlers to engage in any of the following activities.

1. Panhandling in an aggressive manner (OMC § 20-7).
   a. A person’s manner is deemed to be aggressive if the person engages in any of the following activities.
      (1) Panhandling from within 15 feet of a person at an ATM or other cash dispensing location.
      (2) Repeated panhandling requests after a person has refused, ignored, or declined an immediate prior solicitation.
      (3) Repeated panhandling requests when the solicited person is stationary, in a line, or stopped in traffic.
      (4) Touching the solicited person without consent immediately prior to, during, or after the panhandling request.
      (5) Panhandling on private property without permission from the owner.
      (6) Panhandling while blocking the path of the person solicited or blocking the entrance to any building or vehicle.
      (7) Following behind, alongside, or ahead of the person solicited after the panhandling request or after a solicitation has been refused, ignored, or declined.

2. Standing in the roadway for the purpose of soliciting contributions from an occupant of any vehicle (OMC § 36-108).

3. Littering (OMC § 36-139).

NOTE: Public street medians are considered approved public property. A panhandler will not be prosecuted simply for being on a street median.

REFERENCES:

I. Laws
   A. Omaha Municipal Code §§ 19-89, 20-7, 36-108, and 36-139 are relevant to this policy.

II. Previous OPD Orders
   A. Previous OPD General Orders include the following: #114-89 and #73-17.

PERMITS – OVERWEIGHT AND OVERSIZED VEHICLES

POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce the provisions for overweight and oversized vehicles established in the Omaha Municipal Code.

PROCEDURE:

I. Special Permits
A. The Public Works Director or designee may, at their discretion, issue a special permit for overweight and/or oversized vehicles. Such permit may prescribe the route and precaution to be taken in carrying the load. The permittee may also be required to post a bond.

B. A copy of the special permit, if granted, shall be sent to the OPD from Public Works. The current permits will be maintained in the Traffic Unit office.

II. Responsibility of Special Permit Holder

A. The holder of a special permit is required to show such special permit to any police officer, upon request, while moving an overweight or oversized vehicle on the streets of Omaha.

B. Police officers shall enforce any violations of the terms of the special permit and issue traffic citations for violation of Section 36-257 of the Omaha Municipal Code.

REFERENCES:

I. Laws

A. Omaha City Ordinance 36-257 and 36-272 are referenced in this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #4-85.

III. Other

A. PPM Update #9-2016.

PICKET LINES/SIGNTAURE GATHERING

POLICY:

It is the policy of the Omaha Police Department (OPD) to maintain the peace while recognizing and respecting the statutory and constitutional right of persons to picket in labor disputes or strike situations; and to circulate and gather signatures on petitions and engage in other expressive activity such as leafleting, political campaigning, and political or charitable fund raising.

PROCEDURE:

I. Picket Lines

A. OPD vehicles will not go through picket lines onto private property except when:

1. It is a large tract type of patrol situation and the tract is a normal area of patrol.

2. Officers are on official police business (i.e., responding to a call, making a police report, etc.).

B. Officers will not tell picketers where to stand if they are not violating any statutes/ordinances or private property rights.

C. OPD will coordinate with organizers of official picket lines as needed.

D. Officers will notify their supervisor if they come across a picket line that the OPD was unaware of.
E. Due to the sensitivity of these situations, officers who arrest picketers for violations will have a command officer review the charges prior to booking.

F. The OPD will adhere to all State Statutes and City Ordinances relevant to picket lines.

1. State Statutes:
   a. 28-1317: Unlawful picketing; penalty.
   b. 28-1318: Mass picketing, defined; penalty; display of sign required.
   c. 28-1319: Interfering with picketing; penalty.
   d. 28-1320: Intimidating pickets: penalty.
   e. 28-1320.01: Unlawful picketing of a funeral; legislative findings.
   f. 28-1320.02: Unlawful picketing of a funeral; terms, defined.
   g. 28-1320.03: Unlawful picketing of a funeral; penalty.

2. City Ordinances:
   a. 20-21: Obstructing Law Enforcement Officer or Firefighter
   b. 20-22: Resisting Arrest.
   c. 20-41: Definition (“Obstruct”).
   d. 20-42: Disorderly Conduct.
   e. 20-43: Failure to Disperse.
   f. 20-44: Obstructing Public Ways.
   g. 20-45: Refusing Lawful Request to Move.
   h. 20-47: Disrupting Meeting or Procession.
   i. 20-48: Unlawful Assembly.
   j. 20-49: Displays Inciting Riot or Race Hatred.

II. Petition Circulation/Signature Gathering

A. Whenever possible, disputes between petition circulators and property managers will be mediated. If mediation is unsuccessful, the responding officer will notify their supervisor.

1. Officers will not consider the content of a petition when mediating a dispute in such cases.

REFERENCES:

A. Previous OPD Orders

A. Previous OPD General Orders include: #24-07 and #37-17.

B. OPS 2-3-3.
POLYGRAPH EXAMINATIONS - SUSPECTS

POLICY

It is the policy of the Omaha Police Department (OPD) that all requests for polygraph examinations shall be submitted to the Operations Squad of the Criminal Investigations Bureau.

PROCEDURE:

I. Polygraph Examination Request

A. Copies of the following listed reports must be submitted to the polygraph examiner via the Operations Squad twenty-four (24) hours prior to the examination. Exceptions may be made in emergency situations.

1. Incident reports of the offense.
2. Investigators report(s) to date.
3. Background information of the subject to be examined.
4. Any statements or denials made by the subject. If possible, the investigating officer should be available for consultation with the polygraph examiner.

II. Reports

A. Reports required by officers who request polygraph examination:

1. OPD Form 200P (Supplementary-Request for Polygraph Examination) shall be used by investigators who need to request the services of an OPD polygraph examiner. This form is designed to eliminate any confusion as to what the investigator requires the polygraph examiner to attempt to accomplish.

2. The investigator shall complete the required section of the form 200P and will check the polygraph examiner's schedule.

   a. Upon selecting a date for examination, the request shall be left in the polygraph examiner's work box.

   b. Upon completion of the assignment, the polygraph examiner will forward the completed report to the OPD Records Unit for filing and/or distribution per current policies and procedures related to OPD Supplementary Reports.

B. During and after a polygraph examination, OPD Form 68 (Polygraph Interview Form) and OPD Form 68A (Polygraph Numerical Evaluation Form) shall be completed by an OPD Certified Polygraph Examiner.
III. Subject’s Condition

A. The physical and mental condition of the subject prior to the examination should be as nearly normal as possible. The polygraph examiner will determine the suitability of the subject to undergo a polygraph examination.

B. The polygraph examiner will consider the following factors:

1. The subject should have a normal amount of food and sleep twenty-four (24) hours prior to the examination.

2. The subject should not have had any recent major surgery; usually the body requires at least six (6) months to fully recover.

3. The subject should not display or be suspected to have any emotional instability as a result of involvement in a violent incident. Seventy-two (72) hours should elapse before a polygraph is given to an emotionally upset person.

IV. Polygraph Exclusions

A. Polygraph examinations shall not be given to the following.

1. Persons with a low mentality, the insane, or the seriously mentally deranged.

2. Pregnant women. Pregnant women shall not be tested unless written consent from a doctor has been provided to the examiner prior to test date.

3. A person under the influence of alcohol, sedatives, opiates, or who is experiencing physical pain, a severe cold, or a respiratory disorder.

4. Minors under the age of fourteen (14).

REFERENCES

I. Previous OPD Orders

A. Previous OPD General Orders include #21-78, 57-86, 61-86, 79-87, and 72-16.

II. Accreditation Standards

A. CALEA Accreditation standards 32.2.4, 32.2.5, 32.2.6, 42.2.6, and 52.2.6 are relevant to this policy.

PROBATION VIOLATORS

PREAMBLE:

NRS §29-2266 gives Nebraska State probation officers the authority to arrest a probationer when the probationer has violated or is about to violate a condition of their probation and when reasonable cause exists to believe the probationer will attempt to leave the jurisdiction or will place lives or property in danger.

POLICY:
It is the policy of the Omaha Police Department (OPD) to assist Douglas County Probation Officers with monitoring juveniles or adults on intensive probation who are being electronically monitored. Nebraska Revised Statute (NRS) §29-2266 establishes procedures for handling probation violations.

PROCEDURE:

I. Assisting Douglas County (DC) with Probationer Monitoring:

A. DC probation officers may ask the OPD to assist in locating individuals who are being electronically monitored. In most instances, a DC probation officer will be present and will assist OPD officers in checking the status of the probationer. There may be occasions, however, when OPD officers will be asked to check the probationer when a DC probation officer is not present.

B. DC probation officers who are not present will contact the 911 Communications Center and request OPD officers be sent to a specific address to verify the physical presence of a probationer.
   1. 911 shall handle these requests as Priority 3 calls. If the probationer is present officers will contact the 911 dispatcher and advise that the probationer is present and whether or not the telephone is operable.
   2. If there is no response at the residence, or the probationer is not present, officers shall advise the 911 dispatcher along with any other relevant information that would be helpful to the DC probation officer. The officer may then return to service.

C. Unless there is a DC probation officer present at the scene, no arrest shall be made for violation of probation. If an arrest is made for any other charge, a copy of the Booking/Arrest Report(s) shall be sent to the respective DC Juvenile or Adult Probation Office.

D. Officers shall complete a Field Contact/Observation Card (OPD Form 150), per the OPD “Information Gathering And The Field Observation (FO) Card” Policy when in contact with any individuals on probation.

II. Felony Probation – Adult Arrest Procedures

A. Adults who are on felony probation may be arrested by officers for various charges.

B. All arrests shall be verified through NCIC and NCIS. If a suspect is not listed on NCIS as being on probation, they may not be arrested for violation of probation.

C. If a subject is verified as being on probation for a felony charge, the following circumstances would violate probation.
   1. Any felony arrest.
   2. Any misdemeanor theft arrest.
   3. Any alcohol or drug-related arrest.
   4. Any misdemeanor assault or misdemeanor crime of violence.
   5. Any major traffic offense defined as driving during suspension, driving under the influence, reckless or willful reckless driving, leaving the scene of a personal injury collision, or motor vehicle homicide.

NOTE: No other traffic charges are applicable as a violation of probation.
D. In the event that a subject is arrested for any of the above charges and is on probation with the Adult Probation Office of the State of Nebraska for a felony, the probationer shall be arrested and booked pursuant to NRS §29-2266.

1. Prior to booking, all arrests shall be checked through the Records Unit to determine if arrestees are in fact on probation for a felony to the adult probation officer.

2. An Incident Report shall be completed by the arresting officer and shall include the circumstances of the incident for which the person was placed on probation, and a reference to the RB number of the original arrest. This report shall also include the details of the arrest which violates the probation.

3. A copy of the Booking/Arrest Report (PortalOne/OPD Form 277) (which includes the NCIC/NCIS hit and any LETS messages) shall be hand delivered to the Criminal Investigations Bureau console.

III. Misdemeanor Probation - Adult

A. When a subject is arrested for a felony or misdemeanor and is verified to be a probationer with the Nebraska State Probation Office for a misdemeanor, the subject shall not be arrested for violation of probation unless specified by a DC Probation Officer or unless a warrant has been issued.

B. When officers are asked by DC probation officers to assist in the arrest of a misdemeanor probationer officers shall arrest the probationer and transport the arrest to the Douglas County Detention Center (DCDC). The DC probation officer will book the arrest and make the necessary reports.

C. The OPD officer shall sign as the Primary Officer on the Booking/Arrest Report (PortalOne/OPD Form 277) and the DC probation officer shall sign as the External Assisting Officer.

IV. Juvenile Probation

A. Officers shall refer to the OPD “Juvenile Arrests - Authorization to Detain” policy when arresting juveniles.

REFERENCES:

I. Laws

A. NRS §29-2266 and §43-205 are relevant to this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include #122-74, #50-94, #39-95, #19-15, and #85-16.

PROPERTY - HOLDS ON PAWNED PROPERTY

POLICY:

It is the policy of the Omaha Police Department (OPD) to place a “hold” on any item(s) in a pawn shop within the City of Omaha that has been identified as stolen or is reasonably believed to be stolen. Outside jurisdictions are responsible for following up on items in pawn shops within their jurisdiction.

PROCEDURE:

I. General Procedures
A. On occasion, property is pawned, pledged, or purchased by an Omaha pawn shop that is stolen or reasonably believed to be stolen.

1. In these circumstances, officers shall contact the OPD Pawn Squad with any relevant information that has been obtained.

2. OPD Pawn Squad employees will be responsible for making an official police request to hold items as appropriate and for documenting all holds.

B. Officers who are not assigned to the Pawn Squad may place a hold on an item if they are unable to contact an on-duty Pawn Squad employee. When placing a hold on an item officers will adhere to the following procedures:

1. If an Incident Report was completed the officer shall:

   a. Complete a Supplementary Report with the following information:

      (1) The reason for the hold.

      (2) The RB number.

      (3) The name and address of the pawn shop.

      (4) The information from OPD Form 36 (Omaha Police Department Report of Pledge, Purchase or Trade).

      NOTE: Officers shall be certain to include the “Ticket or Invoice No.” from OPD Form 36. Pawn Squad employees will utilize this number to obtain the actual form from the pawn shop.

   b. Place a copy of the Supplementary Report in the Pawn Squad mailbox located in the fourth floor CIB console area.

2. If an Incident Report was not completed officers shall complete an Information Report with all applicable information and place a copy of the report in the Pawn Squad mailbox located in the fourth floor CIB console area.

3. If a hold is placed on property stolen from another jurisdiction and no original report has been made, officers shall complete an Information Report with as much information as possible and place a copy of the report in the Pawn Squad mailbox.

C. Outside jurisdictions inquiring about property stolen from their jurisdiction shall be referred to the Pawn Squad during “B” shift hours (see Appendix A for the phone number).

REFERENCES:

I. Previous OPD Orders

A. The previous OPD General Orders include #102-95 and #67-16.

PROPERTY - NON-CRIMINAL PROPERTY DISPUTES

POLICY:

It is the policy of the Omaha Police Department (OPD) to refer citizens to the courts for resolution when non-criminal property disputes occur.

DEFINITIONS:
Replevin: Procedure whereby seized goods may be provisionally restored to their owner pending the outcome of an action to determine the rights of the parties concerned.

PROCEDURE:

I. Replevin Procedures

A. Officers responding to personal property dispute-type calls will advise the disputants that they may pursue a replevin action through the courts and that disputants may contact an attorney for additional clarification.

   NOTE: An order of replevin is a civil, not criminal, action and does not require police intervention. The order is filed through the courts and permits rightful owners to recover possession of specific personal property that is wrongfully detained by another.

   1. Officers SHALL NOT determine ownership of personal property.
   2. Officers SHALL NOT take property from one person to be given to another.

B. The Douglas County Sheriff’s Office (DCSO) is responsible for executing orders of replevin.

C. Officers may be dispatched to assist the DCSO with executing orders of replevin when necessary.

II. Repossession

A. Per Nebraska UCC 9-609, a secured party (i.e., lending institution, bank, creditor, etc.) may legally repossess property if a buyer has defaulted on a loan as long as they do so without a breach of the peace.

B. Officers will adhere to the following procedures when responding to a dispute regarding a repossession:

   1. If the secured party has taken possession of the property in a peaceful manner, the secured party has acted legally and shall be permitted to maintain possession.
   2. If the secured party becomes involved in a dispute with the buyer while attempting to repossess the property a "breach of the peace" has occurred.
      
      a. The secured party shall not be allowed to repossess the property and shall be advised to contact the courts to obtain an order of replevin to repossess the property.

C. Officers who stop a vehicle that was reported stolen and determine that it has been repossessed by a secured party will adhere to the following policies:

   1. The secured party will be permitted to maintain possession of the vehicle if they are able to show proof of ownership (i.e., title or lien to the vehicle).
   2. The officer shall advise the Auto Theft Unit that the vehicle is not stolen but has been repossessed.

      1. The name of the secured party and the company that they represent shall be given to the Auto Theft Unit.
NOTE: OPD employees will refer to the “Towing – Repossession/Private Property” policy for policies and procedures regarding the repossession of vehicles as well as notification requirements.

REFERENCES:

I. Laws
   B. Nebraska Uniform Commercial Code (UCC) 9-609.

II. Previous OPD Orders
   A. Previous OPD General Orders include the following: #23-69, #27-78, #68-79, and #66-16.

PROTECTION ORDERS AND HARASSMENT

POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce violations of Protection Orders issued by the State of Nebraska as well as Protection Orders issued in other states and jurisdictions, and to enforce the Telephone and Electronic Harassment Code issued by the City of Omaha.

DEFINITIONS:

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

Credible Threat: A threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.

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." Refers to a protection order that is issued without a prior hearing and before the other party receives notice of the order.

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).

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.

Show Cause Order: Refers to an order that requires both parties to come to court prior to deciding whether to issue a Protection Order. This type of order does not grant the applicant any protections nor does it place any restraints or conditions on the defendant.

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

Terroristic Threat: A person commits terroristic threats if they threaten to commit any crime of violence with the intent to terrorize another; with the intent of causing the evacuation of a building, place of assembly, or facility of public transportation; or in reckless disregard of the risk of causing such terror or evacuation (NRS §28-311.01).
PROCEDURE:

I. Protection Orders

A. Officers who respond to calls that may involve a violation of a Protection Order shall 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.

NOTE: 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. Officers will enforce valid Protection Order violations even if the victim address listed on the Protection Order does not reflect the victim’s current address.

5. The violator is harassing the victim either by telephone, in person, or by stalking the victim.

B. Officers will 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 determine if the Protection Order is a Domestic Abuse Protection Order.
   a. If the Protection Order is a Domestic Abuse Protection Order, officers shall physically arrest and book the violator.
   b. If the Protection Order is a non-DV related Harassment Protection Order, officers may use their discretion to determine if it is appropriate to 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, the officer will contact a field sergeant for further direction.

1. The officer may inspect the copy of the Protection Order issued to the victim to determine the restrictions placed on the violator.

2. If the officer is uncertain whether the Protection Order is valid and it is a Domestic Abuse Protection Order the officer shall enforce the order.
   a. If the violator is present and committed a listed violation, then the officer shall initiate an arrest and take the violator into custody.

3. If the Protection Order is a non-DV related Harassment Protection Order officers may use their discretion to determine if it is appropriate to enforce the order and to arrest and book the violator.

   **NOTE:** Officers will contact a command supervisor when in doubt regarding the course of action to be taken in the service or enforcement of any Protection Order.

D. Some Protection Orders contain “immediate removal” clauses. In these cases, officers will immediately remove the violator from the premises listed on the Protection Order, regardless of whether the violator is a leaseholder or owner of the property. Refusal to leave the premises as ordered will be grounds for arrest.

E. If an officer does not enforce a Protection Order for any reason (i.e., violator is not present, cannot establish probable cause, etc.), the officer will include an explanation in the Incident Report explaining why the Protection Order was not enforced and forward the report as follows:


2. Non-DV related Harassment Protection Orders – Homicide Unit

   **NOTE:** If an Incident Report is not completed officers will complete an Information Report explaining why the Protection Order was not enforced and forward the report to the appropriate investigative squad/unit.

F. In cases where there is probable cause, but the violator is not present, the officer will:

1. Domestic Abuse Protection Orders – Send all applicable reports to the Domestic Violence Squad for follow-up on the incident.

2. Non-DV related Harassment Protection Orders – Advise the victim of the misdemeanor warrant procedure.

G. When making an arrest for the Violation of a Protection Order, the victim and witnesses will be interviewed and Forensic Investigations services will be used when necessary (e.g., photographs of any physical injury, etc.).

1. Any person who knowingly violates a Protection Order will be charged with a Class I Misdemeanor.

2. 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.
H. Officers who physically arrest and book individuals for Violation of a Protection Order will complete an Incident Report and will send an email that includes the PortalOne report number, RB number, and victim name and date of birth to the following Units/Squads:

1. Domestic Abuse Protection Orders – Domestic Violence Squad (see PPM Appendix A for the email address).
   a. Copies of all related reports will be hand carried to the Criminal Investigations Bureau and placed in the Domestic Violence Squad mail tray.

2. Non-DV related Harassment Protection Orders – Homicide Unit.
   a. Copies of all related reports will be hand carried to the Criminal Investigations Bureau and placed in the Homicide Unit mail tray.

I. Officers will advise victims that the reports will be forwarded for follow-up investigation.

J. All completed Incident Reports pertaining to violations of Protection Orders will be assigned to the Omaha/Douglas County Victim/Witness Assistance Division for follow-up contact with the victim.

K. 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.

L. When a physical arrest is not made, Incident Reports will be submitted through the normal channels.

II. 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 who complete an Incident Report will send an email that includes the PortalOne report number, RB number, and victim name and date of birth to the following Units/Squads:

      a. Domestic Abuse Protection Orders – Domestic Violence Squad (see PPM Appendix A for the email address).
         (1) Copies of all related reports will be hand carried to the Criminal Investigations Bureau and placed in the Domestic Violence Squad mail tray.

      b. Non-DV related Harassment Protection Orders – Homicide Unit.
         (1) Copies of all related reports will be hand carried to the Criminal Investigations Bureau and placed in the Homicide Unit mail tray.
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 will 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).

III. Hold for Service of a Protection Order

A. The Douglas County Sheriff’s Office (DCSO) is responsible for serving Protection Orders.

1. After a Protection Order has been served it may be enforced by OPD officers.

B. If an individual is found to be a respondent to an un-served Protection Order, the officer will detain that individual for a reasonable time period for service of the Protection Order by the DCSO.

1. The State of Nebraska Attorney General’s Office has determined that the detention of an individual for up to 45 minutes to one hour is a reasonable time period to detain an individual, so long as that period is no longer than necessary to effectuate the service of a previously issued Protection Order (Opinion 00018).

2. If the subject is being booked into Douglas County Department of Corrections (DCDC) for another offense the officer will NOT call the DCSO to serve the Protection Order. In these circumstances the subject will be served when they are released or during regular business hours at DCDC.

IV. OPD Employee-Involved Responsibilities

A. Employees shall contact the City Law Department before filing a protection order application or responding to an application for a protection order filed against them relating to work-related incidents.

1. The City Law Department will consider these situations on a case-by-case basis to determine if they are work-related and decide whether to assist in preparing the application or to represent the employee in a show cause hearing.

B. OPD employees who have been served with a Domestic Abuse 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 Abuse 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 Abuse Protection Order at all times outside a police facility.

      b. UPB officers who are subject to a Domestic Abuse Protection Order may be assigned as a Baker Unit.

      c. The Bureau Deputy Chief of the officer subject to a Domestic Abuse 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.

V. Telephone and Electronic Harassment

   A. Omaha City Ordinance makes it unlawful for any person to purposely or knowingly harass another person via telephone calls, voice mails, text messages, social media posts, emails, or other similar electronic communication.

   B. Officers shall complete an Incident Report (PortalOne/OPD form 189) in accordance with Omaha Municipal Code 20-62.

REFERENCES:

I. Laws
A. Nebraska Revised Statute §42-924, 42-935, and 28-311.01 to 28-311.05.

B. Omaha City Ordinance 20-62.

II. Previous OPD Orders

A. Previous OPD General Orders include the following: #25-92, #57-94, #6-02, #22-07, #31-08, 91-16, and #120-16.
RADIO PROCEDURES – DISPATCH, TALK GROUPS, AND CALL PRIORITIZATION

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
RECORDING OF OFFICER ACTIVITY BY THE PUBLIC

PREAMBLE:

Individuals have a First Amendment right to record police officers in the public discharge of their duties. The courts have repeatedly and firmly ruled that the First Amendment of the U.S. Constitution permits the public to record law enforcement engaged in public duties, whether in a private or public place. Some of the court cases include the following: Glik v. Cunniffe\(^1\), Smith v. Cumming\(^2\), Fordyce v. City of Seattle\(^3\), Jean v. Massachusetts State Police\(^4\), Pomyczak v. Borough of West Wildwood\(^5\), Robinson v. Fettermann\(^6\), Kelly v. Borough of Carlisle\(^2\). The 8th Circuit which governs Nebraska has ruled in favor of the First Amendment in Lambert v. Polk County\(^4\) and Angel v. Williams\(^4\).

POLICY:

It is the policy of the Omaha Police Department (OPD) to respect the right of the public to record law enforcement engaged in public duties, whether in a private or public space. With the prevalence of cell phone cameras, digital cameras, etc. it is common for police activities to be recorded or photographed by individuals, as well as by the media. The right to record is not limited to streets and sidewalks, but includes areas where individuals have a legal right to be present. This includes an individual’s home or business, or other private property where the individual has a right to be present. Officers are prohibited from threatening, intimidating, or otherwise discouraging any individual from photographing or recording police activities.

DEFINITIONS:

Record: To capture a still or moving image, regardless of whether or not a simultaneous audio recording is captured. This includes, but is not limited to, recordings made on cellular telephones, smartphones, tablet computers, laptop computers, and all types of cameras whether digital or film.

PROCEDURE:

I. Recording of Police Activities
A. In any area accessible to the general public, members of the media and members of the general public have the same rights to record police activity.

1. No individual is required to have or to display press credentials in order to exercise their right to observe, photograph, or record police activity taking place in an area accessible to, or within view of, the general public.

B. Officers will not threaten, intimidate, or otherwise discourage any individual from photographing or recording police activities.

C. Recordings and/or recording devices will not be seized from individuals without proper legal standing and authority to do so.

D. Officers will not intentionally block or obstruct cameras or recording devices.

E. The First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.

1. Foul and profane expressions of disapproval towards police officers are protected.

2. The U.S. Supreme Court has ruled that a “properly trained officer may reasonably be expected to exercise a higher degree of restraint” than the average citizen with respect to “fighting words” and antagonistic behavior.\(^1\)

F. There is nothing about the right to record police activities which shall be interpreted to permit an individual to trespass on private property, place themselves in physical danger, enter any area identified as an official perimeter or crime scene by law enforcement, enter another person’s private dwelling, storehouse, etc., or enter into or upon any area not accessible to the general public.

II. Exceptions – When Individuals May Not Record Police Activity

A. If the individual’s conduct merits arrest and the individual is actually arrested, an officer may prevent an individual from recording while being detained incident to the lawful arrest. While the individual’s conduct and subsequent arrest do not provide a basis to prohibit a citizen from recording officer activity, OPD procedures and officer safety would prohibit the individual from recording anything during their lawful detention. Examples of conduct that may lead to an individual recording police activity to be arrested are:

1. Instructing a witness being questioned by an officer not to respond to the officer’s questions.

2. Persistently engaging or attempting to engage an officer in conversation while the officer is in the midst of their duties.

3. Hindering a lawful request.

4. Inciting bystanders to hinder or obstruct an officer in the performance of their duties.

5. Actions that jeopardize the safety of the officer, a suspect, or others in the vicinity.

6. Violations of law.

REFERENCES:

I. Court Cases

\(^1\) Glik v. Cunniffe, 665 F.3d 78 (1st Circuit, 2011).

\(^2\) Smith v. Cumming, 212 F.3d 1332 (11th Circuit, 2000).
Fordyce v. City of Seattle, 55 F.3d 436 (9th Circuit, 1995).
Angel v. Williams, 12 F. 3d 786 (8th Circuit, 1993).

II. Previous OPD Orders
   A. The previous OPD General Order is #16-13.

III. Other
   B. PPM Update #3-2017.

RECORDS AND REPORT PROCESSING

POLICY:

It is the policy of the Omaha Police Department (OPD) to establish procedures for the maintenance, security, and dissemination of all records.

PROCEDURE:

I. Records Security
   A. Records Unit services are available to OPD employees and the public 24 hours a day, seven days a week.
   B. All employees will utilize the service counter to conduct business.
      1. Only Records Unit employees or employees authorized by the Administrative Information Manager, Police Chief, or the Chief’s designee will be allowed access to the Records Unit.
   C. Officers will call the Records Unit and request assistance if needed (see Appendix A for the telephone number).
   D. The doors to the Records Unit are secured by automated chip readers.
      1. Any OPD employee needing to access the Records Unit area shall sign in at the Front Desk and sign out when exiting the area.
      2. All other persons shall receive authorization from the Administrative Information Manager, sign in at the Front Desk, obtain a visitor’s pass, and be escorted in order to enter the Records Unit area.
      3. Persons entering the Records Unit area without proper authorization are subject to disciplinary action.
   E. The ONLY persons authorized to make entries into the computerized Central Records files include designated employees of:
1. The OPD Data Center.
2. The OPD Telephone Report Squad (TRS).
3. The OPD Crime Analysis Unit.
4. The City Prosecutor.
5. The County Attorney.
6. The Courts.
7. Probation.
8. DOT.Comm.

F. The OPD IT Unit shall conduct an annual audit of the Central Records computer system for verification of passwords, access codes, or access violations.

G. DOT.Comm shall provide computer back-up and storage of electronic data and media.

H. The Administrative Information Manager will periodically communicate with, and require an annual written report from, DOT.Comm to make certain of compliance with records retention laws and the security and safety of the system.

II. Numbering System

A. All calls for service (citizen reports of crime, citizen complaints, etc.), and officer initiated calls, will be issued a computer-generated control number at the time the incident is reported.

1. A separate and distinct computer-generated number, called an RB Number, consisting of a series of letters and numbers, is issued for each incident requiring a department report.

B. Data Center employees are responsible for making certain that all report numbers issued are properly accounted for in the Records System.

III. Collection, Distribution, and Destruction of Records

A. Electronic reports completed in PortalOne are routed automatically and saved in the Records Management System (RMS).

1. Certain electronic reports may be automatically routed to specific units/ squads and printed via PortalOne.

B. Reports that are not automatically routed via PortalOne will be copied and distributed within the OPD and to various outside agencies per OPD policies and procedures.

C. Follow-up and case reports not completed electronically via PortalOne will be forwarded to the Records Unit to be made a part of the incident file.

1. Follow-up investigation reports will be submitted to the Records Unit in a timely manner, no later than one month following the date of assignment, unless formally extended by the assigned officer's Supervisor.
D. Records of evidence, as well as found or recovered property or property held for safekeeping, will be entered into and saved within the Tracker Evidence System (see the “Evidence and Property Handling” policy for additional details).

E. Original paper documents will remain within the Records Unit with the following exceptions:

1. Intelligence files and Confidential Informant files will be maintained by the Narcotics Unit.
   a. Original reports produced by the Narcotics Unit will be maintained in the Unit until it is determined that the information is no longer sensitive.

2. Crime by location files and calls for service files will be maintained by the Crime Analysis Unit.

3. Case management files will be maintained by the Criminal Investigations Bureau and the Accident Investigations Squad.

4. Unassigned paper citation books are maintained in a secure location by the Police Supply Unit.
   a. Officers are assigned a citation book by recording the information requested on the front tear-off cover of the citation book.
      (1) The inventory form will be filed in the Police Supply Unit.
   b. All voided paper citations will be turned into the Data Center for entry into the IMS computer.
   c. Issued paper traffic citations are forwarded to Data Review for data entry and, upon completion, forwarded to the City Prosecutor’s Office, and then to County Court.
   d. Data Center employees will enter issued paper criminal citations into the computer. The original citation will be filed in the Records Unit.
      (1) Copies of all reports, along with the Prosecutor’s Copy of the citation, will be forwarded to the City Prosecutor’s Office.

   NOTE: Citations entered electronically are routed automatically to all applicable parties.

5. Fingerprint records are maintained in the Automated Fingerprint Identification System (AFIS).

   NOTE: Paper copies of fingerprints taken prior to the computerized database system will be maintained by the Forensic Investigations Section.

6. Prisoner photographs are retained in the web-based PictureLink mugshot database.

   NOTE: Older prisoner photos, taken prior to the computerized database system, are filed in the Forensic Investigations Section.

7. All original breath tests will be maintained by the Forensic Investigations Section.

8. Paper internal reports will be maintained for ten years as follows:
   a. Paper copies of Internal Information Reports (OPD Form 46) will be maintained by the Internal Affairs Unit.
b. Existing paper copies of the OPD Daily Report (OPD Form 11) will be maintained by the Front Desk Squad.

**EXCEPTION:** Reports shall be maintained in excess of the ten year time period if ordered by the Chief of Police or if the report(s) is related to any lawsuit pertaining to the City of Omaha or its employees until such litigation is resolved.

F. Employees SHALL NOT discard documents deemed essential to OPD’s investigative or record-keeping functions.

G. If documents are no longer needed, employees will make certain that documents that had been kept as part of OPD’s investigative or record-keeping functions (copies or originals), and any documents that contain confidential information are shredded according to their unit/squad’s established method of shredding documents.

1. Documents to be destroyed by shredding include, but are not limited to, employees’ notes, computer printouts, photographs, fingerprint cards, and copies of reports.

2. Confidential information includes an individual’s name, address, date of birth, Social Security Number, or any other identifying information with the potential for misuse.

### IV. Juvenile Records

**A. Identification of Juvenile Records**

1. PortalOne will flag all electronic juvenile reports.
   a. Juvenile reports that have been sealed by the courts shall be marked as “Locked” within the Records Management System (RMS).

2. Paper reports will be stamped “Juvenile” by the Data Center and/or the booking officer at the time of arrest.
   a. Records Unit employees will review all paper reports to make certain that the identification of juveniles is clearly marked.
   b. Juvenile offender reports will be flagged in the Information Dissemination Program in the computer system.
   c. Juveniles shall be classified as adults according to Nebraska Revised Statutes and OPD policy and procedures (see the “Juvenile Arrests – Authorization to Detain” and “Juvenile Arrests – Felony Charges/Reduction of Charges” policies for additional details).

3. Dissemination of Juvenile Reports
   a. Reports will be copied and distributed according to OPD policies and procedures.
   b. Juvenile criminal arrest records will be separated physically and electronically prior to dissemination.
      1. Juvenile victim reports will not be separated.

4. Retention of Fingerprints and Photographs
a. Douglas County Youth Center (DCYC) employees are responsible for fingerprinting and photographing juvenile offenders.

b. Fingerprint cards are then forwarded to the Forensic Investigations Section by DCYC for processing. The Juvenile photographs are obtained by DCYC, and also retained in the PictureLink mugshot database.

V. Uniform Crime Reporting

A. The Crime Analysis Unit will compile monthly Uniform Crime Reporting statistics and submit this information to the State of Nebraska, NCLECJ, for forwarding to the Federal Bureau of Investigations.

1. Data gathered by reviewing, classifying and coding offenses, and arrest reports will be in accordance with Uniform Crime Reporting Guidelines, and is the responsibility of the reporting officer and Data Center employees.

   a. Discrepancies in coding offenses will be reconciled by the Crime Analysis Unit.

REFERENCES:

I. Previous OPD Orders

A. Previous General Orders include the following: #1-90, 62-00, 55-02, 45-06, 15-07, 31-16, 81-16, and 79-17.

II. Accreditation Standards

A. CALEA Accreditation standards 72.1.3, 82.1.1, 82.1.2, 82.1.4, 82.1.5, 82.1.6, 82.1.7, 82.2.3, 82.3.4, 82.3.5, and 82.3.6 are relevant to this policy.

III. Other

A. PPM Update #5-2016.

RECORDS - INFORMATION DISSEMINATION

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
POLICY:

It is the policy of the Omaha Police Department (OPD) to dispatch Regional Detectives to the scene of a felony type crime when Uniform Patrol Bureau (UPB) officers determine the need for an immediate follow-up investigation due to the nature of the crime or urgency of the situation.

PROCEDURE:

I. Assignments
   A. Regional Detectives are assigned at large to monitor all UPB precinct channels.

II. CIB Notification of Felony Calls
   A. When officers are dispatched to a call and determine that a Regional Detective is needed, officers shall contact their Field Sergeant and advise them of the circumstances.
   B. Field Sergeants shall call the Regional Detective to the scene for investigation.
      1. During A Shift and Weekends, field sergeants shall contact the Field Investigations Squad.
      2. During B and C Shifts, Monday through Friday, field sergeants shall contact the specific unit in CIB.
   C. Officers shall include the contacted CIB sergeants or lieutenants name on the Incident Report (OPD Form 189).
III. When Regional Detectives are Unavailable

A. If Regional Detectives are unavailable to make a felony investigation, and no unit officers are available, the original uniform officer receiving the call shall be responsible for making the original investigation unless otherwise directed by their Sergeant or Lieutenant.

EXCEPTION: Homicides. In the event of a Homicide Investigation, officers and/or Regional Detectives shall contact the Homicide Unit Lieutenant.

The Homicide Unit Lieutenant shall call out Homicide Sergeants and Homicide Detectives to respond to the scene to make the original investigation.

IV. Forensic Investigations Notification

A. Officers shall not contact the Forensic Investigation Section (FIS) until a Regional Detective has arrived on scene or until they have been advised by CIB to contact FIS.

B. The requesting detective or officer shall advise FIS of the type of crime, what specific services will be necessary, and what type of evidence is present at the scene.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #83-16.

REPORT WRITING

PREAMBLE:

Reports must be self-explanatory as they are often directed to a person removed from the source of the incident by time and/or place. The reader depends on the thoroughness and accuracy of the report to obtain the facts. If any part of the communication requires further explanation, the report has failed to serve its purpose. A written report must be clear, legible, complete, accurate, brief, and prompt. An investigation that has been properly conducted but inadequately reported not only fails to provide the Department with the product needed for proper record keeping and follow-up, but reflects negatively upon the officer/employee’s total job performance.

POLICY:

It is the policy of the Omaha Police Department (OPD) that reports prepared by OPD employees provide an accurate account of criminal incidents and/or activities relevant to law enforcement functions. Written reports serve as an official record of work performed by OPD employees. Reports will be submitted and prepared in conformance with established OPD policies and procedures. All OPD employees will complete reports when appropriate and to make certain that every report is of the highest possible quality.

PROCEDURES:

I. General Reporting Requirements

A. Every incident in one or more of the following categories will be reported by the recording of the basic information in a computer dispatch record or other OPD report.

1. Citizen reports of crime.
2. Citizen complaints.
3. Incidents resulting in an employee being dispatched or assigned.
4. Criminal and non-criminal cases initiated by employees.

5. Incidents involving arrests or citations.

B. ALL “Victim” Incident Reports will be submitted using PortalOne. “Paper” Incident Reports may only be submitted in the event of a catastrophic, Department-wide failure of the PortalOne Reporting System.

1. Officers working assignments where immediate entry of an Incident Report(s) into PortalOne is not possible (ex., Mounted Patrol, Segway, etc.) may complete a paper Incident Report but shall at the earliest opportunity, no later than the end of their current shift/tour of duty, enter the Incident Report into PortalOne.

C. The initial responding officer/employee has the primary responsibility for reports pertaining to calls for service and self-initiated activities; however, all employees who have relevant information are expected to submit appropriate reports.

**EXCEPTION:** The Homicide Unit shall be solely responsible for completing Incident Reports for all homicide offenses. Responding officers will refer to the OPD “Crime Scenes” policy for specific reporting procedures for homicide incidents.

D. Employees will complete reports in a clear and concise manner and will include all available and pertinent information.

E. Reports that are handwritten shall be clearly legible.

F. All handwritten reports will be completed in printed text, in black ink with a ball point pen.

G. ALL original and investigative reports must be signed (electronically or by hand) by the officer or employee who prepared the report.

**NOTE:** Any reports that document off-duty incidents must be reviewed by an on-duty supervisor.

H. All completed reports must be reviewed and approved by a supervisor or designee.

I. In most cases, rather than forwarding a paper copy of a PortalOne report, employees should send an email to the receiving unit/squad/personnel to notify them the PortalOne report is available/completed. The email must include the PortalOne report number, RB number, victim name, and date of birth, etc., so that the receiving personnel can look up the report.

J. Standard capitalization rules shall be followed in all narrative sections of reports. Reports shall not be written or typed in all capital letters.

K. All abbreviations shall be spelled out first before using the abbreviation in the remaining narrative portion of the report. Text messages and short-hand formats shall not be used.

II. Alternative Reporting

A. The OPD Front Desk Squad at OPD Headquarters and/or OPD Precinct Front Desk employees will be responsible for completing original reports on all walk-in type complaints and/or other types of reports.

1. The OPD Front Desk is open 24 hours per day, seven days a week. OPD Precincts are generally open to the public during business hours.
B. The OPD Telephone Report Squad is responsible for taking certain types of reports as described in the OPD “Radio Procedures – Dispatch, Talk Groups, and Call Prioritization” policy.

III. Supply of Forms

A. OPD employees are responsible for making certain they have an adequate supply of forms when they begin their shift.

B. A complete listing of OPD Forms is available via the Public Folders on Google Sites. This listing includes the supply source for each form.

C. Depending on the type of form, reports may be handwritten, typed, or electronically computer-entered.

IV. Completion of Reports

A. As a general rule, all applicable fields/boxes of a report/form must be completed.

   1. When a field/box does not apply to the circumstances, the field/box will be left blank.

B. When applicable, a notation of "Refused" should be used. If further explanation is needed, this can be documented in the narrative section of the report.

C. If inadequate space is provided in a field/box, a notation of "see below" or "see narrative" should be entered in the field/box, and employees should then record the details in the "narrative" section.

D. The PortalOne System allows employees to create templates in order to reduce reporting time. If a PortalOne Incident Report template is created/used, employees will make certain to verify the information each time a new Incident Report is created.

V. Names

A. All proper names, including names of businesses, will be spelled out in full.

B. The first time names are mentioned in reports, they will be listed last, first, and middle name. Thereafter, persons may be referred to by their last names unless there is more than one person mentioned by the same name, in which case, such person will be referred to by complete name each time mentioned.

C. The last name is to be printed or typed in CAPITAL LETTERS.

D. If the name is that of a person in the military service, it will be prefaced by their rank and followed by their serial number.

VI. Addresses

A. An exact numerical address or intersection location is required on all reports that contain an “address” field/box. The address is necessary in order to establish a geographical location of incidents for statistical reports, crime mapping purposes, etc.

B. When the actual exact address is not known, a numeric designation should be used to show the side of the street the incident occurred, with an attempt to place the incident as near to the actual address as possible.

   1. The best and most exact address will be determined for report purposes.
2. If there is a question on whether the North/South or the East/West is applicable, always use the East/West street. This is especially important in vehicle accident reporting.

3. Addresses shall not contain two (2) street names.

C. Vehicle collisions that occur in an intersection will be entered as such.

**EXAMPLE:** An accident that occurred at the intersection of 30th and Hamilton Streets should be entered as “N 30th and Hamilton.”

D. The apartment, suite, and room number are integral parts of the address and must be entered in reports when known.

E. Military personnel must be identified by unit number, name of ship, station, or military installation.

F. Where no street number is available, the reporting officer/employee will enter the number that would be there if there were numbers, as closely as possible, by using the nearest known address.

G. If an individual is a temporary resident, the temporary address will be noted in the narrative section of the report.

**EXAMPLE:** 3420 Clayton Road East, Fort Worth, Texas, 76116 - Temporarily Room 225, Holiday Inn, 3321 South 72nd Street, Omaha, Nebraska.

VII. Telephone Numbers and Email Addresses

A. The full telephone number, including the area code and/or extension number, will be documented in reports/forms as applicable.

B. Email addresses should be documented in reports whenever possible.
   1. PortalOne has specific fields to document email addresses.
   2. If no field for an email address exists in the report/form, the email address should be entered in the narrative section of the report.

VIII. Dates

A. If a report/form does not have a pre-determined/set field for the entry of dates, the following guidelines apply:
   1. The date will be documented by noting the number of the day of the month, followed by the first three letters of the month and the last two digits of the year.
      **EXAMPLE:** 13 MAR 15.
   2. Where a span of dates must be documented, a dash will be used between the first and last date.
      **EXAMPLE:** 23 MAR 15 – 03 APR 15.

IX. Military Time

A. In all reports/forms that require a time to be documented, time will be expressed in Military Time or the twenty-four hour clock.
B. The Military Time day begins at 0001 and ends at 2400 hours. To avoid confusion when orally communicating, officers should say "one minute after midnight," "two minutes after midnight," which will be written 0002. This type of oral communication will continue until 0010 and thereafter the time may be expressed as "zero zero ten," etc.

1. Midnight is 2400 and is pronounced as twenty-four hundred.

2. One minute past midnight is 0001 and is pronounced as one minute past midnight.

3. One hour past midnight is 0100 and is pronounced as zero one hundred.

4. Each hour past midnight and up to noon is called as it reads, but in hundreds rather than A.M. For example: 3:00 A.M. would be zero three hundred.

5. When 1:00 P.M. is reached, numbers since 12:00 noon are added to 12.

   **EXAMPLE:** 5:00 P.M. add the 5 to 12 and the result is 1700.

X. Witnesses/Victims

A. Employees will document names, addresses, and telephone numbers as completely as possible, including addresses and telephone numbers where the witness/victim is employed, if applicable.

1. Witnesses/Victim employment location and hours of employment should be documented.

2. The general description information of witnesses is often pertinent when it is later necessary to locate an individual for interview or to testify in court. If the form/report used provides a block for the names of witnesses and the space is inadequate, record the information of additional witnesses in the narrative section.

B. The identification needed for a witness/victim at a minimum is:

1. Last name.

2. First name.

3. Middle initial.

4. Date of birth.

5. Current address.

6. Telephone number(s), if possible.

C. The following witness/victim information should be obtained if possible:

1. Driver's license number and state.

2. Social security number.

3. Email address(es).

4. Occupation.

   a. In this space, employees should record the general nature of the individual’s livelihood. The address and telephone number of the business should also be listed, when applicable.
b. The very young should be described as "child." Those of school age should be shown as "student" and, if so listed, the business address would be the name and address of the school and the grade the student is in and the telephone number would be the school's telephone number.

XI. Suspect Description

A. Emergency descriptions that identify a fleeing suspect obtained for immediate broadcast should be supplemented by further questioning of complainant or witnesses before the officer submits a formal report.

B. In all cases of a suspect's arrest or citation on any charge and for the purposes of reporting, at least one of the following will be used to identify suspects and other persons mentioned in a report:

1. Driver's license number and state.
2. Social Security number.
3. Date of birth.

XII. Evaluation of Stolen Items

A. An evaluation or estimate of the value of any property stolen will be indicated on all original reports, with the exception of vehicles reported stolen.

B. The original investigating officer/employee will confer with the victim, witness, or other persons to determine the best estimate of value possible at the time.

C. Valuations may be changed later by the follow-up employees, but the original valuation will be entered by the investigating officer.

XIII. Employees' Names, Signatures, and Serial Numbers on Reports

A. On any report where the officer/employee's name is either handwritten or typed, the last name, first name, middle initial, and serial number must be entered in full in all areas where required.

B. In PortalOne, officer names do not contain their middle initial (names are selected from a listing).

C. In the narrative section of a report, the employee/officer's name, when used for the first time, will be spelled out in full (last name, first name, middle initial, and serial number). From then on in the report, they may be referred to by last name only, using CAPITAL letters.

D. If a case involves two employees/officers of similar last names who will be mentioned in the same report, the first name and serial number will be used as well as the last name throughout the report.

E. When a signature is required, employees/officers will enter their first name, middle initial, last name, and serial number (on typed or handwritten reports).

F. Reports entered in PortalOne are digitally signed. The officers' names will be selected from a listing (middle initial is not used).
G. Transcribed reports need not be signed by reporting employee/officer. The employee who types/enters the report will type the reporting employee/officer's name and serial number in the space provided.

H. If the report is to document a joint investigation by two or more officers, both or all names and serial numbers are to be recorded. The officer who received the original assignment is responsible for obtaining the pertinent information from other officers and executing the required report.

XIV. Submission of Reports

A. All original reports made by officers in the field will be submitted to their supervisor prior to the end of the tour of duty/shift. Some OPD reports/forms are submitted for approval electronically after the report is completed by the officer/employee.

B. The reports/forms will be reviewed by a command officer who will sign/approve the report/form.

1. Reports that are not electronically transmitted/routed will then be transported to Police Headquarters and placed in the Data Center Unit in-basket for processing.

C. The OPD Data Center Unit has a system in place to recognize when reports are missing or incomplete.

1. Data Center employees will initiate a Report Correction and/or Completion Needed Form (OPD Form 147) to indicate the report(s) is missing for a particular RB number or is incorrectly completed.

2. The OPD Form 147 will be forwarded to the officer/employee responsible for completing/correcting the report via the officer/employee’s supervisor.

3. If the report(s) is not received by the Data Center Unit within seven (7) days, a second request will be forwarded to the officer/employee’s Captain.

XV. Reports Cleared

A. All reports shall be cleared by a Supplementary Report only. At no time will any report be cleared by placing a notation on the original report.

B. Original felony reports taken by field officers CAN NEVER be EXCEPTIONALLY CLEARED.

1. Officers who take the original report, who have information to indicate the possibility of an exceptional clearance, will document the information in the narrative field of the report, NOT in the clearance field.

C. Only Criminal Investigations Bureau (CIB) detectives and officers will enter “exceptional” clearances.

XVI. Follow-Up Reports

A. Many incidents, particularly those involving crimes, require subsequent investigation. Ordinarily, this follow-up investigation will be performed by CIB detectives who will prepare Supplementary Reports.

B. When Uniform Patrol Bureau (UPB) officers continue investigations, they must prepare the follow-up reports in addition to the original report(s).

XVII. Reports and RB Numbers Necessary in All Cases of Physical Arrests
A. A report with an RB Number will be made for reference in all cases of a physical arrest with the following exceptions:

1. Arrests for a traffic and/or misdemeanor warrant(s) only.
2. Juveniles taken into custody for other than a criminal or traffic offense.

**NOTE:** If a paper Super Citation or Street Release is completed, a PortalOne Supplementary or a taped Supplementary Report is required to document the incident/information.

B. In all other cases, a Supplementary Report will accompany all Records of Arrest.

C. In the case of an offense where the report was made at a prior time, a Supplementary Report will be made and will be cross-indexed to the original RB Number.

D. In all cases of physical arrest where there is no Incident Report, and the arrest is made by the officer for a violation of a State Statute or a City Ordinance and is not connected with a prior reported crime or accident, a PortalOne Supplementary Report must be completed. No additional reports are needed. This applies to both criminal and traffic incidents.

XVIII. Reports Required When a Complainant is Referred to the City Prosecutor

A. An Incident Report is required in all cases where an officer/employee becomes aware of a misdemeanor assault situation to the extent that the officer refers the complainant to the City Prosecutor for the signing of a misdemeanor assault warrant.

B. For the purpose of obtaining a warrant, names of suspects will be provided to victims of crimes when they are known to police and are not known to victims.

C. The narrative section of the Incident Report will indicate that the complainant was referred to the City Prosecutor's Office at Omaha/Douglas County Civic Center, 17th and Farnam Street.

XIV. Availability to the Public

A. Officers will inform citizens who request Incident Reports that copies WILL NOT be available from OPD until ninety-six (96) hours after the report was taken.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #117-89, 74-90, 31-92, 57-00, 10-02, 34-02, 20-15, 49-16, and 65-16.

B. Previous OPD Information Orders include #285-89.

II. Accreditation Standards

A. CALEA Accreditation standard 82.2.1 is relevant to this policy.

**RESISTING ARREST - ASSAULTING AN OFFICER**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) that any person who intentionally physically prevents or attempts to prevent a police officer acting under color of their official authority, from affecting
the arrest of a suspect, will be charged with Resisting Arrest. In addition, if a person intentionally or knowingly causes serious bodily injury to a police officer, they will be charged with "Assault On An Officer".

PROCEDURE:

I. Elements Of Resisting Arrest (Nebraska Revised Statute (NRS) §28-904).

   A. A person commits the offense of resisting arrest if, while intentionally preventing or attempting to prevent an officer, acting under color of their official authority, from effecting the arrest of any individual. Elements of Resisting Arrest include the following.

      1. Uses or threatens to use physical force or violence against an officer or another.
         -OR-
      2. Uses any other means which creates a substantial risk of causing physical injury to the officer or another.
         -OR-
      3. Employs means requiring substantial force to overcome resistance to affecting the arrest.

   B. It is an affirmative defense to prosecution under this section if the officer involved is out of uniform and did not identify himself/herself as an officer by showing their credentials to the person whose arrest is attempted.

II. Classification of Resisting Arrest

   A. First Offense is a Class I Misdemeanor.
   B. Second Offense (second or subsequent) is a Class IV Felony.
   C. Resisting arrest through the use of a deadly or dangerous weapon is a Class IIIA felony.

III. Elements of Assault on an Officer

   A. First Degree Assault on an officer (NRS §28-929).
      1. A person commits the offense of assault on an officer in the first degree if they intentionally or knowingly causes serious bodily harm to the officer while such officer is engaged in the performance of their official duties.
      2. First Degree Assault on an officer is a Class II Felony.
   B. Second Degree Assault on an officer (NRS §28-930).
      1. Intentionally, knowingly, or recklessly causing bodily injury with a dangerous instrument to an officer while such officer is engaged in the performance of their official duties.
      2. Second Degree Assault on an officer is a Class III Felony.
   C. Third Degree Assault on an officer (NRS §28-931).
      1. Intentionally, knowingly or recklessly causing bodily injury to an officer while such officer is engaged in the performance of their official duties.
      2. Third Degree Assault on an officer is a Class IV Felony.
IV. Reporting Procedures

A. Officers shall complete a PortalONE Incident Report (OPD Form 189) and list the assaulted officer as the victim.

B. Photographs will be taken of both the officer and the suspect any time an officer is involved in an assault incident.

C. A Chief's Report, (OPD Form 214) shall be completed for all assaulting an officer incidents.
   1. Officers shall document all assault information in a Continuation / LEOKA Addendum Report (OPD Form 214A).
   2. All crime reports with RB Numbers shall be included and attached to the Chief’s Report along with a copy of the suspect’s criminal history, and then forwarded to the Crime Analysis Unit via the Office of the Chief via the Chain of Command for UCR/NIBARS/Departmental statistical purposes only.
   3. All cases will be submitted to the County Attorney's office for review or filing of formal charges.

REFERENCES:

I. Laws

   A. Nebraska Revised Statutes §28-904, 28-929, 28-930, and 28-931.

II. Previous OPD Orders

   A. Previous OPD General Orders include #45-83, #52-92, #57-97, and #94-16.

RESPONSE TO RESISTANCE – 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.
   e. Internal Affairs Unit.

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 fourth 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.

F. Internal Affairs Unit shall:

1. If not already notified, notify the Chief of Police.
2. Coordinate with the Chief of Police for alcohol and drug testing in accordance with this policy.

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.

5. Coordinate and assign personnel to make next of kin notifications for suspects and all decedents.
   a. Next of kin notifications shall only be made after positive identification of the decedent.
   b. Attempts to notify next of kin shall be made as soon as possible after positive identification.

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. Authorizations will be coordinated by the Internal Affairs Unit.

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, #64-15, #115-16, #15-17, and #24-17.

II. Accreditation Standards

A. CALEA accreditation Standards 1.3.6, 1.3.7, and 1.3.8 are relevant to this policy.

RESPONSE TO RESISTANCE – 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 “Response to Resistance – 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, 17-16, and 115-16.
II. CALEA Accreditation Standards

A. Relevant CALEA Accreditation standards include the following: 1.3.5 and 70.2.1.

RESPONSE TO RESISTANCE – 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.

DEFINITIONS:

See the “Response to Resistance – Use of Force” policy for all relevant definitions.

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.

E. Officers will be cautious when utilizing less-lethal weapons/techniques, as improper use can result in serious injury or death.

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. After the completion of the spring 2017 in-service, 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.
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.

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.

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 and transport them to a hospital emergency room per the “Response to Resistance –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 Resistive 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 Resistive 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.
   a. Officers shall have at least two-and-a-half (2½) years of experience as a law enforcement officer in order to become a certified ECD user.
   b. Officers with prior law enforcement experience who meet the above requirement may be approved to carry an ECD with the approval of the Training Academy Commander.

      (1) Review of OPD policies and procedures regarding ECD usage shall be completed with the Taser Coordinator or their designee prior to being issued an ECD.

      NOTE: All outside agency certification SHALL be approved by the Training Academy Commander.

2. Officers authorized to carry an ECD will:
   a. Complete an annual proficiency exam for ECD operators. An exam score of at least 80% is required for proficiency.
   b. Demonstrate ECD operational proficiency each year by firing two cartridges in the presence of a Taser Instructor.
   d. Review any additional training material provided by the Training Unit (i.e., Training Bulletins, etc.).

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 function test to make certain the ECD operates properly.
   a. The function 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 the battery icon 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 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.
   b. ECD’s that are taken out of service will be sent to the ECD Coordinator for a new 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 PPM.

7. Officers who have an OPD issued X26P Taser ECD will bring their weapon and companion equipment to the ECD Coordinator annually or upon the request of the ECD Coordinator for firmware updates and inspection.

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 preferred target areas are below the neck area for back shots and the lower center mass area (below the chest or heart area) for front shots.

      (1) Officers will avoid sensitive areas when deploying the ECD (i.e., head, throat, groin, etc.).

   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 in close quarters.

   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 or the live cartridge on.

   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 “a” through “c” 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.

   **NOTE:** ECDs can ignite explosive materials, liquids, fumes, gases, vapors, or other flammable substances and materials (e.g., gasoline, sewer gases, methamphetamine laboratories, flammable personal defense sprays, hair gels, butane lighters, etc.). Officers should be aware that some personal defense sprays use flammable carriers, such as alcohol, and may be dangerous to use in conjunction with an ECD.
   
   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 at a medical facility.

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, 16-16, and 114-16.

II. Accreditation Standards
   A. Relevant CALEA Accreditation standards include the following: CALEA Chapter 1 and 70.3.1.
III. Other


RESPONSE TO RESISTANCE – USE OF FORCE

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’s highest priority is the sanctity of human life. In all aspects of their conduct, OPD officers shall act with the foremost regard for the preservation of human life and the safety of all persons involved.

   B. OPD officers will demonstrate the highest degree of ethical behavior and professional conduct at all times.

   C. 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.

   D. 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/comands, 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, 19-16, and 115-16.

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.
RESPONSE TO RESISTANCE – 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, 18-16, and 115-16.

II. Accreditation Standards

   A. CALEA Accreditation Chapter 1 is relevant to this policy.

RESTRAINING ORDER ENFORCEMENT

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers shall enforce violations of Restraining Orders issued under Nebraska Revised Statute (NRS) §42-357. Violation of the terms of a Restraining Order is a Class II Misdemeanor.

PROCEDURE:

I. Probable Cause

   A. Officers receiving calls concerning a violation of a Restraining Order must establish probable cause for arrest and verify service of the order on the violator.

II. Restraining Order Verification

   A. Officers will verify service of a Restraining Order ONLY if the complainant has a copy that the officer can review.

   NOTE: Restraining Orders, unlike Protection Orders, cannot be verified through the Channel 5 Information Operator.
B. The complainant's copy, like a Protection Order, will list the restrictions placed upon the violator, the date the violator was served with a copy of the Restraining Order, and the expiration date of the order.

III. Arrest of the Violator

A. If the violator is present and involved in conduct prohibited by the Restraining Order, and the officer can verify through the complainant's copy that the violator has been served, then an arrest will be made and a PortalONE Incident Report (OPD Form 189) will be completed.

B. Arrests for violation of a Restraining Order will be investigated as a Misdemeanor crime and the victim and witnesses will be interviewed.

C. Forensic Investigations services will be requested to take photographs of any physical injury or collect any evidence.

D. If in response to a call the officer finds that the party has been expressly prohibited from being on or at specifically identified premises set out in the Restraining Order, and is present at the location, the violator may be place under arrest for violation of the provision of NRS §42-357, a Class II Misdemeanor.

E. The prosecutor's office will be responsible for obtaining a copy of the Restraining Order from the Clerk of the District Court prior to the violator's appearance in court.

IV. Exceptions

A. On those occasions where the violator is not present upon the officer's arrival or is present but the officer is unable to determine if the violator was served, no arrest will be made. The officer will document all of the circumstances of the call on an Information Report (OPD Form 42) and advise the complainant to contact their legal counsel. The OPD has no authority or obligation in the "Contempt" area.

NOTE: This does not preclude the officer from making an arrest or actively enforcing Ordinances and State Statutes governing assault, disturbing the peace, disorderly conduct, etc., that the officer witnesses.

V. Follow-Up

A. All completed Incident Reports and Information Reports pertaining to violations of Restraining Orders will be assigned to the Assault Squad or the Domestic Violence Squad for investigation, and to the Omaha/Douglas County Victim/Witness Assistance Unit for follow-up purposes.

REFERENCES:

I. Laws

A. Nebraska Revised Statute §42-357.

II. Previous OPD Orders

A. Previous OPD General Orders include #26-92 and #93-16.
POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce Omaha City Ordinance 36-148 which regulates roller-skating, skateboarding, and bicycling in the Old Market and Wholesale District, the downtown business district, and the area between Jackson to Jones Street and 10th to 11th Street.

DEFINITIONS:

Downtown Business District: Area bounded by and located within Chicago Street on the north, Jackson Street on the south, 20th Street on the west and 8th Street on the east. Such areas shall include the entire right-of-way of each street forming the boundaries of the areas (Omaha Municipal Code 36-148).

Old Market and Wholesale District: Harney to Howard Street, 10th to 13th Street and Howard to Jackson Street, 10th to 12th Street (Omaha Municipal Code 36-148).

Roller-Skating: Includes the use of either inline skates or skates with wheels attached in a parallel configuration (Omaha Municipal Code 36-148).

PROCEDURE:

I. Enforcement Area

A. Omaha City Ordinance prohibits roller-skating, skateboarding, or bicycling on the public sidewalks of the downtown business district or the area from Jackson to Jones Street, 10th to 11th Street.

1. This ordinance does not prohibit walking or pushing a bicycle in this area EXCEPT on the public sidewalks of the Old Market and Wholesale District.

2. People may walk but not ride bicycles across the pedestrian bridge that crosses S. 8th Street between Douglas and Farnam Street.

NOTE: This ordinance does not regulate roller-skating, skateboarding, or bicycling in the Heartland of America Park.

A. The below map highlights the enforcement area for Omaha City Ordinance 36-148: 
II. Violations

A. Violators will be issued a criminal citation.

B. Officers may impound violators’ roller-skates, skateboard, or bicycle.

REFERENCES:

I. Laws

A. Omaha City Ordinance 36-148.

II. Previous OPD Orders

A. Previous OPD General Orders include: #24-78, #50-80, #55-87, #17-88, #38-14, and #38-17.
SAFETY EQUIPMENT – KNITTED BARRIER PROTECTIVE HOOD

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide safety equipment for employees. The OPD will maintain a stock of knitted barrier protective hoods (KBPH). KBPH will be used to prevent spread of disease.

PROCEDURE:

I. Supply
   A. The Police Supply Unit will maintain a stock of KBPH that are similar in appearance to a cold weather balaclava or full hooded ski mask.

II. Authorized Use
   A. Disease Prevention
      1. Employees are authorized to use KBPH as necessary to prevent transmission of disease by suspects who are inclined to spit.
      2. It is not necessary to wait for a suspect to actually display such behavior. If the employee reasonably believes the behavior is likely or possible, the employee is authorized to use KBPH.

III. Disposal
   A. In all cases the KBPH shall be discarded by the employee after use.
   B. KBPH shall not be used more than once.

REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include #7-98 and #117-16.

SAFETY EQUIPMENT – SELF-CONTAINED BREATHING APPARATUS

POLICY:

It is the policy of the Omaha Police Department, in cooperation with the Omaha Fire Department (OFD), to provide Self-Contained Breathing Apparatus (SCBA) equipment for OPD employees. This equipment is for use during crime scene and contingency operations where availability of natural, fresh air has been seriously compromised.

PROCEDURE:

I. Requesting SCBA Equipment
   A. OPD employees on site of crime scenes where natural, fresh air has been compromised may request the use of a SCBA.
      1. OFD shall maintain SCBA equipment at Omaha Fire Station #33 located at 3232 South 42nd Street.
      2. OPD employees shall contact Dispatch and request that Rescue #33 be dispatched to their location.
3. OFD will assist OPD employees in donning and operating the SCBA equipment.

4. When finished on scene, OPD employees shall return SCBA equipment to the Rescue #33 Unit.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #98-16.

SCHOOLS - NOTIFICATION PROCEDURES FOR INVESTIGATIONS/ARRESTS

POLICY:

It is the policy of the Omaha Police Department (OPD) to make appropriate notifications when entering a school to conduct an investigation or to make an arrest. OPD employees shall adhere to all procedures in the OPD “Abuse/Neglect/Injury – Child” policy in all cases of child abuse, sexual abuse, neglect and/or suspicious injuries.

PROCEDURE:

I. Responding to Original Calls

A. When an officer is dispatched to a school for a call for service the officer will confirm with 911 Dispatch that the school administration and/or School Resource Officer (SRO) has been notified.

II. Students

A. If an officer/detective needs to conduct an investigation or make an arrest of a juvenile in a school and is uncertain which school the juvenile attends, the officer/detective may contact the Sergeant of the School Resource Officer North or South Squad for assistance in locating the juvenile.

B. When officers/detectives need to enter a school to conduct a follow-up investigation involving a juvenile and/or arrest a juvenile, they will adhere to the following procedures:

1. If an on-duty SRO is available at the school, the officer/detective will contact the SRO to coordinate the investigation/arrest.
   a. The SRO will be responsible for notifying and coordinating with the school administration as appropriate.
   b. If necessary, the SRO will work with the school administration to obtain video evidence from the school if available.

2. If there is no SRO assigned to the school or the SRO is unavailable, the officer/detective will go to the administrative office of the school and notify the school administration as appropriate of the investigation/arrest.
   a. If necessary, the investigating officer/detective will work with school administration to obtain video evidence from the school if available.

3. When appropriate investigating officers/detectives may conduct an interview at the school.
a. The investigating officer/detective may ask that the school administration provide a room to conduct the interview.

b. Parental and staff member participation in the interview will be at the discretion of the investigating officer/detective.

4. In all cases, regardless of notification by the school, the investigating officer is responsible for notifying a parent regarding a child’s interview/arrest.

a. Officers/detectives will make certain that the notification is made in a timely manner.

b. The school may notify parents whenever a police interview is conducted or a student is arrested unless the investigating officer specifically instructs the school administration to not notify them.

5. Prior to leaving, the investigating officer/detective will inform the school administration of the status of the case as appropriate.

C. Officers/detectives shall adhere to all OPD policies and procedures regarding juveniles when investigating, interviewing, and/or arresting a juvenile in a school (see Chapter J of the PPM for relevant juvenile policies).

III. School Staff Members

A. When officers/detectives need to enter a school to conduct a follow-up investigation involving a school staff member and/or arrest a staff member, they will adhere to the following procedures:

1. If an on-duty School Resource Officer (SRO) is available at the school, the officer/detective will contact the SRO to coordinate the investigation/arrest.

   a. The SRO will be responsible for notifying and coordinating with the school administration as appropriate.

   b. If necessary, the SRO will work with the school administration to obtain video evidence from the school if available.

2. If there is no SRO assigned to the school or the SRO is unavailable, the officer/detective will go to the administrative office of the school and notify the school administration as appropriate of the investigation/arrest.

   a. If necessary, the investigating officer/detective will work with school administration to obtain video evidence from the school if available.

3. When appropriate investigating officers/detectives may conduct an interview at the school.

   a. The investigating officer/detective may ask that the school administration provide a room to conduct the interview.

   b. Interviews of adult staff members shall be conducted in private with no one other than the investigating officer(s)/detective(s) in the room.

4. Prior to leaving, the investigating officer/detective will inform the school administration of the status of the case as appropriate.

REFERENCES:
I. Previous OPD Orders

A. Previous OPD General Orders include the following: #21-95 and #102-16.

SEARCHES - PERSONS

PREAMBLE:

The Fourth Amendment to the U.S. Constitution guarantees the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. This policy is intended to assist officers in making reasonable searches of persons.

POLICY:

It is the policy of the Omaha Police Department (OPD) to search persons in order to remove weapons, locate evidence, and remove instruments of escape. OPD officers shall conduct Stop and Frisks and Custodial, Inventory, Strip, and Body Cavity Searches in accordance with all applicable laws and OPD policies and procedures.

DEFINITIONS:

Articulable Facts: Facts that officers can verbalize which give rise to a reasonable suspicion that a person has committed, is committing, or is about to commit a crime.

Body Cavity Search: A search involving not only a visual inspection of skin surfaces but the internal physical examination of body cavities, and, in some instances, organs such as the stomach cavity.

Custodial Search: A search for weapons, evidence, instruments and/or contraband incident to a lawful arrest.

Frisk: A search within the meaning of the Fourth Amendment but is limited in purpose to the detection of concealed weapons.

Inventory Search: Process of taking and listing personal property for safekeeping, the protection of detention officers/personnel, and preventing contraband from entering detention facilities. An Inventory Search is conducted as an extension of the Custodial Search and is conducted during the booking process.

Probable Cause: Probable Cause exists where facts and circumstances within the officer's knowledge are more probable than not to warrant a belief that the suspect has committed, or is in the process of committing a crime. Probable Cause is established by two building blocks: 1) An awareness of the articulated facts, and 2) A gathering of supportive evidence.

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.

Stop: A temporary seizure of a person short of an arrest.

Strip Search: Any search of an individual requiring a person to remove or arrange some or all clothing to permit inspection of genitals, buttocks, female breasts, or undergarments.

PROCEDURE:

I. Stop and Frisk

A. Generally, a police officer who has Reasonable Suspicion, based on their own observations or authenticated information, that a crime was or is about to be committed, may Stop and Frisk a person (Terry v. Ohio).

   NOTE: In a Stop and Frisk situation, justification of a warrantless search is based on an officer's belief that the individual presents a potential danger to the officer.

B. A Stop and Frisk is used prior to arrest for officer safety to search for weapons only.
NOTE: The Frisk is not a search for evidence. Its sole objective is to determine if the individual who has been stopped possesses weapons.

C. The following are required for a legal Stop and Frisk:

1. The officer must make a lawful stop (e.g., observes unusual conduct which leads them to reasonable suspicion).

2. The officer must believe reasonably that the person stopped may be armed and presently dangerous.

3. The officer must identify themselves as a police officer.

4. The officer must make reasonable inquiries.

5. The officer's concern for their own safety or the safety of others is not dispelled by the listed inquiries.

D. Officers shall thoroughly articulate the above reasons for the Stop and Frisk in any applicable PortalOne reports (i.e., Incident Report, Information Report, Field Contact/Observation Card, etc.).

1. Officers shall, at a minimum, complete a Field Contact/Observation Card (PortalOne/OPD Form 150) to document the above reasons for the Stop and Frisk if no other report is completed (see the OPD "Information Gathering and Field Observation (FO) Card" policy for procedures on completing the report).

E. Stops

1. A police officer may stop any person in a public place whom they reasonably suspect of committing, who has committed, or who is about to commit a crime and may demand their name, address, and an explanation of their actions (NRS §29-829).

2. The "Model Rules for Law Enforcement" on "Stop and Frisk" has listed guidelines that may be considered in deciding on reasonable suspicion for a stop including:

   a. The Person's Appearance:

      (1) Does the person generally fit the description of a person wanted for a known offense?

      (2) Does the person appear to be suffering from a recent injury, or to be under the influence of alcohol, drugs, or other intoxicants?

   b. The Person's Actions:

      (1) Is the person running away from an actual or possible crime scene?

      (2) Is the person otherwise behaving in a manner indicating possible criminal conduct? If so, in what way?

      (3) Were incriminating statements or conversations overheard?

      (4) Is the person with companions who themselves are reasonably suspicious?

   c. Prior Knowledge of the Person:

      (1) Does the person have an arrest or conviction record, or is the person otherwise known to have committed a serious offense?

      (2) If so, is it for offenses similar to one that has just occurred, or which the officer suspects is about to occur?

      (3) Does the officer know of the person's record?

   d. Demeanor During the Contact:
If the person responded to questions during the contact, were the person's answers evasive, suspicious or incriminating?

Was the person excessively nervous during the contact?

e. Area of the Stop:

Is the person near the area of a known offense soon after its commission?

Is the area known for criminal activity (a high crime area)?

If so, is it the kind of activity the person is thought to have committed, be committing, or about to commit?

f. Time of Day:

Is it a very late hour?

Is it usual for people to be in the area at this time?

Is it the time of day during which criminal activity of the kind suspected usually occurs?

g. Police Training and Experience:

Does the person's conduct resemble the pattern or modus operandi followed in particular criminal offenses?

Does the investigating officer have experience in dealing with the particular kind of criminal activity being investigated?

h. Police Purpose:

Was the officer investigating a specific crime or specific type of criminal activity?

How serious is the suspected criminal activity?

Might innocent people be endangered if investigative action is not taken at once?

i. Source of Information:

If the basis of the officer's reasonable suspicion is, in whole or in part, information supplied by another person, what kind of person is the information source?

Is the person a criminal informant, a witness, or a victim of a crime?

How reliable does the person appear to be?

Has the person supplied information in the past that proved to be reliable?

Is the person known to the officer?

Did the officer obtain the information directly from the person?

How did the person obtain the information?

Was any part of the information corroborated prior to making the stop?

3. These above guidelines are applicable to only police stops as defined above and DO NOT APPLY:

a. When merely talking to a person so long as they are free to go.
b. When stopping an individual in order to make an arrest.

c. In situations where officers detain an individual but do not have probable cause to arrest them.

4. Officers shall thoroughly articulate the above reasons for the Stop in any applicable PortalOne reports (i.e., Incident Report, Information Report, Field Contact/Observation Card, etc.).

F. Frisks

1. Officers shall have Reasonable Suspicion that their safety or that of another person in the vicinity is in danger because a particular person might be carrying a weapon or dangerous instrument to conduct a valid Frisk.

2. The following list contains factors that alone or in combination may be sufficient to create Reasonable Suspicion for a Frisk:

a. The Person's Appearance:
   (1) Do the person's clothes bulge in a manner suggesting the presence of any object capable of inflicting injury?

b. The Person's Actions:
   (1) Did the person make a furtive movement, as if to hide a weapon, as the person was approached?
   (2) Is the person nervous during the course of the detention?
   (3) Are the person's words or actions threatening?

c. Prior Knowledge:
   (1) Does the officer know if the person has a police record for weapons offenses?
   (2) For assaults (on police officers or others)?
   (3) Does the officer know if the person has a reputation for carrying weapons or for violent behavior?

d. Location:
   (1) Is the area known for criminal activity (i.e., a "high crime" area)?
   (2) Is the area sufficiently isolated so that the officer is unlikely to receive aid if attacked?

e. Time of Day:
   (1) Is the confrontation taking place at night?
   (2) Does this contribute to the likelihood that the officer will be attacked?

f. Police Purpose:
   (1) Does the officer's suspicion of the suspect involve a serious and violent offense such as an armed offense? If so, the same factors justifying the Stop also justify the Frisk.

g. Companions:
   (1) Has the officer detained a number of people at the same time?
   (2) Has a frisk of a companion of the suspect revealed a weapon?
(3) Does the officer have assistance immediately available to handle the number of persons they have stopped?

4. Officers shall thoroughly articulate the above reasons for the Frisk in any applicable PortalOne reports (i.e., Incident Report, Information Report, Field Contact/Observation Card, etc.).

5. A Frisk will consist of a thorough pat down, but only over exterior clothing. Officers may go inside a heavy overcoat if necessary for an effective pat down, but not inside the clothing normally worn inside a building, such as a jacket or sweater. Jacket or sweater pockets may be patted down from the exterior.

6. When possible persons will be frisked by an officer of the same sex if such an officer is on-scene or can arrive within a reasonable period of time.
   a. If the situation demands that a suspect be frisked and an officer of the same sex is unavailable, the frisk will not be delayed until an officer of the same sex can be located.
   b. Officers of the opposite sex will adhere to the following guidelines when frisking a suspect:
      (1) Officers will conduct the frisk in view of an MVR and/or another officer’s Body Worn Camera. If no MVR or BWC is available another officer will be present to witness the search.
      (2) Officers will note in their reports or a Field Contact/Observation Card (PortalOne/OPD Form 150) if the search was recorded and, if not, why and the name and serial number of the officer who witnessed the search.
      (3) When conducting a frisk on a suspect of the opposite sex the scope of the search will be for WEAPONS only to include the waistband, checking pockets with the backside of the hand, and outer garments.

   **NOTE:** If an officer is uncertain of the gender of the person being frisked they will respectfully inquire as to the person’s gender. Officers will not question the identity of the person absent articulable, compelling reasons nor inquire about the intimate details of an individual’s anatomy. Searches will be conducted based on the gender with which that person identifies.

G. Other Incriminating Evidence

1. If during a legal frisk, an officer feels an item other than a weapon that the officer has probable cause to believe is evidence of a crime, the officer may seize that evidence.

2. The incriminating nature of the item must be immediately apparent to the officer.
   a. The incriminatory nature of the item is immediately apparent if the officer at that moment has probable cause to associate the item with criminal activity (contraband, stolen property, or useful as evidence of a crime).

3. The officer shall not manipulate the item in order to ascertain the incriminating character where it is not immediately apparent to the officer.

H. Concealed/Unconcealed Weapons

1. Citizens have the right to carry concealed/unconcealed weapons that are properly registered and in all other respects comply with applicable laws. Officers shall adhere to the OPD “Weapons – Concealed Handgun Permits (CHP)” policy when stopping a Concealed Handgun Permit (CHP) holder carrying a concealed weapon.

2. An officer has the obligation to preserve the rights of a person lawfully possessing a weapon while addressing any reasonable concerns the officer may have for the safety of the officer and of persons in the area and the officer’s duty to investigate possible criminal activity.
3. An officer is entitled to stop and question a person seen wearing or carrying an unconcealed weapon in public.
   a. The presence of the unconcealed weapon alone does not eliminate the requirements for a lawful Frisk. As set forth in the guidelines for a legal Stop and Frisk, officers will first identify themselves as police officers and make reasonable inquiries.
   b. If the person is wearing the weapon in a holster or other similar restraining device, the officer may ask the person to voluntarily let the officer take possession of the weapon while further inquiry is made.
   c. If the weapon is not holstered, or if concerns for the officer's safety or the safety of others are not dispelled by inquiries, the officer may take temporary custody of the weapon for the officer's own protection and protection of others in the area. The officer may retain possession of the weapon during the time reasonably necessary to dispel any threat or to verify the weapon is properly registered and the person otherwise lawfully possesses the weapon.
   d. The officer may make a limited Frisk of the person for the purpose of detecting other weapons that may be concealed. All guidelines for a legal Stop and Frisk search shall be followed.

4. Any further intrusion into the person's liberty shall be proportionate to the degree of threat presented.
   a. Utilizing guidelines for a reasonable Stop and Frisk, the officer may order the person into a position of control to minimize any threat the person may present to the officer or others or to prevent flight. The person may be required to remain in a controlled position only until the officer has the situation under control and the threat is removed.

II. Custodial Search

A. A custodial search is a search for weapons, evidence, instruments and/or contraband and is used in the field incident to a lawful arrest.

B. When an officer has made a lawful physical arrest and the violation requires physical custodial incarceration per Nebraska State Statutes and OPD policies and procedures, the officer shall make a thorough search of the person, subject to section D below, and the surrounding area under the person's direct control.

   1. A Custodial Search will consist of a full search of the clothing and personal property in the person’s actual possession, (e.g., briefcase, suitcase, or other items within their reach, a desk drawer if they are sitting at a desk, etc.).

   2. Incident to an arrest, officers may, as a precautionary matter and without probable cause or reasonable suspicion, look in closets and other spaces immediately adjoining the place of arrest from which an attack could be immediately launched (Chimel v. California).

      a. A protective sweep, aimed at protecting the arresting officers, is NOT a full search of the premises, but may extend only to a cursory inspection of those spaces where a person may be found.

      b. A protective sweep will last no longer than is necessary to dispel the reasonable suspicion of danger and shall, in all cases, last no longer than it takes to complete the arrest and depart the premises.

C. Officers will adhere to the OPD “Searches – Vehicles” policy when searching a vehicle incident to an occupant’s arrest.

D. When possible, persons will be searched by an officer of the same sex if such an officer is on-scene or can arrive within a reasonable period of time.
1. If the situation demands that a suspect be searched and an officer of the same sex is unavailable, officers of the opposite sex will adhere to the following guidelines when searching an arrestee:
   a. Officers will adhere to the guidelines for frisking a suspect of the opposite sex, including recording and reporting procedures, and will limit the scope of the search to be for WEAPONS ONLY to include the waistband, checking pockets with the backside of the hand, and outer garments.
   b. If an item that appears to be a weapon is felt during the search officers may retrieve the item regardless of the gender of the arrestee.
   c. Officers will then transport the arrestee to Douglas County Department of Corrections (DCDC) for a full custodial search.

III. Inventory Search

A. Officers will conduct an Inventory Search on all arrestees prior to entering the Douglas County Department of Corrections (DCDC) booking area.

   1. An Inventory Search is conducted after the arrest, at DCDC, as a standard part of the booking procedure prior to incarceration and will consist of a careful and complete search of the person and their property prior to turning the person over to DCDC staff.

      a. Male suspects will be searched by a male officer or DCDC employee and female suspects will be searched by a female officer or DCDC employee.

2. The purpose of an Inventory Search is to inventory and take personal property for safekeeping, to protect detention personnel and to prevent contraband from entering DCDC.

      a. During the course of the Inventory Search, officers will make certain that cellular telephones are removed from an arrestee’s person, as well as other items (i.e., items of evidentiary value, implements of escape, items that could be used to destroy and conceal evidence, etc.).

         (1) Cellular telephones and related personal items will be placed with the arrestee’s personal property and itemized as required by DCDC policy.

         NOTE: Cellular telephones will not be searched without a warrant (see the OPD “Evidence – Search and Seizure of Cellular Phones and Electronic Devices” policy).

         (2) Drugs and weapons shall be taken from any arrestee/detainee and secured.

      b. Officers shall thoroughly search all bags and personal items being turned over to DCDC as part of the arrestee’s personal property. DCDC may require the officer to complete a DCDC inventory form for bags or other external containers containing the arrestee’s personal property.

3. Any evidence found as a result of an Inventory Search may be admissible as evidence.

IV. Strip/Body Cavity Searches

A. The Omaha Police Department recognizes that use of strip searches and body cavity searches may, under certain conditions, be necessary to make certain of the safety of officers, civilians and detainees, to detect and secure evidence of criminal activity, and to safeguard the security and safety of facilities. Strip searches and body cavity searches shall be conducted only with proper authorization and justification, and with regard for the human dignity of those being searched.

B. Strip Searches
1. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature will not be subject to strip searches unless the arresting officer has reasonable suspicion that the individual is concealing contraband or weapons.

2. Reasonable suspicion may be based upon, but is not limited to the following:
   a. The nature of the offense(s) charged.
   b. The arrestee’s appearance and demeanor.
   c. The circumstances surrounding the arrest.
   d. The arrestee’s criminal record, particularly past crimes of violence and narcotics offenses.
   e. The discovery of evidence of a major offense in plain view or in the course of a search incident to arrest.
   f. Detection of suspicious objects beneath the suspect’s clothing during a field search incident to arrest.

3. Officers shall clearly articulate the reason for the strip search in the appropriate report.

NOTE: If no other report is completed, officers shall complete an Information Report detailing the reasons for the strip search whenever one is conducted.

4. All strip searches, including field strip searches, will be approved by a Command Officer at the rank of Lieutenant or above.

EXCEPTION: Narcotics Unit Sergeants may approve strip searches including field strip searches.

5. Field strip searches of arrestees will be conducted only when exigent circumstances exist, and only in privacy.

6. When authorized by the supervising authority, strip searches may be conducted only under the following circumstances:
   a. By officers who are familiar with the process.
   b. In conformance with hygienic procedures and professional practices.
   c. In a place that is not accessible to the public and where general access is restricted (preferably at the DCDC or another area that affords privacy, such as an interview room).
   d. By the fewest number of officers necessary and only by those of the same sex.
   e. Under conditions that provide privacy from all but those authorized to conduct the search.

5. Following a strip search, the officer performing the search will submit a Supplementary Report clearly articulating the reasonable suspicion and, at a minimum, the following:
   a. Date, time, and place of the search.
   b. Identity of the officer conducting the search.
   c. Identity of the approving authority (lieutenant or above).
   d. Identity of the individual searched.
   e. Those present during the search.
   f. A detailed description of the nature and extent of the search.
C. Body Cavity Searches

1. Officers shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others.

**NOTE:** Body Cavity Searches shall not be conducted without a warrant approved and authorized by a Judge.

2. Officers will adhere to the following procedures if visual examination of a suspect during a strip search and/or other information lead an officer to believe the suspect is concealing a weapon, evidence, or contraband within a body cavity:

   a. If circumstances warrant, the officer will advise the suspect of the Miranda warnings prior to questioning the suspect to determine the nature and location of the contraband (see the OPD “Miranda Warning – Law of Interrogation” policy). This approach may influence the suspect to voluntarily remove the evidence or contraband.

   b. The suspect will be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action is taken.

   c. The officer will consult with their immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search.

      (1) The decision to seek a search warrant will be authorized only by a command officer at the rank of lieutenant or above.

   d. If probable cause exists for a body cavity search, an affidavit for a search warrant will be prepared that clearly defines the nature of the alleged offense and the basis for the officer’s probable cause.

   e. On the basis of a search warrant, a body cavity search will be performed only by an authorized agency physician or by another medically trained employee at the physician’s direction.

      (1) The authorized medical professional conducting the search will give a copy of the medical report to the requesting law enforcement agency. The witnessing officer will co-sign that report and include a copy in the case file.

   f. For safety and security reasons, the search will be conducted at a medical facility with an officer of the same sex present to secure recovered evidence and maintain the evidentiary chain of custody.

   g. Body cavity searches will be performed with due recognition of privacy and hygienic concerns.

   h. Following a body cavity search, the officer(s) directing such search will submit a Supplementary Report articulating the probable cause and, at a minimum, the following:

      (1) Date, time, and place of the search.

      (2) Identity of the officer(s) directing medically trained employees to perform the search.

      (3) Identity of the approving authority (lieutenant or above).

      (4) Identity of the individual searched.

      (5) All those present during the search.

      (6) A detailed description of the nature and extent of the search.
REFERENCES:

I. Laws


I. Previous OPD Orders

A. Previous General Orders include: #96-74, #79-89, #80-89, #10-97, #62-02, #7-10, #16-11, and #75-17.

II. CALEA Accreditation Standards

A. Relevant CALEA Accreditation Standards include: 1.2.4, 1.2.8, 71.1.1.

SEARCHES – PRIVATE RESIDENCES

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers shall not make a warrantless and nonconsensual entry into a private residence in order to make an arrest absent exigent circumstances.

DEFINITIONS:

Exigent Circumstances: An emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or destruction of evidence.

First-Party Residence: Address shown to be the primary residence of the suspect (i.e., address on IMS, NCJIS, utilities, mail, vehicle registration etc.).

Third-Party Residence: Residence that is NOT the primary residence of the suspect as shown by IMS, NCJIS, utilities, mail, vehicle registration or another means.

PROCEDURE:

I. Authorization to Search a Residence

A. Both the U.S. Supreme Court and the Nebraska Supreme Court have addressed situations relating to law enforcement officers entry into private residences in arrest situations. Both courts have held that “absent exigent circumstances, that the threshold may not reasonably be crossed without a warrant.”

B. Officers who wish to search a residence, absent exigent circumstances, will obtain permission to search in one of the following ways:

1. Receive permission to search the residence from the person in charge of the property.
   a. Officers shall complete a Permission for Search form (OPD Form 5) to document the permission as well as the following information:
      (1) The name of the owner of the home.
      (2) The name and identification of the person in control of the property.
      (3) The names of all officers who entered the residence.
(4) The circumstances which led officers to enter the residence, including the probable cause situation.

(5) The time entered.

(6) The time left.

(7) All actions taken by officers, including whether or not:
   (a) Property was seized.
   (b) People were taken into custody.

(8) Reference to any other reports that were made.

b. After completion of the search, officers will give the consenting person a copy of the Permission to Search form (OPD Form 5) omitting the Supplementary Section at the bottom of the form.

(1) The Supplementary Section is for police use only, and will be completed by the officer after leaving the residence. The Supplementary Section will contain a narrative of the officer’s reasonable suspicion for the search. If the consenting party is neither the owner/renter of the property, the officer will document why they believed the third party possessed the authority to consent to the search.

c. The person in charge of the property may revoke the permission at any time or restrict the area of the residence that may be searched.

  1. If the permission to search is revoked officers shall stop searching the residence IMMEDIATELY and obtain a search warrant to continue the search.
  2. Obtain a search warrant.

   a. Officers will secure the residence and request a command officer’s presence while obtaining a search warrant.

C. Officers who have an arrest warrant for a suspect will adhere to the following procedures when searching residences for such suspects:

  1. Officers who have an arrest warrant for a suspect may force entry into a residence to arrest the suspect if:

     a. The address of the residence is shown to be the First-Party Residence of the suspect (i.e., address on IMS, NCJIS, utilities, mail, vehicle registration etc.);

     -AND-

     b. Officers have reasonable grounds to believe that the party is inside at the time of the forced entry (i.e., officer saw suspect, known vehicle outside, conversation through the door indicating the person is present, etc.).

     **NOTE:** The arrest warrant serves as the authority to force entry into the primary residence and make the arrest.

  2. Officers who have an arrest warrant for a suspect will NOT force entry to arrest the suspect if they are unable to confirm that the residence is the primary residence of the suspect except in exigent circumstances.

   a. If officers wish to search a Third-Party Residence for a suspect they will either obtain permission to search or a search warrant.
b. Forced entry into a Third-Party Residence is defined as passing the threshold of the door regardless of whether the door is open or closed or if damage is done. Even if the suspect is talking to an officer on the other side of the threshold in a Third-Party Residence, officers shall obtain permission to search or a search warrant prior to entering such residence to arrest the suspect except in exigent circumstances.

3. Officers who enter into a residence to arrest a suspect shall document the entry as follows:
   a. If officers entered into a residence and damage was done officers will complete a Chief’s Report (OPD Form 214) to document the damage/entry in accordance with the OPD “Chief’s Report” policy.
   b. If damage was not done officers shall thoroughly document the entry and reasons for entry into the residence in another PortalOne report as appropriate (i.e., Incident Report, Information Report, etc.).

II. Warrantless/Nonconsensual Entry

A. Officers searching a private residence without a warrant and without consent shall complete a Chief’s Report and include the following information:

1. Name of the owner of the home.
2. Name and identification of the person in control of the property.
3. Names of all officers who entered the residence.
4. The circumstances which led officers to enter the residence, including the probable cause situation.
5. The time entered and time left.
6. All actions taken by officers, including whether or not property was seized and whether or not persons were taken into custody.
7. Reference to any other reports that were made.

B. The completed Chief’s Report and copies of all other pertinent reports are to be forwarded to the Chief’s office for review and disposition.

REFERENCES:

I. Previous OPD Orders

A. Previous General Orders include: #73-85, #12-91, #42-91, #5-98, #38-14, and #40-17.

| SEARCHES - VEHICLES |

PREAMBLE:
The Fourth Amendment to the U.S. Constitution guarantees the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. The courts have determined that such rights extend to peoples’ vehicles. A “seizure” for a traffic violation justifies a police investigation; but the scope of the detention must be carefully tailored to its underlying justification, and it may last no longer than is necessary to effectuate that purpose.

POLICY:
It is the policy of the Omaha Police Department (OPD) to conduct lawful and thorough searches of motor vehicles.
DEFINITIONS:

See the OPD “Traffic Law Enforcement” policy for definitions of the terms “Articulable Facts,” “Probable Cause,” and “Reasonable Suspicion” as used in this policy.

PROCEDURES:

I. Warrant Searches

A. Officers who desire to search a motor vehicle shall first obtain a warrant, unless the motorist has consented to the search or other exigent circumstances exist.

B. When officers conduct a warrant search, they may search all areas of the vehicle unless the warrant states otherwise. Officers may continue their search of the vehicle, and all vehicle components and/or compartments, until all the items listed on the warrant have been found or the officers determine the items will not be found.

II. Warrantless Searches

A. Officers shall not request permission to search vehicles on a random basis, or absent articulable suspicion. Officers must be able to articulate the suspicion that led to the request for permission to search.

B. During a stop, officers may conduct a preliminary investigation of the vehicle’s driver and passengers reasonably related to the stop. Officers may request identification, check vehicle information, and run data checks.

1. The driver is required to provide an operator’s license or identification, vehicle registration, and/or proof of ownership and insurance.

   NOTE: Drivers of vehicles who are not registered in the state of Nebraska do not have to provide proof of insurance.

2. Passengers shall not be ordered from a lawfully stopped vehicle without articulable Reasonable Suspicion. Passengers may be ordered from the vehicle if they interfere with the search of the vehicle or with the investigation.

   a. An adult, front seat passenger who is not wearing a vehicle restraint is required to provide identification.

   b. An officer may request identification from any other passengers in a vehicle; however, it is not required that the passengers comply, unless there is Probable Cause or Reasonable Suspicion that the passengers violated the law.

   c. If a passenger is in close proximity to contraband in plain view, the officer has Probable Cause to arrest the passenger.

C. Expanded Inquiry.

1. Further detention is justifiable when articulable Reasonable Suspicion of criminal activity exists.

2. Officers are allowed to detain a person stopped for a traffic offense in order to obtain additional information regarding the officer’s observations and/or suspicions.
3. Officer may request OPD Canine Unit assistance, if needed, per the OPD “Canine Unit” policy; however, officers may not detain a motorist beyond the time reasonably required to complete the traffic stop without reasonable suspicion.

**NOTE:** When an OPD Police Service Dog has conducted a free air sniff of a motor vehicle and has displayed a positive alert and indication to the odor of illegal drugs, then Probable Cause exists to search the motor vehicle.

4. If officers do not have additional articulable Reasonable Suspicion, continued detention of a motorist is prohibited.

D. Plain View Doctrine.

1. The “Plain View” doctrine allows an officer to seize any item without a warrant which they observe in plain view or open view (including items observed by using a flashlight) within a vehicle even if the occupants have been removed from the vehicle.

   a. Officers must have probable cause to believe that the item is a weapon, contraband, stolen, or was used in the commission of a crime, or other evidence of a crime.

   b. Officers must have the legal right to be in the area where the item was spotted.

III. Emergencies and Exigencies

A. Officers may enter a vehicle without a warrant where emergency circumstances make it necessary for them to do so in order to protect life or property, or when the exigencies of the situation otherwise require such action.

B. Searches of a motor vehicle under emergency circumstances not otherwise covered under the warrant exceptions enumerated above must be co-extensive with the nature of the emergency.

1. Emergency and Exigent circumstances apply when:

   a. Officers need to rescue persons who are at risk of serious bodily injury or death.

   b. Where there is an imminent threat of substantial property damage.

   c. There is danger to the public.

   d. Officers are trying to prevent the destruction of evidence.

   e. Officers are trying to prevent the escape of a fleeing suspect from lawful custody.

   f. Hot pursuit.

IV. Officer Safety Vehicle Searches (Vehicle Frisk)

A. The search of the passenger compartment of an automobile is permissible if:

1. The officer possesses a reasonable belief based on specific and articulable facts which, taken together with the rational inferences from those facts, reasonably warrant the officer in believing:
a. The suspect is dangerous.

– AND –

b. The suspect may gain immediate control of weapons (Michigan v. Long).

B. The scope of the search is limited to only the area(s) that is accessible to the suspected individual. This area may include the passenger side glove compartment if the glove compartment is within reach of the suspect.

1. If probable cause exists, the officer safety vehicle frisk search may extend to the entire vehicle including closed containers.

C. This type of search is limited to officers’ attempts to find weapons only.

V. Incident to Arrest Vehicle Searches

A. Absent warrant exceptions, officers may search a vehicle incident to a recent occupant’s arrest ONLY IF:

a. The arrestee is within reaching distance of the passenger compartment at the time of the search, and is unsecured.

-OR-

b. It is reasonable to believe the vehicle contains evidence of the offense of the arrest.

NOTE: Officers may search a vehicle when given permission by the person in actual physical control of the vehicle as described in this policy (i.e., a consensual search).

VI. Consensual Vehicle Searches

A. Consensual searches of vehicles during traffic stops are permitted if the consent is voluntary and without force or coercion. Consent may be verbal or written.

B. If an officer requests permission to conduct warrantless vehicle search, and permission is freely and voluntarily given by the driver or owner of the vehicle, the officer may request the individual to provide signed acknowledgement of the consent, prior to the search, on an OPD Permission to Search form (PortalONE/OPD Form 5).

C. If an individual revokes consent, officers may continue the search if they can articulate probable cause. Revocation of consent does not establish probable cause.

1. Officers will document as much information as possible about what occurred when the person revoked the permission to search.

NOTE: Absent probable cause officers shall stop the search once the consent has been revoked.

D. If an officer feels there is articulable Reasonable Suspicion to ask a driver or owner for permission to search the vehicle, and the party refuses, a Field Observation Card (PortalONE/OPD Form 150) should be completed to document the occupants of the vehicle and why the officer believed contraband may have been in the vehicle.

VII. Vehicle Inventory
A. An inventory of property in a vehicle seized by the OPD and being taken to the City Vehicle Impound Lot is NOT a search. OPD employees may refer to the OPD “Vehicles – Impound Inventories” policy for vehicle inventory procedures.

B. If the vehicle is being impounded for safekeeping and a search warrant is being obtained, officers shall not conduct an inventory of the vehicle. Officers shall maintain custody (i.e., line of sight) of the vehicle until the warrant is obtained.

VIII. Probable Cause Vehicle Searches

A. Officers may search a vehicle without a warrant if there is articulable Probable Cause to believe that the vehicle contains fruits, or evidence of a crime or contraband.

B. Probable Cause searches may extend to all areas of the motor vehicle, unless the Probable Cause is limited to a specific area of the vehicle.

C. Officers may not search areas of the vehicle that could not contain the fruits, or evidence of a crime or contraband being sought.

IX. Vehicle Entry to Examine Vehicle Identification Numbers

A. Circumstances may require that officers determine the vehicle identification number or ownership of a vehicle, and such information cannot be acquired from the exterior of the vehicle, officers may enter the vehicle to obtain this information.

B. Entries made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.

X. Documentation of Warrantless Vehicle Searches

A. The PortalONE system is available on all OPD computers and shall be used to document all warrantless searches whether or not permission is obtained for the search.

1. The OPD Vehicle Search Form (OPD Form 7) should be completed when PortalONE is not used to cite or book the subject.

2. When officers issue PortalONE Citations (any type) or use PortalONE to book subjects, search information will be collected as part of the electronic reporting process.

3. Probable Cause and indicators should be included in the narrative portion of the Citation or Booking/Arrest Report.

4. The Traffic Stop Analysis Form and OPD Vehicle Search Form (OPD Form 7) should be completed using PortalONE if applicable.

REFERENCES:

I. Laws and Court Cases

A. The United States Constitution 4th Amendment is relevant to this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include #5-94, #86-00, #42-16, and #49-17.

III. Accreditation Standards

A. CALEA Accreditation standard 1.2.4 is relevant to this policy.

IV. Other

A. PPM Update #3-2017.

# SEX OFFENDER COMPLIANCE CHECKS

POLICY:

It is the policy of the Omaha Police Department (OPD) to support the efforts of the Douglas County Sheriff’s Office (DCSO) on compliance checks of Sex Offenders. The DCSO has primary responsibility to conduct sex offender compliance checks for residency in Douglas County.

PROCEDURE:

I. Omaha Police Department Liaison

A. The Northwest Precinct “B”-Shift Lieutenant is the designated compliance check liaison with the Douglas County Sheriff’s Office.

B. Each month, the Northwest Precinct “B”-Shift Lieutenant will receive sex offender packets from the DCSO. The packets will be disseminated to each of the four precincts for compliance checks based on residence location. Compliance check packets will be tracked and returned to the DCSO at the end of each month.

II. Sex Offender Compliance Packets

A. Packets will include all the information needed to conduct compliance checks on Sex Offenders. Each packet will have a Data Sheet, Compliance Check Log, and a Sex Offender Compliance Guide.

B. The DCSO will maintain files of returned packets and report statistics to the OPD on a quarterly basis.

III. Sex Offender Compliance Check Protocol

A. Upon receiving the compliance check packet, the officer will attempt to make contact with the offender only between the hours of 0700 to 2000 with the purpose of verifying the offender resides at the listed address.

B. The compliance checks will be done on an In-Service (10-10) basis.

C. The officer will note on the packet if a sex offender is compliant or noncompliant with the listed residence. Noncompliant packets will be forwarded to the OPD Liaison at the end of the officer’s shift for follow-up by the DCSO. Compliant packets shall be forwarded to the OPD Liaison by the end of every month.

D. A minimum of two attempts for each packet will be made by OPD officers if the offender is not located.

E. Officers are not required to do any further investigation outside of the compliance check unless information comes to the officer’s attention that warrants an investigation or arrest on a separate offense.
1. Omaha City Ordinance Section 20-120.2 prohibits a registered sex offender from living within 500 feet of an elementary or secondary school. If during compliance check, a violation of this ordinance is suspected, an Information Report will be completed and forwarded to the Child Victim/Sexual Assault Squad for follow-up.

F. The DCSO will contact the OPD via normal channels in the event an emergency compliance check needs to be done.

IV. Sex Offender Information Release

A. Information that can be given to the public on Sex Offenders is limited to the information contained on the Nebraska State Patrol Public Website (www.nsp.state.ne.us).

1. This information includes offender’s name, date of birth, physical description, address, and sex crime conviction.

2. Officers cannot release the offender’s employment information, vehicle information, or the age of the victim of the sexual assault.

B. All media inquiries on sex offenders and/or compliance checks will be referred to the Public Information Office or the Chief’s designee for handling.

C. The Sex Offender Registration Act is covered by State Statutes 29-4001 through 29-4014.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #3-09 and #19-10.

II. Other

A. PPM Update #2-2017.

SEX OFFENDER REGISTRATION

POLICY:

It is the policy of the Omaha Police Department (OPD) to support the efforts of the Douglas County Sheriff’s Office (DCSO) and the Nebraska State Patrol (NSP) in enforcing the Nebraska Sex Offender Registration Act.

DEFINITIONS:

Aliases: A false name that is used to try to conceal someone’s identity.

Habitual Living Location: Any place that an offender may stay for a period of more than three days even though the offender maintains a separate permanent address or temporary domicile (NRS §29–4001.01).

Temporary Domicile: Any place at which a person actually lives or stays for a period of at least three working days (NRS §29–4001.01).

PROCEDURES:

I. Sex Offender Registration

A. In accordance with Nebraska Revised Statute §29–4001, all persons convicted of any registerable sex offense as listed in NRS §29–4003 or who are on probation or parole for
any such offenses, are required to register with the County Sheriff where they reside within three (3) working days of becoming subject to the Sex Offender Registration Act.

B. Persons required to register under the Sex Offender Registration Act are required to report the following changes to the County Sheriff:

1. Legal name changes within three working days after the change (NRS §29-4006)

2. Changes in address, temporary domicile, or habitual living location within three working days before moving (NRS §29–4004 and NRS §29–4007).

3. Persons who no longer have a residence, temporary domicile, or habitual living location must report the change within three working days after the change and must update their registration information at least once every thirty days (NRS §29–4004 and NRS §29–4007).

4. Notification of each educational institution at which they are employed or attending within three working days of starting, and notification of any change within three working days (NRS §29–4007).

5. Notification of employment, vocation, or school attendance within three working days after starting, and notification of any employment or school changes within three working days after the change (NRS §29–4004 and §29-4007).

NOTE: This includes individuals who do not reside within the State but who work or attend school within the State and are subject to the Sex Offender Registration Act.

C. Registration requirements include any person who moves to Nebraska from a jurisdiction outside of Nebraska who has been convicted of any sex offenses and is on probation or parole, as well as any person required to register as a Sex Offender in another jurisdiction (NRS §29–4003).

D. All persons in the process of appealing their conviction are required to comply with the Act during the appeals process (NRS §29–4003).

E. The frequency of required Sex Offender reporting will be as follows (NRS §29–4006):

1. Offenders who are required to register for fifteen years must verify their information annually in the month of their birth.

2. Offenders required to register for twenty-five years must verify their information every six months, counted from the month of their birth.

3. Offenders required to register for life must verify their information every three months, counted from the month of their birth.

F. Offenders must report to the DCSO during their verification month even if they were subject to a compliance check during the same month (see the OPD “Sex Offender Compliance Checks” policy for further information regarding compliance checks).

G. Penalties for violations of the Sex Offender Registry Act can be found in the NRS §29–4011.

H. Officer Contact

1. Officers who come in contact with a registered Sex Offender when there is no arrestable offense will document the contact on a Field Contact/Observation Card (PortalOne/OPD Form 150) in accordance with the OPD “Information Gathering and the Field Observation (FO) Card policy.”
2. Upon completion, the officer will notify the Child Victim/Sexual Assault Squad of the contact for follow-up.

REFERENCES:

I. Nebraska Revised Statutes (NRS)
   A. Nebraska Revised Statutes §28-322.05 and §29-4001 — §29-4014 are relevant to this policy.

II. Previous OPD Orders
   A. Previous OPD General Orders include the following: #33-99, 33-99 Supplement #1, 18-10, and 12-17.

SHOPLIFTING

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide timely and accurate investigation of shoplifting complaints.

PROCEDURE:

I. Assessment of the Incident
   A. Upon arrival of officers, an assessment of the situation shall be conducted. Officers shall determine whether a felony or misdemeanor booking is required, if issuance of a criminal citation is warranted, and determine how many officers are required at the scene.
   B. Depending on the severity of the situation, the responding officer designated as the primary shall either declare the situation safe and make a recommendation to release the second officer or declare the situation unsafe and request the continued assistance of the second officer.

II. Determining the Appropriate Crime Class
   A. The designated primary officer shall call the OPD Information Channel by telephone and check the suspect(s) for previous theft convictions and any warrants on file.
   B. Felony shoplifting (i.e., theft) arrests are governed by Nebraska Revised Statute (NRS) §28-518 “Grading of Theft Offenses.”
      1. Class IIA Felony: When the value of the theft is five thousand ($5,000) dollars or more.
      2. Class IV Felony: When the value of the theft is one thousand five hundred ($1,500) or more but less than five thousand ($5,000) dollars.
      3. Class I Misdemeanor: When the value of the theft is more than five hundred ($500) dollars but less than one thousand five hundred ($1,500) dollars.
      4. Class II Misdemeanor: When the value of the theft is five hundred ($500) dollars or less.
   C. Officers must also determine the number and specific crime class for previous theft convictions.
1. If a person has a previous conviction for theft as a Class I Misdemeanor and in the present instance is accused of shoplifting more than $500 and less than $1,500 of merchandise, the person shall be charged with a Class IV Felony.

2. If a person has a previous conviction for theft as a Class II Misdemeanor and in the present instance is accused of shoplifting $500 or less of merchandise, the person shall be charged with a Class I Misdemeanor.

3. If a person has two or more previous convictions for theft, each as Class II Misdemeanors, and in the present instance is accused of shoplifting $500 or less of merchandise, the person shall be charged with a Class IV Felony.

III. Convictions from Other Jurisdictions

A. A previous conviction of Theft under State law from another Nebraska jurisdiction can be included when determining the appropriate crime class.

B. When citing a conviction from another Nebraska jurisdiction, the officer shall provide the County Attorney with as much information as possible regarding the conviction such as the date and county of the conviction.

IV. Unit Notification

A. If an officer has a felony arrest for shoplifting, the officer shall notify the following:

   1. Burglary Unit 0800 - 1600 hours, Monday through Friday.
   2. Criminal Investigations Bureau Regional, after 1600 hours, Monday - Friday and all day Saturday, Sunday, and holidays.

V. Alternative Reporting Procedures for Misdemeanor Shoplifting

A. Many area merchants have established the below listed procedures for handling misdemeanor shoplifting cases within their establishment.

B. Private security or loss prevention personnel will be responsible for completing an OPD Shoplifting Supplementary Report (OPD Form 189C).

C. Once the situation has been declared “safe” and the back-up officer has been released, the remaining officer shall:

   1. Review the OPD Form 189C.
   2. Make certain evidence has been photographed.
   3. Confirm identification of the suspect(s).
   4. Obtain records/data checks on suspect(s).
      a. Determine prior convictions for possible felony offense.
      b. If applicable, physical booking is required.
      c. Should the suspect(s) be found to have outstanding warrants, the suspect(s) shall be arrested and booked on the warrants and theft charge.
   5. Obtain a Records Bureau (RB) Number.
6. Issue the suspect(s) a citation or book the suspect(s).

7. Leave a copy of the report, citation (if any), and photographs of evidence with store security personnel.

8. Submit an OPD Incident Report via PortalONE.
   a. Officers may utilize a PortalONE template specific to a merchant to reduce report entry time, but should be sure to verify the accuracy of the template information each time a new report is completed.
   b. Officers shall be certain to document the RB number and citation number (if applicable) in the Incident Report narrative.

9. The citation copies (if any) and/or booking paperwork shall be turned in per OPD policies and procedures.

VI. Misdemeanor Booking of Shoplifters

A. Suspects arrested for misdemeanor shoplifting offenses may be booked when reasonable cause exists. The specific facts and circumstances relevant to reasonable cause will be documented.

B. Before booking any suspect, the officers shall contact their field sergeant or duty sergeant to obtain authorization to book. The following examples substantiate reasonable cause for booking purposes.

1. Accused persons who fail to identify themselves satisfactorily.

2. Officer has reasonable grounds to believe the accused will fail to respond to the citation.

3. Accused has no ties to the jurisdiction reasonably sufficient to assure a court appearance.

4. Accused has previously failed to appear in response to a citation.

5. Officer has reasonable grounds to believe that booking of the suspect is necessary to protect the accused or others when the suspect’s continued liberty would constitute a risk of immediate harm.

6. If there has been a fight or disturbance involving store security or police when taking the suspect(s) into custody, further charges shall be initiated where possible.

C. In all cases where the officer has reasonable grounds to believe recovering the items unlawfully taken by the suspect(s) is possible, the officer may detain the suspect(s) in a reasonable manner and length of time.

REFERENCES:

I. Nebraska Revised Statutes (NRS)

   A. Nebraska Revised Statute §28-518 is referenced in this policy.

II. Previous OPD Orders

B. Previous Information Orders include #150-92.

SHOTSPOTTER GUNFIRE LOCATION ALERT AND ANALYSIS SERVICE

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce the laws that prohibit smoking per the Nebraska Clean Indoor Air Act. OPD employees are reminded that the OPD adheres to the provisions of this Act and shall comply as a “Place of Employment” accordingly.

DEFINITIONS:

Enclosed Area: All space enclosed by a floor, a ceiling, and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows and in which less than twenty (20) percent of the total wall area is permanently open to the outdoors. For walls in excess of eight (8) feet in height, only the first eight (8) feet shall be used in determining such percentage.

Place of Employment: An area under the control of a public or private Employer that Employees normally frequent during the course of employment, including, but not limited to work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and commercial vehicles. Vehicles owned by the City of Omaha and driven by OPD employees are considered part of the workplace per Mayoral Executive Order.

Public Gathering Place: An Enclosed Area used by the general public, or serving as a Place of Employment to which the public is permitted, including but not limited to, banks, bars, educational facilities, health care facilities, laundromats, public conveyances and public transportation facilities, reception areas, restaurants, retail service establishments, retail stores, shopping malls, sports arenas, theaters, private clubs, and waiting rooms whether or not the public is always invited or permitted.

Tobacco Only Retail Outlet: A store that sells only tobacco and products directly related to tobacco. Products that are not allowed to be sold include, but are not limited to, alcohol by the drink, off-sale package alcohol, coffee, candy, soft drinks, groceries, and gasoline.

Smoking: The lighting of any cigarette, cigar, pipe, or other smoking material, or the possession of any lighted cigarette, cigar, pipe, or other smoking material, regardless of its composition. This does not include e-cigarettes.
PROCEDURE:

I.  Enforcement

A.  Smoking is prohibited in Workplaces and Public Gathering Places.

NOTE:  There is no distance requirement away from doors for smokers.  Businesses have the authority to set a distance limit for smokers from their doorways.

B.  Officers will enforce the prohibitions set forth by the Nebraska Revised Statutes establishing a smoke free environment.

C.  Individuals smoking in an area where Smoking is prohibited will be given a criminal citation.  This includes the individual smoking AND the owner/manager/operator, or any such person in control of a Public Gathering Place or Place of Employment who allowed the violation to occur.

1.  When a violation of the Act is alleged, officers shall establish that probable cause exists for an arrest.

2.  Officers shall follow the provisions of the Act when determining the appropriate response.

NOTE:  Often, advising the smoker of the following is sufficient to solve the situation.

   a.  That the individual is in violation of the Nebraska Clean Indoor Air Act.

   – AND –

   b.  They are in a Non-Smoking Area and must either stop smoking or move to a Designated Smoking Area.

3.  Violation of the Nebraska Clean Indoor Air Act is a Class \( V \) Misdemeanor for the first offense, and a Class \( IV \) Misdemeanor for the second offense.

NOTE:  The Nebraska Department of Health and Human Services is the Program Manager for the Nebraska Clean Indoor Air Act and is the only agency that can grant waiver for any of these regulations.  Reference Nebraska Clean Indoor Air Act for more information.

II.  Exemptions

A.  The following areas are exempt from the provisions of the Prohibition on Smoking in Workplaces and Public Gathering Places.

1.  Private residences, except when used as a licensed childcare, an adult day care or health care facility, see NRS 71-5724 for requirements.

2.  Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited.

3.  A Research Study Area conducting research into the health effects of smoking in a scientific or analytical laboratory either governed by state or federal law or at a college or university approved by the Nebraska Coordinating Commission for Post-Secondary Education.  The proprietor will post a temporary sign on all entrances to the laboratory indicating that smoking is being allowed for the purposes of research.
NOTE: Officers will forward an Information Report (OPD Form 42) to the Special Victims Unit when they suspect a childcare, adult day care, or health care facility is in violation of the Nebraska Clean Indoor Air Act.

4. Outdoor areas of places of employment not in an enclosed area.

5. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20 percent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited. The status of rooms as smoking and nonsmoking may not be changed, except to add additional nonsmoking rooms.

6. Tobacco only retail outlets that are separately housed from any entity required to be smoke free. This exemption will terminate if smoke infiltrates a nonexempt entity. Signs notifying the public that smoking is permitted in the establishment must be posted conspicuously on all entrances normally used by the public. The signs must have at least one-inch tall block lettering and be posted at a height and location easily seen by a person before entering. The signs will say, "Smoking permitted inside."

7. Cigar shops that hold a Class “C” liquor license, do not sell food, have a walk-in humidor on premises, and do not permit the smoking of cigarettes.

REFERENCES:

I. Laws and Mayoral Executive Orders
   A. Nebraska Revised Statutes § 53-103.08, and 71-5716 to 71-5735.
   B. Mayoral Executive Order S-12-13.

II. Previous OPD Orders
   A. Previous OPD General Orders include #43-06, #17-08, and #124-16.

III. Accreditation Standards
   A. CALEA Standards 72.13, 82.1.1, 82.1.2, 82.1.4, 82.1.5, 82.1.6, 82.2.3, 82.2.5, 82.3.4, 82.3.5, and 82.3.6.

SOCIAL MEDIA

PREAMBLE:

The Omaha Police Department (OPD) recognizes the role that Social Media can play in crime prevention, problem-solving, and community outreach activities, as well as in the personal lives of some OPD employees. Accordingly, this policy provides information of a precautionary nature and some limited prohibitions on the use of Social Media by all OPD employees in both an on-duty and off-duty capacity.

POLICY:

It is the policy of the Omaha Police Department (OPD) that OPD may monitor the use of Social Media by OPD employees to verify that their use is consistent with applicable laws, regulations, the City of Omaha Social Media Policy, and the OPD Policies and Procedures Manual (PPM). The OPD may identify potential uses of Social Media by OPD employees, both on- and off-duty, job-related or not, and take action if the
use is not considered reasonable by supervisory personnel. OPD employees may refer to the OPD “Social Media – Investigations” policy for procedures regarding the use of social media for investigative purposes.

DEFINITIONS:

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with editorial or administrative rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Public Domain: Any internet resource that is open and available to anyone.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation, including tools for sharing and discussing information. The term most often refers to activities that integrate technology, telecommunications, and social interaction, alongside the construction of words, pictures, video, and audio. This includes, but is not limited to, social networking and communication sites such as Facebook and MySpace, weblogs and micro-blogging sites like Twitter or Nixle, forums and message boards, photo- and video-sharing sites like Flickr and YouTube, real-time web communications (chat, chat rooms, video chats), all of the Wikis (Wikipedia), blogs, and news sites (Digg, Reddit, etc.). It does not include news alerts or services that scan the Internet for articles or links to a user set query or search.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video, or related forms of communication.

Wiki: Web page(s) that can be edited collaboratively. This is made possible by Wiki software that runs on the Web server.

PROCEDURE:

I. General Use, Prohibitions, and Cautions

A. On-duty employees of the OPD, as part of their duties and responsibilities, may use Social Media for the following purposes:

1. Crime prevention and community outreach and/or engagement.

2. Investigations. (See the OPD Social Media – Investigations policy).

B. OPD employees may not divulge private or confidential information gained solely and exclusively by reason of their employment or authority, nor make or publish any statements, speeches, appearances, endorsements, or materials that could reasonably be considered to represent the views or positions of the OPD without expressed authorization of the Chief of Police or designee.

C. The use of OPD computers by non-sworn employees to access Social Media for personal or entertainment reasons is prohibited. Sworn employees may use OPD computers during paid breaks to access their personal Social Media accounts, but will strictly limit such access to short intervals not to exceed the break period.
D. OPD employees should be aware that they may be subject to civil liability for any of the following:

1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).

2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.

3. Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose.

4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

E. OPD employees should be aware that privacy settings and Social Media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

F. OPD employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City of Omaha, the OPD, and/or DOT.Comm at any time without prior notice.

G. When using Social Media, OPD employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the OPD Rules of Conduct, the employee’s collective bargaining agreement, City of Omaha policies, and local state and/or federal laws and guidelines is required in the personal use of Social Media. In particular, OPD employees are prohibited from the following:

1. Displaying OPD logos, uniforms, or similar identifying items in a profile picture on any social media page, personal web page, or postings.

2. Using speech that contains obscene or sexually explicit language, images, or acts.

3. Posting statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals and interfere with the ability to perform one’s job.

4. Posting statements or other forms of speech that involves themselves or other OPD employees reflecting behavior that would reasonably be considered reckless or irresponsible.

5. Displaying or using the OPD badge for any personal gain. The OPD badge is copyrighted and shall not be used or reproduced in any manner without written permission of the Chief of Police or designee.

II. Crime Prevention and Community Outreach and Engagement

A. The OPD has established a presence in various Social Media as a means of crime prevention along with community outreach to and engagement with an increasingly broad population base both locally and regionally. The Department’s pages and content are posted exclusively through the Public Information Office (PIO) or official designees as the PIO may assign, with the approval of the Chief of Police or their designee.

B. Where possible, each Social Media page will include an introductory statement that clearly specifies the purpose and scope of OPD’s presence on the website.
C. Wherever practical, the page(s) should link to the official websites of the OPD and the City of Omaha.

D. Where possible, Social Media pages will clearly indicate they are maintained by the OPD and will have OPD contact information prominently displayed.

E. Social Media content will adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
   1. Content may be subject to public records laws. Relevant records retention schedules apply to Social Media content.
   2. Content must be managed, stored, and retrieved to comply with open records laws, discovery laws, and OPD policies.
   3. Where practical, Social Media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the OPD.
   4. Pages will clearly state that posted comments will be monitored, and that the OPD reserves the right to remove obscenities, off-topic comments, any personal attacks, or any content in violation of applicable law.
   5. Pages will clearly state that any content posted or submitted for posting is subject to public disclosure.

F. OPD employees or those representing the Department via the OPD’s Social Media outlets will:
   1. Conduct themselves at all times as representatives of the OPD and, accordingly, will adhere to all City of Omaha and OPD standards of conduct as well as observe conventionally accepted protocols and proper decorum.
      a. Inappropriate content will not be posted. Inappropriate content includes, but is not limited to: subjects of a profane, sexual, or discriminatory subject matter; content that solicits commerce; materials that encourage illegal activity; matters that compromise the safety or security of the public or public systems; or substance that violates a legal ownership interest of another party.
   2. Identify themselves as an employee of the OPD.
   3. Not make statements about the guilt or innocence of any suspect or arrestee.
   4. Not make comments concerning pending prosecutions.
   5. Not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to OPD training, activities, or work-related assignments without expressed written permission of the Chief of Police or designee.
   6. Not share any information considered protected or confidential by relevant law, rule, or procedure. This includes but is not limited to any data protected under the Americans with Disabilities Act (ADA), Genetic Information Nondiscrimination Act (GINA), Health Insurance Portability and Accountability Act (HIPAA), or other applicable laws.
   7. Not make any communication(s) with known false or inaccurate information. All reasonable efforts should be made by OPD employees to provide only verifiable facts, not unverifiable opinions.
a. Employees should provide links to credible sources of information to support their interactions when appropriate.

8. Not conduct political activities or private business.

G. OPD employees who are authorized to represent the Department via OPD’s Social Media outlets may post photos and related content that contains images or material that can be gathered from the view of the public.

H. Such authorized employees shall NOT post the following:

1. Photos or other content that contains sensitive material or material gained due to their position as an officer/employee of the City of Omaha or the OPD.

2. Photos or other content that connects OPD employees (sworn and non-sworn), including retired employees, to a spouse, child, or other family member without obtaining verbal and/or written consent from the employee.

III. Off-Duty Personal Social Media Use – Precautions and Prohibitions

A. OPD employees are free to express themselves as private citizens on Social Media sites. However, such expressions may not impair working relationships or activities of the City of Omaha and/or OPD or bring an undue burden upon the effective performance of OPD or City functions. Such expression will not violate any confidentiality of their position or any investigation, impede the performance of any employee’s duties, impair the discipline and harmony among coworkers, or negatively affect the public perception of the City of Omaha or the OPD.

B. As public employees, OPD employees are cautioned that on- or off-duty speech made pursuant to their official duties (that is, speech owing its existence to the employee’s professional duties and responsibilities) MAY NOT be protected speech under the First Amendment of the U.S. Constitution.

1. Such speech may form the basis for discipline, up to and including termination, if it is deemed detrimental to the mission of the OPD and/or the City of Omaha.

2. OPD employees should assume that their posted speech and related activity on Social Media sites will reflect upon their official office, the City of Omaha, and this Department and should conduct themselves accordingly.

C. OPD employees will not post, transmit, or otherwise disseminate any confidential information to which they have access as a result of their employment without specific, written permission from the Chief of Police or their designee. This applies to any electronic data including but not limited to photography, text, graphic depictions, motion pictures, or recordings of any kind.

D. For safety and security reasons, OPD employees are cautioned not to disclose their employment as police officers or the employment of other employees with OPD on Social Media. No OPD employee will post information pertaining to any other OPD employee without their permission.

1. Specifically, OPD employees are cautioned to avoid posting personal photographs or providing similar means of personal recognition that may cause them to be identified as an OPD officer or employee.

2. Officers who are working undercover operations, or who may reasonably be expected to work in undercover operations, are prohibited from posting any form of
visual or personal identification that may compromise the safety of any employee or citizen.

3. OPD employees WILL NOT use official City email addresses for registration of personal Social Media.

IV. Reporting Violations of Social Media Policy

A. Any employees, including supervisors and command officers, who are aware of or have knowledge of any Social Media speech or posting in violation of the provisions of this policy or the City of Omaha Social Media policy will notify their supervisor immediately for investigation.

1. To the maximum extent possible, an employee’s right to confidentiality shall be respected at all stages of the reporting and investigative process.

2. The City of Omaha procedures for investigation of such claims will be followed, and appropriate action and measures will be taken. Appropriate action and measures include, but are not limited to, the following:

   a. The recommendation of discipline up to and including termination.

   b. A demand to remove or stop the use of Social Media.

   c. The right to manage and monitor an employee’s computer or Social Media usage through City equipment or Internet connections.

   d. Any other procedures deemed appropriate based on the particular facts and circumstances involved.

B. Engaging in speech prohibited by this policy or the City of Omaha Social Media Policy may provide grounds for undermining or impeaching an employee’s testimony in criminal proceedings. OPD employees thus sanctioned are subject to discipline up to and including termination.

REFERENCES:

I. City of Omaha Policies

A. The City of Omaha Social Media policy is relevant to this policy.

II. Previous OPD Orders

A. The previous OPD General Orders include #13-11, #7-14, #62-16, and #88-16.

III. Accreditation Standards

A. CALEA Accreditation standards 12.2.1 and 52.2.7 are relevant to this policy.

SOCIAL MEDIA - INVESTIGATIONS

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
SPECIAL EVENTS PLAN

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide security and police services at privately organized special events. Unless specifically exempted by the Chief of Police, when a privately organized special event requires officers to work outside the scope of normal traffic and crime prevention operations, the organizer may be requested to reimburse the Department for the expenses incurred. Regardless of whether reimbursement is made, the decision to allocate police resources to any event will always be based upon the public’s need for services and the ability of the Police Department to provide the services. No person’s right to use open public property or to engage in lawful activity will be denied because of a refusal to provide reimbursement.

DEFINITIONS:

Special Events: Any special activity, parade, carnival, athletic contest, festival or any other event or activity that requires police services such as on-scene traffic and crowd control outside the scope of normal traffic and crime enforcement operations. For purposes of this order, “special” does not include routine events frequently held inside entertainment/sport venues such as the CenturyLink Center, Holland Center, TD Ameritrade Park, or other venues.

PROCEDURE:

I. Public Works Department, Traffic Engineering Division

A. Event organizers making special event requests that may substantially impact traffic flow on public streets or highways (i.e. permit applications for parades, assemblies, or street closings), will be directed to the Public Works Department, Traffic Engineering Division (PWD/TED).

B. (PWD/TED) will be responsible for the coordination and issuance of those special event permits.

C. (PWD/TED) will collect the information required for the Special Event Permit Notification Form (OPD Form 14), and forward the form to the OPD Traffic Unit or appropriate precinct.

II. Planning Responsibility for the Department

A. Upon receipt of a Special Event Permit Notification Form (OPD Form 14) from (PWD/TED), the OPD Traffic Unit Commander shall approve or deny the request.

1. If the request is denied, the OPD Traffic Unit Commander shall fill out the Special Event Permit Notification (OPD Form 14) indicating reason(s) for the denial, and return the form to the (PWD/TED).

a. The OPD Traffic Unit Commander shall forward a copy of the special Event Permit Notification (OPD Form 14) to the appropriate Precinct Commander
if the OPD Traffic Unit is unavailable or deemed as not needed by the OPD Traffic Unit Commander.

2. If the request is approved, the OPD Traffic Unit Commander shall assess, plan, and coordinate any required Traffic Unit resources, and determine resource reimbursement for non-stationary special events on the public streets.

3. The OPD Traffic Unit Commander shall coordinate Traffic Unit resources with the Emergency Response Unit (ERU) Commander and/or precinct commanders responsible for crowd/pedestrian control at major stationary events.

4. The Special Event Planning Form (OPD Form 14A) and Special Event Continuation Form (OPD Form 14B) are designed to help meet the needs of special event planning, and may be used by the Traffic Unit, Special Weapons and Tactics Team (ANC), or Uniform Patrol Bureau Command to help in the assessment and planning processes.

B. The OPD Traffic Unit Commander is responsible for initially providing the Special Event Permit Notification Form (OPD Form 14) to the (PWD/TED), and after each new update/revision of the form.

C. Planning for a special event should include the following elements:
   1. Estimates of traffic, crowd control needs, as well as potential crime problems.
   2. Contingency plan for traffic direction and control.
   3. Use of Emergency Response Unit (ERU) employees.
   4. Logistical requirements.
   5. Coordination with other department precincts/units, city departments, and law enforcement agencies, as needed.

D. Special circumstances arising from the event may require additional planning for:
   1. Event parking.
   2. Public transportation.
   3. Alternate traffic routes.
   4. Communicate with the News Media.
   5. Emergency vehicle access.
   6. Ingress and egress of vehicles and pedestrians.
   7. Temporary traffic controls.
   9. Inclement or dangerous weather conditions.

E. The Incident Commander shall be responsible for completing and maintaining all report forms, including the Special Event After-Action Report (OPD Form 14C).

IV. Resource Reimbursement and City Indemnity
A. The OPD Traffic Unit Commander shall determine the necessary staffing and required resources for a special event, and shall complete the “Police Response” Section of the Special Event Permit Notification Form (OPD Form 14) marking the appropriate box.

1. Permit Approved – No special event reimbursement is requested. The special event is not expected to create unusual traffic or crowd control needs or potential crime problems that will impose additional expense on the Department, or when the Chief’s Office has specifically exempted the special event from the reimbursement requirements.

   -OR-

2. Permit Denied – provide a brief explanation for the denial.

   -OR-

3. Permit Approved Pending Overtime Reimbursement – Reimbursement for the special event is required. The special event is expected to create unusual traffic or crowd control needs or potential crime problems that will impose additional expense on the Department.

   **NOTE:** The Chief of Police may exempt the special event from the reimbursement requirements at any point before, during, or after the special event.

B. After completing the Special Event Permit Notification Form (OPD Form 14), the Traffic Unit Commander shall return the form to the Public Works Department, Traffic Engineering Division.

C. The OPD Traffic Unit Commander shall issue a letter to the event organizer if reimbursement is required, and provide instructions for submission of payment.

1. If financial reimbursement is required of an event organizer, the OPD Traffic Commander shall provide the “Event Reimbursement Agreement for Law Enforcement Services” form (OPD Form 235) and instruct that it be signed and returned by the organizer with his/her certified check or money order made payable to “City of Omaha Police Department” by the date specified prior to the special event.

2. The OPD Traffic Commander shall inform the organizer that special police services may not be available for the event if reimbursement is not received by certified check or money order for the designated amount before the specified date, but that no right to assemble or engage in lawful activity will be denied because reimbursement is not received.

3. After an organizer returns the signed “Event Reimbursement Agreement for Law Enforcement Services” form (OPD Form 235) along with any payment, the OPD Traffic Unit Commander shall notify the (PWD/TED).

D. The OPD Traffic Commander shall forward each certified check or money order received, along with a brief explanation for the payment, to the OPD Fiscal Affairs Office, who shall then deposit the payment in the appropriate account.

1. If the OPD Traffic Unit Commander determines that the actual costs expended were less than the reimbursement amount previously submitted by the event organizer, they shall notify the OPD Fiscal Affairs Office.

2. The OPD Fiscal Affairs Office shall notify the event organizer of the over-payment, and coordinate reimbursement of the difference.

E. The OPD Traffic Unit Commander shall maintain copies of requests for reimbursement made on a Special Event Permit Notification Form (OPD Form 14), Special Event After-Action Reports (OPD Form 14C), and signed “Event Reimbursement Agreement for Law Enforcement Services” Form (OPD Form 235).
REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include #53-00, 46-01, 22-06, and 104-16.

II. Accreditation Standards
   A. Relevant CALEA Accreditation Standards include the following: CALEA Chapter 46.1.10.

---

SUSPICIOUS PACKAGES AND ENVELOPES

POLICY:

It is the policy of the Omaha Police Department (OPD) that all employees will take appropriate precautions to protect themselves and others from exposure to the potentially harmful contents of suspicious packages and envelopes.

DEFINITIONS:

Aerosolize: To convert into a fine spray or colloidal suspension in air.

Bacillus anthracis: The bacterium that causes anthrax. Bacillus anthracis is a white powdery substance that may cause infection if swallowed, rubbed into a skin abrasion, or inhaled as a fine, aerosol mist. If treated early, appropriate antibiotics can prevent disease caused by exposure to this bacterium.

Biological Threat: Any disease-causing organism such as smallpox, botulinum toxin, bacillus anthracis (anthrax), and ricin. These substances may adversely affect human health in a variety of ways, ranging from relatively mild allergic reactions to serious medical conditions, and even death.

Chemical Threat: Any substance intended to cause death or serious injury through release, dissemination, or impact of toxic poisonous chemicals, or their precursors. Examples include mustard gas, nerve agents, and sarin gas. Injury severity depends on the type and amount of chemical agent and the duration of exposure.

Explosive Threat: Threat that is generally designed to kill or maim but may also be designed to cause mass casualties and structural damage. An explosive threat can often be triggered by any slight attempt to open the outer packaging.

Radiological Threat: Any substance designed to release harmful radiation. Radiation can cause mild effects such as skin reddening, as well as more serious effects such as cancer and death. Injury severity depends on the amount of radiation absorbed by the body, the type of radiation, and the duration of exposure.

PROCEDURE:

I. Departmental Mail - Identifying a Suspicious Package or Envelope
   A. Suspicious packages and envelopes may contain explosive, radiological, biological, or chemical threats.
   B. Employees handling department mail will be alert for packages and envelopes with inappropriate or unusual labeling, unusual appearance, or other suspicious indicators.
      1. Examples of inappropriate or unusual labeling includes, but is not limited to:
         a. Excessive postage.
         b. Handwritten or poorly typed addresses.
         c. Misspelling of common words.
d. Strange return address or no return address.
e. Incorrect title or professional title without a name.
f. Not addressed to a specific person.
g. Written restrictions such as “Personal,” “Confidential,” or “Do Not X-ray.”
h. Marked with any threatening language.
i. Postmarked from a city or state that does not match the return address.

2. Examples of unusual appearance includes, but is not limited to:
   a. Powdery substance felt through or appearing on the package or envelope.
   b. Oily stains, discoloration, or odor.
   c. Crystalization on wrapping.
   d. Rigid or bulky.
   e. Lopsided or uneven envelope.
   f. Excessive packaging material (i.e., masking tape, string, etc.)

3. Examples of other suspicious signs includes, but is not limited to:
   a. Excessive weight.
   b. Ticking sound.
   c. Protruding wires or aluminum foil.

C. The above lists are not exhaustive. Employees handling department mail will use common sense. If the condition of a package or envelope causes a safety concern for any reason, the employee will follow the instructions below for handling suspicious packages and envelopes.

II. Handling a Suspicious Package or Envelope

A. Safety kits (biohazard bags, gloves, a mask, and antibacterial gel) and equipment will be available in the following areas:

   1. Mail sorting areas.
      a. These kits are available for employees responsible for sorting and opening mail.

   2. Police Supply Unit.

B. Plastic gloves will be available at the primary mail distribution areas on the third and sixth floors of Central Headquarters.

C. Explosive Threat

   1. If an employee suspects that a suspicious package or envelope contains an explosive device, the employee shall evacuate the area immediately and call 911.

D. Radiological Threat
1. If an employee suspects that a suspicious package or envelope contains radiological material, the employee will follow these guidelines:

   a. The employee SHALL NOT handle the package or envelope.

   b. The employee will shield themselves from the package or envelope.

   c. The employee will evacuate the area immediately.

   d. The employee will call 911 and notify an OPD supervisor.

      (a) 911 will contact the OFD Hazardous Material Response Team.

      (b) The OPD supervisor will notify all appropriate law enforcement resources.

E. Biological or Chemical Threat

1. If an employee suspects that a suspicious package or envelope contains dangerous biological or chemical agents, the employee will follow these guidelines:

   a. UNOPENED Package or Envelope

      (1) Employees SHALL NOT:

         (a) Open the package or envelope.

         (b) Shake or empty the contents of the package or envelope.

         (c) Carry the package or envelope, show it to others, or allow others to examine it.

         (d) Sniff, taste, or look closely at the package or envelope, or at any contents that may have spilled.

      (2) Employees will:

         (a) Handle the package or envelope gently.

         (b) Place the package or envelope in a plastic bag (provided at mail-opening areas) to prevent the contents from leaking, and place the item on a stable surface. If no plastic bag is available, employees will cover the item with anything (paper, clothing, trash can, etc.) and will not remove the cover.

         (c) Advise others in the area to evacuate.

         (d) Leave the area, close any doors, and take action to prevent others from entering the area.

         (e) If possible, shut of the ventilation system.

         (f) Wash hands with soap and water to prevent spreading potentially infectious materials.

         (g) Report the incident to both 911 and an OPD supervisor.

            i. 911 will contact the OFD Hazardous Material Response Team.

            ii. The OPD supervisor will notify all appropriate law enforcement resources.
(h) List all people who were in proximity when the package or envelope was recognized as suspicious, as well as those who may have handled the item at any point.

(i) Provide the list to responding emergency personnel.

b. OPENED Package or Envelope, or a Package or Envelope that has SPILLED a Suspicious Substance

(1) Employees SHALL NOT:

(a) Shake or empty the contents of the package or envelope.

(b) Carry the package or envelope, show it to others, or allow others to examine it.

(c) Sniff, taste, blow into, or look closely at the package or envelope, or at any contents that may have spilled.

(d) Attempt to clean up any type of spilled substance.

(2) Employees will:

(a) Close the package or envelope and place it gently on a stable surface.

(b) Cover the package or envelope and any spilled contents immediately using anything available (clothing, paper, trash can, etc.). Employees will not remove the cover.

(c) Advise others in the area to evacuate.

(d) Leave the area, close any doors, and take action to prevent others from entering the area.

(e) Shut off the ventilation system, if possible.

(f) Wash hands with soap and water to prevent spreading potentially infectious materials.

(g) Report the incident to both 911 and an OPD supervisor.

i. 911 will contact the OFD Hazardous Material Response Team.

ii. The OPD supervisor will notify all appropriate law enforcement resources.

(h) Remove any contaminated clothing and place the clothing in a plastic bag or some other sealable container. This clothing bag or container will be given to emergency responders for proper handling.

(i) Shower with soap and water.

NOTE: Employees should not use bleach or any other disinfectant on bare skin.

(j) List all people who had contact with the suspicious substance, or were in proximity when the package or envelope was
recognized as suspicious, as well as those who may have handled the package or envelope at any point.

(k) Provide the list to emergency responders.

2. If a suspicious biological or chemical substance is aerosolized employees will:

   a. Turn off local fans and/or ventilation units in the area.
   b. Evacuate the area and advise others to evacuate.
   c. Close the door or section off the area to prevent others from entering.
   d. Report the incident to both 911 and an OPD supervisor.

      (1) 911 will contact the OFD Hazardous Material Response Team.

      (2) The OPD supervisor will notify all appropriate law enforcement resources.

   e. Shut down the air handling system, if possible.
   f. List all people who were in proximity when the substance achieved aerosolization, or who may have otherwise been exposed to aerosolization, as well as those who may have handled the package or envelope at any time.

   g. Provide this list to emergency responders.

REFERENCES:

I. Previous OPD Orders

   A. Previous General Orders include: #12-12 and #80-17.
POLICY:

It is the policy of the Omaha Police Department (OPD) to utilize the services of the Telephone Emergency Service Centers in emergency law enforcement situations.

PROCEDURE:

I. Requesting Information in Emergency Situations

A. Communication providers have developed Security Response Centers to assist police officers in emergency and non-emergency situations on a 24-hour basis.

NOTE: Emergency law enforcement situations will be limited to those situations in which an imminent threat to life or property exists or when an emergency notification must be made.

1. Officers shall inquire with persons familiar with the missing/endangered to help determine the communication provider.
   a. Officers can obtain communication provider contact information by accessing the ISP List at http://www.search.org/resources/isp-list/.
   b. Officers may contact applicable CIB units to request if provider information is contained in the CIB accessible database.

2. Communication providers each have unique forms and requirements for accessing information.

3. In emergency situations, officers will contact the provider and request the form and protocol for exigent circumstances.
   a. OPD employees will follow providers’ protocol and complete required forms with as much information as possible and return to the communication provider.

4. Emergency Response Centers can provide/perform the following:
   a. Name, address, and phone number of the subscriber.
   b. Limit the phone line to incoming calls only.
   c. Change the subscriber's telephone number and provide officers with the call-back number.

II. Requesting Information in Non - Emergency Situations

A. Police employees can obtain published subscriber information in non-emergency situations by accessing the ISP List at http://www.search.org/resources/isp-list/ and following the contact instructions for non-emergency situations.

NOTE: Subscriber information on published numbers will be provided, however, non-published subscriber information requires a subpoena.

III. Legal Process – Subpoena
A. More detailed information may be obtained through the subpoena process or through court orders.

B. Information that may be obtained through these processes include:

1. Name, address, and telephone number of the subscriber.
2. Billing information.
3. Social security number.
4. Place of employment.
5. Phone number where a person may be reached.
6. Whether the subscriber is a business or individual.
7. Long distance charges.
8. Phone features.

REFERENCES:
I. Previous OPD Orders
A. Previous OPD General Orders include #58-94, #83-02, and #17-17.

TELEPHONE PROCEDURES

POLICY:

It is the policy of the Omaha Police Department (OPD) to maintain a telephone system and to issue Department-owned cellular telephones to employees who need such devices to perform assigned duties as determined by the Chief of Police or their designee. All sworn and non-sworn OPD employees will be familiar with the OPD telephone system and will follow all listed procedures for both land line and cellular telephones. It is the policy of the Omaha Police Department that employees will make every effort practical to avoid using cellular telephones while driving a City vehicle.

PROCEDURE:

I. General
A. OPD employees will answer City-owned land line telephones as follows:

1. All sworn OPD employees will answer the telephone by stating the following:
   a. Name of the office or unit called.
   b. The employee’s rank.
   c. The employee’s last name.

   EXAMPLE: “Homicide Unit, Sergeant Smith.”

2. All non-sworn OPD employees will answer the telephone by stating the following:
   a. Name of the office or unit called.
b. The employee’s first or last name.

**EXAMPLE:** “Fraud Unit, Mary;” or “Fraud Unit, Ms. Smith."

**EXCEPTION:** Exceptions to the above procedures may be granted by a unit commander.

B. Department-issued cellular telephones will be answered in a professional manner at the discretion of the employee.

C. If OPD employees receive a call from a citizen who wishes to report a crime but has reached the wrong number, the OPD employee will:

1. Direct the citizen to contact the Telephone Report Squad (TRS) at 402-444-4877 if it is a non-emergency.

– OR –

2. In the case of an emergency, direct the caller to dial 9-1-1.

D. The OPD Phone Directory provides the telephone number(s) of OPD employees.

II. Long Distance Telephone Calls

A. OPD employees will not make personal long distance telephone calls from a Department-issued cellular telephone or a City-owned land line except in the case of an emergency.

1. The OPD reserves the right to discipline employees who use City-owned or issued telephones to make personal long distance telephone calls. Employees may also be required to reimburse the City of Omaha for personal long distance telephone calls.

B. OPD employees are encouraged to be reasonable in the number and length of business-related long distance telephone calls made.

III. Conditions of Use for Department-Issued and Personal Cellular Telephones

A. The OPD will issue cellular telephones to employees who need such devices to properly perform assigned duties as determined by the Chief of Police or their designee.

B. The OPD will comply with the Mayoral Executive Order governing the issuance and usage of cellular telephones. The Mayoral Executive Order governing cellular telephones allows City Department Heads to allow certain deviations. The Chief of Police has authorized the following deviations from the Mayoral Executive Order:

1. Officers are authorized to carry personal cellular telephones at their discretion, but personal usage while on-duty is restricted except in emergency situations.

a. In general, the use of any cellular device that may cause any employee to be neglectful or inattentive to duty is prohibited.

b. Use of personal cellular telephones for personal communication while on break and out of public view is not restricted.

c. In cases where circumstances require an employee to operate their personal cellular telephone for personal reasons, while performing work-duties, a supervisor may approve limited usage.
2. Department-issued cellular telephones may be used in an employee’s office to place calls to other City/County cellular telephones issued by the same carrier. Employees shall answer Department-issued cellular telephones while in their office.

3. OPD employees will be expected to reimburse the City for any personal cellular telephone calls sent from or received on a City-owned cellular telephone if such personal calls result in an employee using more minutes than are allotted by the calling plan to which an employee is subject.

   a. The City Finance Accountant assigned to the OPD will notify the Precinct/Section Captain when a cellular telephone plan exceeds the allotted minutes.

      (1) The Precinct/Section Captain will determine if an employee’s personal usage caused the overage and will notify the employee.

   b. Notified employees will send a check, in the amount of the call(s), to the City Finance Accountant assigned to the OPD for the cost of the call(s). Reimbursement for personal calls will be made monthly.

4. The OPD will comply with all remaining provisions of the Mayoral Executive Order (including sections governing the Purchase of Cellular Telephones, Usage of City-Owned Cellular Telephones, Monitoring of City-Owned Cellular Telephone Usage, Allowance-Based Personal Cellular Telephones, and Personal Cellular Telephones).

   a. OPD employees may access the Mayoral Executive Order “Policy for the Issuance and Usage of Cellular Telephones” here for more details.

C. OPD employees are allowed to carry Department-issued and personal cellular telephones during the performance of their duties. Due to the unique nature of police work and the authorization to carry and use personal cellular telephones, the following conditions will be followed:

1. Any City-owned or personal cellular telephone carried by an OPD police employee must be carried in a secured and protected manner that will not allow unnecessary risk of exposure, damage, or loss during performance of the employee’s normally assigned duties.

2. Employees will, at all times, maintain sufficient competency and situational awareness to properly perform their duties and assume responsibilities of their positions.

3. Employees will not place outgoing, nor answer incoming telephone calls, while actively engaged in Departmental business that requires face-to-face contact with any citizen, unless the telephone call is directly related to OPD business.

4. Uniformed employees, while on-duty, acting in an official capacity and in public, will not wear any visible hands-free telephone devices unless authorized by a supervisor.

5. Officers should remain cognizant of tactical situations they may encounter and consider placing cellular telephones into vibrate or silent mode while on duty.

6. Photographs or recordings made by officers in execution of official duties, especially those obtained in the course of criminal investigations, may be considered evidence, are OPD property, and should be treated as such.

   a. Officers will not disseminate such records or media frivolously or inappropriately to others for any non-police-related reasons.
7. All cellular telephone calls, text messages, emails, and other communications made to conduct OPD business (even with personal telephones) may be subject to discovery in criminal or civil matters or may be used in internal investigations.
   a. Employees should consider these communications a public record and should have no expectation of privacy.

8. Employees are to limit the usage of Department-issued cellular telephone calls to OPD business calls only. Personally owned cellular telephones should be used for any necessary personal calls.
   a. “Business calls” may include the notification of family or others affected by changes in work scheduling requiring the employee to work beyond normal work or shift hours.

**EXCEPTION:** Exceptions to the above procedure may be granted by a section commander.

9. City-owned cellular telephones shall not be used for the purpose of creating personal financial gain.

10. Discretion will be employed in the use of City-owned cellular telephones both on and off duty. City-owned cellular telephones should not be used in the office or where land lines are readily available, unless contacting another City/County cellular telephone issued by the same carrier.

D. Usage of Cellular Telephones in Police Vehicles.

1. OPD employees will make every effort practical to avoid using cellular telephones while driving a City vehicle.

2. OPD employees will, at all times, maintain sufficient competency and situational awareness to properly perform their duties and assume the responsibilities of their positions. When job-related circumstances dictate the use of cellular telephones while driving any police vehicle, employees must remain attentive to their environment and their duty to drive safely.

3. Cellular telephones may be used for police-related purposes when necessary, but they are not a replacement for, and should not be used in lieu of, the police radio. The police radio should be used as the primary means of voice communication while operating any equipped cruiser, unless circumstances dictate that it is impractical to do so.
   a. Because of the distractions inherent to dialing or otherwise using any handheld cellular device, employees should use great discretion when operating both a vehicle and cellular telephone at the same time.
   b. Simultaneous operation of a vehicle and cellular telephones should be limited to situations where it is impractical or unsafe to pull over and stop before initiating or continuing any conversation.

**NOTE:** Officers should make every effort to minimize the duration of calls made or received while driving a City vehicle.

4. The use of any cellular device for non-emergency, personal reasons, while operating a City-owned vehicle, is prohibited.
5. Employees are prohibited from texting on any handheld cellular device while driving.

6. Officers are prohibited from operating any handheld cellular device while operating a moving police motorcycle.

7. Officers are encouraged to utilize the telephone's hands-free speaker phone to converse when the situation allows.

E. The above procedures apply to use of personal cellular devices while on-duty and City-issued telephones both on- and off-duty. These procedures do not apply to officers actively engaged in an undercover capacity when such limitations may be impractical.

IV. Additions, Changes, and Deletions to Telephone System Services

A. OPD employees who request additions, changes, or deletions to telephone system services will submit a request on an Inter-office Communication via the chain of command to the Fleet and Facilities Coordinator.

1. The Fleet and Facilities Coordinator will research the service requested to obtain an estimated cost.

2. This estimate will then be submitted to the Support Services Section Captain for approval.

3. If approved, the Fleet and Facilities Coordinator will forward the necessary documentation to the Dot.Comm Service Desk. (See Appendix A for telephone number and email address).

V. Repairs

A. The Fleet and Facilities Unit is responsible for all telephone line installation and/or repair.

B. There will be no emergency notification by the Fleet and Facilities Coordinator, unless an entire system is down.

C. To report a needed telephone line repair, OPD employees will contact the Fleet and Facilities Coordinator (see Appendix A for telephone number) between the hours of 0600 to 1600 hours, Monday through Friday. Employees may also contact the Fleet and Facilities Coordinator outside of these hours, if an emergency exists.

REFERENCES:

I. Nebraska Revised Statutes (NRS)

A. NRS 60-6,179.01 is relevant to this policy.

II. Mayoral Executive Orders

A. The Mayoral Executive Order “Policy for the Issuance and Usage of Cellular Telephones” is relevant to this policy.

III. Previous OPD Orders

A. Previous OPD General Orders include the following: #77-02, 17-03, 16-09, 17-09, 18-09, 31-14, and 35-15.
IV. Accreditation Standards
   A. CALEA Accreditation standards 22.2.7 and 81.2.10 are relevant to this policy.

**TERRORISM – HOMELAND SECURITY**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to participate in the regional Joint Terrorism Task Force (JTTF) and to maintain a Terrorism Early Warning Group (TEWG). The OPD recognizes that the Federal Bureau of Investigation (FBI) has the primary responsibility of investigating terrorism-related incidents in the United States. However, members of the (OPD) will often be the first responders to possible incidents of terrorism. The need to quickly assess terrorism-related intelligence and direct that information to one or more organizations best suited to analyze and evaluate such information in a timely manner is critical.

**PROCEDURE:**

I. Liaison with other Agencies
   A. The OPD participates in the Regional JTTF which is led by the FBI. The JTTF serves as liaison with other organizations for the timely exchange of terrorism-related information.
   
   B. The OPD established the TEWG in September 2006. The purpose of the TEWG is to reduce the threat to public safety through a heightened level of local inter-agency and community communications, analysis, and sharing of open source information designed to anticipate and respond to terroristic criminal acts in the metro area.

II. Officer Contacts with Suspected Terrorist
   A. Initial contact with possible terrorism-related parties usually begins with “routine” police-related activities, such as radio calls for suspicious parties or vehicles or traffic stops.
   
   B. Officers who make contact with a subject who is suspected of terrorism-related activities will contact their immediate supervisor before releasing the individual.
   
   C. A thorough vehicle search and inventory is desirable on any vehicle suspected of being involved in terrorism-related activity.
      1. Officers shall refer to the “Searches – Vehicles” policy regarding vehicle search and seizure and, if necessary, consent, or a search warrant will be obtained.
      2. Any search or inspection will include photographing and forensic processing as appropriate under the circumstances.

III. Reporting
   A. Officers will use an Information Report (OPD Form 42) to document terrorism-related information that does not rise to the level of criminal activity requiring an Incident Report.
      1. The Information Report (OPD Form 42) shall be reviewed by a supervisor and forwarded to the Intelligence Squad/TEWG Sergeant for follow-up.
   
   B. If the information was developed from a crime that occurred in the jurisdiction of the OPD, the crime will be documented on an Incident Report (PortalOne/OPD Form 189).
      1. An initial investigation shall be conducted, and the case shall be assigned to the appropriate CIB unit for follow-up.
2. Copies shall be forwarded to the Intelligence Squad.

IV. Relaying Intelligence to Other Agencies

A. After receiving terrorism-related information, the Intelligence Squad/TEWG will determine if the information should remain in-house or be forwarded to a task force or other law enforcement agency or entity with a need and right to know.

B. If the Intelligence Officer determines that information contained in the Incident Report (PortalOne/OPD Form 189) is of a terrorist nature, the information shall be forwarded to the appropriate task force, law enforcement agency, or other entity as necessary based on a need and right to know.

1. Emergency forwarding may be necessary in cases where the Intelligence Squad/TEWG is not immediately available, or the information is extremely critical and time-sensitive.

2. For emergency forwarding, the on-scene command officer can directly forward the information to the FBI JTTF via a 24-hour telephone number (see Appendix A for the phone number).

C. The Intelligence Squad shall also take appropriate action to inform officers and command personnel, as well as other local agencies and entities, with a need and right to know of intelligence that identifies an immediate terrorist threat.

NOTE: That action may be in the form of a bulletin, telephone notification, roll-call briefing, or other available means depending on the nature of the information and type of threat.

V. Terrorism Awareness Information

A. The role of the public in observing and reporting terrorism-related activity is essential to homeland security effectiveness.

B. The OPD is committed to providing terrorism awareness information to enable the public to identify and report terrorism-related information. The Terrorism Early Warning Group, with input and assistance from the Public Information Office (PIO), will:

1. Prepare Public Service Announcements (PSA’s) for local radio and television stations at times, and containing information determined by the PIO, Intelligence Squad/TEWG Sergeant, Bureau Command, or the JTTF.

2. Maintain a citizen reporting portal on the Omaha Metro-Area TEWG website (http://www.otewg.org) to enable online citizen reporting.

3. Maintain an early warning hotline for the public reporting of any possible terrorist related information. The hotline phone number is 888-789-2616.

4. Prepare and distribute terrorism awareness brochures distributed during town hall and community meetings. Brochures will be updated periodically to reflect changes in threats, preparedness, or citizen reporting procedures.

C. Terrorism-related information reported by the public shall be processed through the Intelligence Squad/TEWG for analysis and follow up without delay.

REFERENCES:

I. Previous OPD Orders
A. Previous OPD General Orders include #1-08 and #128-16.

II. Accreditation Standards
A. Relevant CALEA Accreditation Standards include the following: CALEA Chapter 46.3.2.

III. Other
A. PPM Update #5-2017.

**THEFT**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to collect information and report on the theft of various items and services and to provide victims with information concerning their rights. These reports and the information obtained from the victims will be used for investigative and prosecution purposes.

**PROCEDURE:**

I. Checks Reported Stolen when there is no evidence at the time of reporting to suggest that the checks have been forged.

A. Officers shall complete an Incident Report (PortalONE /OPD Form 189).

B. Officers shall include the appropriate theft offense category in the report.

C. Officers shall inform the victim of the need to advise their financial institution of the theft.

D. Officers shall give the victim an Omaha/Douglas County Victim/Witness Assistance Brochure (OPD Form 51).

II. Credit, Debit, or Instant Cash Cards Reported Stolen and there is no evidence or knowledge that they have been used fraudulently.

A. Officers shall complete an Incident Report (PortalONE/OPD Form 189).

B. Officers shall include the appropriate theft offense category in the report.

C. Officers shall inform the victim of the need to advise their financial institution of the theft.

D. Officers shall give the victim an Omaha/Douglas County Victim/Witness Assistance Brochure (OPD Form 51).

III. Failure to Return Rented or Leased Property

A. Officers shall NOT prepare an Incident Report (PortalONE/OPD Form 189) when rented and/or lease items are not returned. Omaha City Prosecutors and Douglas County Attorneys deem these incidents as contractual disputes and civil matters.

**EXCEPTION:** Officers shall refer to the “Vehicles Reported Stolen” policy for theft of leased or rented vehicles.

B. Officers shall advise rental and leasing business to contact the city prosecutor and/or county attorney.
C. Officers shall refer to the OPD Policy “Property - Non-Criminal Property Disputes” for replevin and repossession procedures.

**EXCEPTION:** If the facts indicate that the individual who rented the property appeared to do so with the intent of permanently defrauding the business of its merchandise, i.e., using fictitious or false information, the officer shall complete an Incident Report (PortalONE/OPD Form 189).

D. Officers shall give the victim an Omaha/Douglas County Victim/Witness Assistance Brochure (OPD Form 51).

IV. Bicycles Report Stolen

A. Officers shall complete an Incident Report (PortalONE/OPD Form 189) detailing the following items:

1. Estimated value of the bicycle.
2. Make and Model Name/Number.
3. Serial Number.
4. Speed (i.e. 3-speed, 10-speed, etc.).
5. Color.
6. Size (i.e. 24-inch, etc.).
7. Boys or Girls type.
8. Any identifying marks or accessories.

B. Officers shall list the victim on the report as an adult.

C. Officers shall give victim an Omaha/Douglas County Victim/Witness Assistance Brochure (OPD Form 51).

D. The Data Center shall assign the report to the appropriate unit in the Criminal Investigations Bureau (CIB) for investigation.

E. The Evidence and Property Unit shall assist CIB units with ownership identification of all recovered bicycles.

V. Theft of Services

A. Officers responding to thefts of restaurant food, taxi rides, and gasoline shall complete an Incident Report (PortalONE/OPD Form 189).

B. Officers shall use the “Theft of Services” offense category in their reporting for these services when:

1. An individual(s) obtains food and/or drinks in a restaurant and does not pay the bill.
2. An individual(s) obtains a ride without paying the fare.

C. Officers shall use the “Theft – All Other” offense category in their reporting when an individual obtains gasoline for a vehicle and leaves without paying.
D. The officer will attempt to collect information such as the name of a suspect, a date of birth, and suspect vehicle license number.

E. If the officer collects sufficient information to identify the suspect, the officer shall attempt to locate and interview the suspect.

F. If the suspect makes an admission about the theft and/or the officer collects information to support an arrest, the officer shall make the arrest or issue a citation.

G. If the suspect is identified but cannot be located, the officer will advise the business owner to contact the City Prosecutor’s Office to provide the results of the police investigation and to request a warrant for the suspect.

H. For the non-payment of a bill at gasoline service stations, officers should advise the business owner that the suspect must be identified as the driver (rather than the owner) of the suspect vehicle before the City Prosecutor’s Office will prosecute the suspect.

1. If the business owner or attendant has only a license plate number and the driver is unknown, a warrant cannot be obtained. However, the business owner may contact an attorney for possible civil action.

2. Officers may refer the business owner who has a license plate number to the Nebraska Department of Motor Vehicles (DMV). Business owners can apply to the DMV for information about the vehicle’s registered owner.
   a. At the time of the initial report, officers will not provide any vehicle registration information obtained from Channel 5 to the business owner.
   b. The Telephone Report Squad (TRS) will not provide vehicle registration information to callers. TRS operators may refer callers to the DMV.

I. Officers shall give victim a. Omaha/Douglas County Victim/Witness Assistance Brochure (OPD Form 51).

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #81-71, 25-87 Supplement #1, 127-88, 21-03, and 103-16.

**TOWING – GENERAL PROCEDURES**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to tow vehicles when necessary due to an accident, violation, for public safety, or when impounded for evidentiary purposes.

**PROCEDURE:**

I. General Towing Procedures

A. Officers will document all tows, other than accident tows, on an OPD Recovered/Impounded Vehicle Report (PortalOne/OPD Form 202).

1. Officers will thoroughly document any reason for additional towing costs on this form (i.e., winch required, mechanical time required, additional vehicle required etc.).

   **NOTE:** Officers will refer to the OPD “Accidents – General Reporting” policy for procedures regarding documenting accident tows.

B. It is not required that vehicles be towed if they can be locked and left on the street.

C. Vehicles will be towed only when necessary and never to punish the driver/owner.
D. Vehicles will not be seized and impounded during traffic stops solely on the basis of:

1. Lack of registration.
2. Expired in-transits.
3. Expired registration.
4. No proof of insurance.
5. Improperly displayed plates.

E. When an officer requires a tow truck, they will contact the Information Operator on Channel 5 and give the Operator the following information:

1. Type of tow required (i.e., accident, violation, or impound tow)
2. Type of tow truck that is needed. This will be determined based on the type of vehicle and the condition and damage of the vehicle that needs to be towed (i.e., four or all-wheel drive vehicle, motorcycle, trailers, etc.).
3. Location of where the tow is needed.
4. Reason for impounding the vehicle (i.e., stolen vehicle, driver arrested, etc.).
5. Description of the vehicle including the color, year, make, model, body style, license number, and VIN number.
6. When a semi-truck & trailer, or other large vehicle is involved, the size and type of vehicle will also be given to the Information Operator.
7. Serial number of the officer requesting the tow.
   -AND-
8. Arrival time of the tow truck at the officer's location.

F. All vehicles scheduled for tow shall be run through NCIC/NCIS by the OPD Information Channel Operator(s) prior to being towed.

G. In cases when four or more vehicles need to be towed from one location, officers shall:

1. Contact the Information Channel who will notify the towing contractor.
   
   **NOTE:** The towing contractor must be notified 24-hours in advance of towing four or more vehicles from one location.

2. Obtain a supervisor’s approval if towing more than four vehicles from one location.

H. OPD employees will adhere to the following procedures if an OPD vehicle or City-owned vehicle requires a tow either due to an accident or a vehicle malfunction:

1. Employees will adhere to all procedures in the OPD “Accidents – General Reporting” and “Accidents – Investigation Procedures” policies if the vehicle needs to be towed as the result of an accident.

2. Employees will complete the “Police Equipment – Accountability” form (OPD Form 24) in accordance with the OPD “Equipment” policy.

3. OPD vehicles and City-owned vehicles will be towed to the appropriate location based on the particular incident.

4. If the vehicle is to be held for evidentiary purposes the appropriate CIB Unit will tow and hold the vehicle accordingly.
I. An inventory of the vehicle will be conducted prior to officers towing vehicles. See the OPD “Vehicles – Impound Inventories” policy for procedures.

**NOTE:** If the vehicle is being impounded for safekeeping and a search warrant is being obtained, officers shall not conduct an inventory of the vehicle. Officers shall maintain custody (i.e., line of sight) of the vehicle until the warrant is obtained. (See the OPD “Searches – Vehicles” policy for procedures).

J. When vehicles need to be towed in relation to criminal investigations, Criminal Investigations Bureau (CIB) investigators will communicate any specific procedures and/or directives to the Uniform Patrol Bureau (UPB) officers handling the tow.

II. Release of Vehicles

A. The contract between the owner of a vehicle and the contract tow company is considered a private agreement regardless of whether the vehicle is towed to the OPD Vehicle Impound Lot.

B. Owner requested tows are private agreements between the owner of the vehicle and their chosen towing company and require no follow-up.

C. The OPD Vehicle Impound Lot will be responsible for releasing vehicles that have been towed to its facility.

1. Vehicles held as evidence shall be released in accordance with OPD evidence and property procedures (see the OPD “Evidence and Property – Handling” and “Evidence and Property – Management” policies for further details).

2. Vehicles that were towed as the result of unpaid parking tickets will only be released after the OPD Vehicle Impound Lot confirms that the tickets have been paid.

D. Citizens whose vehicles have been towed to the OPD Vehicle Impound Lot will be referred to the OPD Vehicle Impound Lot with questions about fees.

E. If there is a dispute about the fees/tow charges citizens will complete a “Fee Waiver Request” form provided by the OPD Vehicle Impound Lot.

1. The Manager of the OPD Vehicle Impound Lot will review such disputes and may waive a fee within their authority.

2. If the fee is not waived and an explanation regarding the fee to the citizen fails to resolve the situation, the request will be sent to the Neighborhood Services Unit (NSU) Lieutenant for review.

   a. The NSU Lieutenant will have ultimate authority to either deny or approve the fee waiver.

**NOTE:** Proper and thorough documentation of an officer’s decision to tow a vehicle is critical to enable the Manager of the OPD Vehicle Impound Lot and the NSU Lieutenant to make an informed decision regarding such complaints and to avoid having to contact the officer for more information.

III. Street Release of Vehicles

A. Officers will not release a vehicle to anyone without first having established their right to possession of the vehicle.

B. If the owner or legal custodian of the vehicle appears on the scene of a tow prior to the vehicle being hooked to the tow truck the vehicle will be released to its owner if:

1. There is no hold on the vehicle.

   -AND-

2. The violation can be immediately corrected.
a. Certain violations may be immediately corrected via an online/electronic payment. Officers will allow the citizen to pay a fee/ticket online at the scene and will confirm the payment via the online receipt.

C. When an officer releases a vehicle to any authorized person they will complete a Supplementary Report and include the following information about the authorized person in order to clear the vehicle from the record if any prior report(s) was made:

1. Full name.
2. Address.
3. Phone Number.

**EXCEPTION:** The Supplementary Report is not required if the vehicle is being released by the originating officer of the original report.

D. Dead Runs

1. Officers will cancel tow trucks immediately if they are not needed. The Contract Tow Company receives compensation for each contractually authorized dead run if the tow truck operator arrives on the scene.

   **NOTE:** Once the vehicle has been hooked to the tow truck it cannot be classified as a dead run and the vehicle will be towed.

2. If the services of the tow vehicle will not be necessary after it has arrived at the scene (i.e., an authorized person has claimed the vehicle as the tow truck arrives) the tow truck operator will be responsible for having the Dead Run Ticket completed.

3. At the request of the tow truck driver the officer will verify the dead run and make certain that the ticket clearly shows the following:

   a. Date, time, and location of the dead run.
   b. Time the tow was canceled by the Operator or the police officer on the scene.
   c. Whether the dead run occurred during the 24 hour period of a federal or state recognized holiday.
   d. If it is between 1801-2400 on a Monday through Thursday.
   e. If it is between 2400-0559 on a Tuesday through Friday.
   e. If it is between 1801 Friday and 0559 Monday.

4. Officers will not sign any ticket that does not have proper documentation as noted above and no payment will be made to the Contract Tow operator.

   **NOTE:** Per contract, dead runs are compensated at different rates based on the day/time. It is critical that officers verify the date/time of the dead run on the tow ticket.

**REFERENCES:**

I. Previous OPD Orders

   A. Previous OPD General Orders include the following: #65-77, #96-77, #91-83, #81-84, #101-89, #42-90, #43-90, #34-93, #8-94, #54-94, #27-97, #20-98, #20-05, #22-05, #39-06, #39-06 Supplement #1, #10-07, #45-16, and #35-17.

   B. Previous OPD Information Orders include the following: #287-92, #307-92, and #278-93.

II. Other

   A. PPM Update #7-2016.
POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce all parking laws on public streets and to tow vehicles violating such laws when appropriate. Vehicles will be towed in accordance with the OPD “Towing – General Procedures” policy.

PROCEDURE:

I. Parking Violations

A. Any vehicle parked in violation of the "Peak Hour" ordinances or parked on a public street in a manner that creates a public nuisance (e.g., blocking a driveway, blocking a fire hydrant, unattended motor vehicle, parked in a bus zone, without current annual license plates and registration, etc.) may be towed.

1. Officers will cite the vehicle PRIOR to requesting the vehicle be towed.
2. Officers will tow the vehicle in accordance with the OPD “Towing – General Procedures” policy.
3. Officers will stand by for the tow truck and direct the vehicle towed to the OPD Vehicle Impound Lot facility.
4. Officers will thoroughly complete an OPD Recovered/Impounded Vehicle Report (PortalOne/OPD Form 202) to document the tow.

B. Parked vehicles that constitute a safety hazard may be towed in accordance with the following Omaha City Ordinances:

1. §36-231 (Unlawfully Parked Vehicles Declared Obstruction, Misdemeanor and Public Nuisance).
2. §36-232 (Summary Removal Authorized).

II. Unpaid Parking Tickets

A. Verifying Unpaid Tickets.

1. Officers will verify the number of unpaid parking tickets for a vehicle located on public property when:
   a. The officer is aware or suspects that the vehicle has three or more unpaid parking tickets that are more than 30 days old.
   b. The officer is issuing the vehicle a parking ticket (see the OPD “Citations” policy).

2. Officers will contact the Information Channel who will call the Violations Bureau to determine if a vehicle has accumulated three or more unpaid parking tickets that are more than 30 days old. The Violations Bureau will also provide the total dollar amount owed for the unpaid parking tickets to the Information Channel Operator.
   a. The Violations Bureau is open from 8:00 a.m. to 3:30 p.m., Monday through Friday excluding holidays (see Appendix A for the telephone number).
b. After contacting the Violations Bureau, the Information Channel Operator will notify the officer about the number of unpaid tickets that are more than 30 days old and the total dollar amount owed for the unpaid parking tickets.

c. If the vehicle in violation has not accumulated three or more unpaid parking tickets that are more than 30 days old, the officer will issue a parking citation as appropriate and will not impound the vehicle.

NOTE: Officers shall not tow the vehicle until they have verified that the vehicle has three or more unpaid parking tickets that are more than 30 days old.

B. Once the officer confirms that the vehicle has three or more unpaid parking tickets that are more than 30 days old the officer will tow the vehicle in accordance with the OPD “Towing – General Procedures” policy.

1. Officers will stand by for the tow truck and direct the vehicle towed to the OPD Vehicle Impound Lot facility.

2. Officers will complete a Recovered/Impounded Vehicle Report (PortalOne/OPD Form 202) to document the tow and include the following information:

   a. Note that the vehicle was towed due to unpaid parking tickets.

   b. The number of unpaid parking tickets.

   c. The total dollar amount owed for the unpaid parking tickets.

B. If the owner of the vehicle is present and is unable to pay the tickets before the vehicle is towed, officers may advise the owner that the driver may reclaim the vehicle from the OPD Vehicle Impound Lot by:

1. Furnishing proof to a Vehicle Impound Lot employee that their tickets have been paid. This may be shown by valid receipt(s) or the Vehicle Impound Lot employee may confirm the payment of the tickets on parkomaha.com.

2. Paying all applicable Impound Fees.

III. Dead Storage/Interstate Parking Violations

A. Vehicles that are parked on a public street or the interstate in excess of the following time periods are subject to tow:

1. Public Street: Excess of 48 hours.

2. Interstate: Excess of 12 hours.

NOTE: Officers may immediately tow a vehicle if the vehicle poses an imminent danger to the public (i.e., vehicle on blocks, vehicle obstructing traffic or blocking the shoulder of a constricted part of the interstate).

B. When an officer receives a complaint about or observes a vehicle that has been parked in the same place on a public street or a vehicle parked on the interstate the officer will:

1. Declare the vehicle to be a dead storage vehicle.
2. Clear the vehicle through NCIC/NCIS by contacting the Information Channel Operator.

3. Complete a Tow Notice (OPD Form 243) and adhere it to the outside lower left corner of the rear window of the vehicle.
   a. If the vehicle in violation is a motorcycle, the tow notice will be affixed to the license plate or the license plate bracket if the motorcycle has no license plate.

4. Place a chalk mark on the top of the outer sidewall of each tire and on the pavement in front of and behind the left front tire.
   a. By marking the tires in the fashion described in this order, it is possible to determine if the vehicle has moved substantially or slightly.
      (1) If the tire markings are found by the follow-up officer to all point the same direction, regardless of whether they are all still at the top of the tire, the car has not been substantially moved and will be towed.
      (2) If the markings point in different directions, the vehicle has been moved substantially and will not be towed.

C. Prior to the towing of a vehicle for a Dead Storage or Interstate Parking violation, the vehicle will be checked to make certain that it has not been moved since it was originally cited.
   1. Officers will follow-up on vehicles parked on a public street after 48 hours to see if the vehicle has been moved.
   2. Officers will follow-up on vehicles parked on the interstate after 12 hours to see if the vehicle has been moved.

D. If the vehicle has not been moved the officer will have the vehicle towed in accordance with the OPD “Towing – General Procedures” policy.
   1. Officers will stand by for the tow truck and direct the vehicle towed to the OPD Vehicle Impound Lot facility.

E. Officers will thoroughly complete an OPD Recovered/Impounded Vehicle Report (PortalOne/OPD Form 202) to document the tow.

IV. Unlicensed Vehicle Violations

A. Unlicensed vehicles are subject to be towed immediately.

B. When an officer receives a complaint of or observes an unregistered vehicle that has been parked on a public street, the officer will:
   1. Declare the vehicle to be an unregistered vehicle.
   2. Clear the vehicle through NCIC/NCIS by contacting the Information Channel.
   3. Tow the vehicle in accordance with the OPD “Towing – General Procedures” policy.
   4. Stand by for the tow truck and direct the vehicle towed to the OPD Vehicle Impound Lot facility.
NOTE: Unregistered vehicles bearing valid dealer in-transit stickers will not be towed. Unregistered vehicles with expired dealer in-transit stickers, with expired or improperly displayed license plates with any homemade in-transit stickers, or with no in-transit sticker, will be towed.

C. Officers will thoroughly complete an OPD Recovered/Impounded Vehicle Report (PortalOne/OPD Form 202) to document the tow.

REFERENCES:

I. Laws

II. Previous OPD Orders
B. Previous OPD General Orders include the following: #65-77, #96-77, #91-83, #81-84, #81-94, #69-95, #27-97, #20-98, #45-01, #20-05, #21-05, and #32-17.

TOWING - RECOVERED STOLEN VEHICLES

POLICY:

It is the policy of the Omaha Police Department (OPD) that when officers recover stolen vehicles the vehicles will either be released to the registered owner or towed to the OPD Vehicle Impound Unit Lot. Recovered stolen vehicles that were taken during a robbery will be processed for evidence by the OPD Forensic Investigations Section prior to release of the vehicle.

PROCEDURE:

I. Recovery

A. Officers have no legal authority to tow vehicles from private property unless the vehicle is confirmed to have been stolen, is seized in connection with an arrest for evidentiary purposes, and/or is towed in connection with a violation as outlined in the OPD Policies and Procedures Manual (PPM).

B. When officers recover stolen vehicles on public or private property, officers shall:

1. Contact the OPD Information Channel to obtain the RB number from the original Stolen Vehicle Report and will then order an Impound Tow if the vehicle is going to be towed to the OPD Vehicle Impound Unit.

   a. If pertinent, officers will communicate to the Information Channel the general condition of the vehicle (i.e. were the wheels removed, etc.).

2. If the vehicle was recovered on the property of a private tow company, officers will contact the Auto Theft Unit or appropriate CIB investigative unit (i.e., Homicide etc.) to determine the appropriate steps to be taken (i.e., whether the vehicle will be left on the private tow lot or taken to the OPD Vehicle Impound Lot).

   NOTE: Regional Detectives will not make this determination. Officers will wait until they contact an Auto Theft Unit or other appropriate CIB investigative unit Detective/Supervisor before having the vehicle towed.
3. Complete a Recovered/Impounded Stolen Vehicle Report (OPD FORM 202), utilizing PortalONE on ALL recovered stolen vehicles, using the RB numbers (see the OPD “Vehicles Reported Stolen” policy for more details).

4. Recovered stolen vehicles which are towed to the OPD Vehicle Impound Unit Lot shall be towed by the contracted towing vendor.

5. Prior to towing a recovered stolen vehicle to the OPD Vehicle Impound Unit Lot, officers shall:
   a. Make certain the vehicle’s VIN number matches the registration of the license plates if the license plates are on the vehicles.
   b. conduct a search for evidence.
      (1) Officers shall inventory and book any evidence located in/on the vehicle.
      (2) If officers believe a vehicle needs to be processed for latent prints, they shall make a notation of this in the report. This will alert the Auto Theft Unit to check the vehicle at the OPD Vehicle Impound Lot.
         (a) If the Auto Theft Unit determines the vehicle must be processed they shall request the processing prior to releasing the vehicle.

6. The Vehicle Impound Unit shall contact the owner of a recovered stolen vehicle as soon as the vehicle is released by the Auto Theft Unit.
   a. Citizens can pick up their vehicle during the normal business hours of the OPD Vehicle Impound Lot. Officers will NOT quote any fees charged by the Impound Lot to vehicle owners and will direct the owner to contact the OPD Vehicle Impound Lot for further information.

II. Vehicle Owner at Scene of Vehicle Recovery

A. When the owner of the recovered stolen vehicle appears on the scene prior to the vehicle being towed, the officers shall:
   1. Verify ownership of the recovered vehicle, making sure that the legal owner is claiming the vehicle and that the driver has a valid operator's license prior to releasing the vehicle.
   2. Advise the Information Channel of the owner's presence at the scene and request permission from the Auto Theft Unit to release the vehicle to the owner.
      a. If officers cannot contact the Auto Theft Unit they shall contact the Criminal Investigations Unit for authorization to release vehicle. If officers cannot contact the Auto Theft Unit or the Criminal Investigations Unit, officers shall obtain authorization to release the vehicle to the owner from their supervisor.
   3. Conduct a search for evidence prior to releasing the recovered vehicle to the owner at the scene. The officers shall inventory and book any evidence located.
      a. If officers determine the vehicle needs to be processed for latent prints, they shall submit the request to OPD Forensic Investigations and will standby for Forensic Investigations employees' arrival to the scene.

NOTE: Not all vehicles need to be processed.
b. If officers determine a vehicle does not need to be processed but the owner insists officers shall advise the owner to contact OPD Forensic Investigations for an appointment to bring the vehicle to OPD Central Headquarters for processing.

4. Complete an OPD Recovered/Impounded Vehicle Report (OPD Form 202) and an OPD Continuation/Supplementary Report (OPD Form 200A) if they are authorized to release the vehicle to the owner on the scene.

a. The reports must detail the recovery of the vehicle, the search for evidence, the Forensic Investigations Technician (if at the scene), the name of the OPD supervisor who authorized the release of the vehicle, and the name, address and telephone number of the person to whom the vehicle was released.

5. Advise the OPD Information Channel to immediately contact NCIC to remove the vehicle from the Active Stolen Status in NCIC.

NOTE: If the Recovered Stolen Vehicle Report is completed in PortalONE an automatic notification shall be sent to NCIC to remove the vehicle from the Active Stolen Status in NCIC.

6. Notify the Traffic Unit or other relevant unit prior to releasing the vehicle when it is apparent that the vehicle has been involved in an accident or possible criminal activity.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #39-94, #39-94 Supplement #1, #51-15, and #33-17.

II. Other

A. PPM Update #5-2017.

TOWING - REPOSSESSION/PRIVATE PROPERTY

POLICY:

It is the policy of the Omaha Police Department to determine the status of all vehicles that have been repossessed or towed from private property and to strictly enforce all City Ordinances and State Laws regarding the repossession and towing of such vehicles.

PROCEDURE:

I. Towing of Repossessed Vehicles or Vehicles on a Restricted Parking Lot

A. Municipal Code Section 20-163 makes it unlawful to tow, or to cause to tow, any motor vehicle from private property without the authorization of the vehicle owner, lessee or other authorized operator, unless such towing complies with Nebraska Statutes Sections 60-2401 through 60-2411.

B. Anyone towing away a vehicle from a restricted parking lot or to repossess a vehicle will notify OPD within 24 hours of the tow and of the license number of the vehicle (NRS §60-2403).

1. The Vehicle Tow Away or Repossession form (OPD Form 43) will be used to document repossessions and towing from properly posted restricted parking lots.
a. Towing companies will complete the above form and fax or email (see Appendix A for the fax number and email address) it to Data Review within twenty-four (24) hours of towing any vehicle that has been repossessed or towed from private property.

b. Data Review will identify vehicles that have been towed and are stolen and provide a record for disposition of all vehicles towed under these circumstances.

2. Persons who fail to notify the OPD of the repossession/tow from a restricted parking lot within 24 hours may be charged with unauthorized towing under Municipal Code Section 20-163.

C. Vehicles parked in a “properly posted restricted parking lot,” without the consent of the lot’s owner or authorized tenant, are subject to being towed away at the request of such lot owner or tenant (NRS §60-2401 and §60-2401.01).

D. A “properly posted restricted parking lot” shall have readily visible signs designating it as a restricted parking lot. The signs will state the purpose for parking on the restricted lot, the hours for restricted parking, and who to contact for information regarding a towed vehicle (NRS §60-2402).

E. Per Municipal Code Section 20-163, anyone towing away a motor vehicle shall not charge more than the following for a non-consensual tow and storage:

1. $150.00 per vehicle towing charge, a $25.00 per vehicle administrative fee, and a maximum of $15 per day storage fee.

F. No person may obtain or demand any rate, charge or other compensation or assert any lien against any motor vehicle that was towed in violation of Municipal Code Section 20-163. Further, any person who has caused an unauthorized towing will release said vehicle to its lawful owner, lessee or other person entitled to possession.

G. Municipal Code Section 20-163 does not apply to the towing of any motor vehicle as follows:

1. Towed as the result of an order from a court of competent jurisdiction.

2. Towed by any government agency where the parking or storage of such vehicle constituted a nuisance and where a lawful procedure respecting the towing of such vehicle as a nuisance has been followed.

3. Towed in response to the order of any law enforcement officer because:

   a. The vehicle came to a resting place on private property following a traffic accident.

   b. The vehicle is being seized as evidence or incident to the arrest of its operator or an occupant.

II. Violations of Municipal Code Section 20-163

A. The Burglary Unit/Fraud Squad will investigate violations of Municipal Code Section 20-163.

B. Any person actually towing a vehicle and any private land owner, tenant or agent requesting or authorizing a nonconsensual tow in violation of the state law may be charged with unauthorized towing under Municipal Code Section 20-163.

1. Violations of Municipal Code Section 20-163 will be punished by a fine not exceeding $500.00 or by imprisonment not to exceed six months or by both such fine and imprisonment in the discretion of the court.

C. For each unauthorized tow, officers will complete an Incident Report (PortalOne/OPD Form 189). Officers will be certain to include the following information:
1. List the name of the vehicle owner, lessee, or other authorized operator of the towed vehicle as the victim on the Incident Report.

2. List the offense as “Unauthorized Towing” and refer to Municipal Code Section 20-163.

3. Attempt to identify the tow driver/company who is responsible for the tow.
   a. If the tow driver is present, officers will cite or book the driver as appropriate.
   b. If the tow truck company/driver is identified but not present and the vehicle has been recovered, officers will advise the victim of the misdemeanor warrant process.

4. Officers shall describe in detail how the tow driver/company violated the ordinance (i.e., by failing to disengage the vehicle, failing to post signs properly, charging in excess of the maximum fees, failing to notify OPD of the tow, and/or lacking authorization from the property owner to tow vehicles).

III. Abandoned and Unwanted Vehicles

A. Per NRS §60-1901 a vehicle is deemed abandoned if it is left for more than seven days on private property if left initially without permission of the owner of the property or after the permission of the owner has been terminated.

B. Owners of property where a vehicle has been abandoned for more than seven (7) days, and owners of a vehicle seeking removal of the vehicle from their property, may complete a Vehicle Disposal Request (OPD Form 85) for each vehicle to be removed.

1. When officers are dispatched to a call in which a property or vehicle owner requests that a vehicle be removed from the property, officers will complete the Vehicle Disposal Request form (OPD Form 85).

2. After the form is completed officers will have the vehicle towed in accordance with the “Towing – General Procedures” policy.
   a. Officers will forward the completed OPD Form 85 to the OPD Vehicle Impound Lot.

REFERENCES:

I. Laws
   A. City of Omaha Municipal Code Section 20-163.
   B. Nebraska Revised Statutes §60-2401 through 60-2411.

II. Previous OPD Orders
   A. Previous OPD General Orders include #4-96, #28-02, #28-02 Supplement #1, #20-04, #30-04, and #34-17.

TRAFFIC ASSISTANCE

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide police assistance for routine and emergency situations including, but not limited to, temporary traffic hazards, stranded motorists, and other traffic situations.

PROCEDURE:
I. Manual Traffic Direction

A. Manual traffic direction may be necessary in the following instances:

1. The scene of traffic accidents.
2. During periods of adverse road and weather conditions.
3. Sporting and special events.
5. Fire or medical emergencies.
6. Disabled vehicles or other roadway hazards.

II. Traffic Direction Guidelines

A. Employees will utilize uniform hand gestures and signals consistent with OPD training.

B. High visibility, OPD Issued, reflective outerwear shall be worn whenever manual traffic direction is required, especially during nighttime hours and adverse weather conditions.

Exception: Exigent circumstances may cause a reflective vest or high-visibility clothing to become a hindrance to law enforcement functions. OPD supervisors may grant exceptions for special situations such as traffic control at an Emergency Response Unit (ERU) call-out, sniper attacks, emergency calls for service, etc.

C. Temporary traffic control devices such as traffic cones, flares, and barricades may be used to supplement manual traffic direction if the safety of employees and motorists is not compromised.

1. Temporary traffic control devices used to redirect traffic flow for more than one hour on the interstate system shall be compliant with the Manual on Uniform Traffic Control Devices (MUTCD).

2. The State Department of Roads has an emergency barricade truck and trained employees, available 24/7, who may assist with the placement of compliant traffic control devices. Dynamic Message Boards will also be utilized to warn approaching traffic of slowdowns/hazards ahead.

   a. Officers who perform long-term interstate traffic control may utilize both of these services by making a request via the Nebraska State Patrol (see Appendix A for phone number).

D. Officers assigned to the Traffic Unit may modify the pattern of an automatic signal by placing it on the flash mode. Automatic signals may also be manually operated to enhance traffic flow during special events.

E. Officers assigned to direct traffic will not leave their assignment until the traffic flow has returned to normal, or when directed to by a supervisor.

III. Stranded Motorists

A. When feasible, officers who encounter stranded motorists will stop and offer assistance as follows:
1. Protect the disabled vehicle and motorists by using emergency lights to warn oncoming motorists.

2. Direct traffic to relieve congestion.

3. Obtain emergency services, if needed.

4. Contact towing services.
   a. The motorist will be advised that they will be responsible for the tow charges.

5. Assist the motorist in arranging for transportation.
   a. Officers will ask motorists if they need a ride to the nearest telephone, service station, or other public place from where assistance can be arranged.
   b. Officers transporting stalled or stranded motorists shall advise radio dispatch of beginning mileage and upon arrival at the destination shall give the ending mileage.

6. Summon emergency services when necessary.
   a. Officers who are en route to an emergency call and are unable to stop, will immediately notify 911 Dispatch to send another unit to the motorist’s location.
   b. Officers who are en route to a non-emergency call will stop and, if the vehicle does not pose a hazard and no medical emergency exists, notify 911 Dispatch and continue to the dispatched call for service.

B. Officers will be 10-7 when they assist stranded motorists.

IV. Rolling Roadblocks

A. Rolling roadblocks are a traffic control procedure used to safely slow or divert traffic flow on a highway or interstate.

   1. Rolling roadblocks are most often used in response to a traffic hazard such as an accident, or a planned incident such as a dignitary motorcade or transient construction activity.

B. Rolling roadblocks will be established upon reasonable request from an agency or authority that determines the need for mobile traffic assistance, requiring decelerating control, but not total immobilization, of moving traffic.

   1. Any formal request for a rolling roadblock will be immediately referred to the Traffic Unit.
   2. Informal requests will be approved by a command officer prior to deployment, whenever possible.
   3. Road conditions, time of day, lighting conditions, and weather will be considered when making the decision to deploy a rolling roadblock.

C. When feasible, a rolling roadblock will be supervised by a Traffic Unit supervisor. The Traffic Unit supervisor will be responsible for the employee requirements, including the required assistance of other law enforcement employees (i.e., Nebraska State Patrol, Douglas County Sherriff’s Department, etc.).
D. All involved police vehicles will utilize emergency lighting at all times during the rolling roadblock.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #66-00, #9-07, #43-15, and #118-16.

II. Accreditation Standards

A. CALEA Accreditation standards 61.3.2, 61.4.1, and 61.4.2 are relevant to this policy.

TRAFFIC LAW ENFORCEMENT

PREAMBLE:

Traffic law enforcement is intended to enhance the safety of public roadways. The Omaha Police Department (OPD) strives to maintain enforcement practices that result in fair, safe, and efficient traffic enforcement activities. Officers must have legal justification (Reasonable Suspicion or Probable Cause) to stop a motor vehicle.

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers who observe traffic law violations are expected to take appropriate enforcement action, when practical, and to do so in a manner that is as uniform as possible. All officers will use discretion and sound judgment while engaged in traffic law enforcement activities, and will make enforcement decisions based on their training, experience, and common sense. Off-duty OPD officers will not engage in traffic law enforcement.

DEFINITIONS:

Articulable Facts: Facts that officers can verbalize which give rise to a reasonable suspicion that a person has committed, is committing, or is about to commit a crime.

Probable Cause: Probable cause exists where the facts and circumstances within the officer’s knowledge are more probable than not to warrant a belief that the suspect has committed, or is in the process of committing a crime. Probable Cause is established by two building blocks: 1) An awareness of the articulated facts, and 2) A gathering of supportive evidence.

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.

PROCEDURE:

I. Traffic Stops

A. Reasonable Suspicion can stand alone as a reason for initiating a traffic stop. Probable Cause must attach to Reasonable Suspicion at the conclusion of the traffic stop in order to justify an arrest.

B. Given the totality of the circumstances, officers should be able to articulate specific facts that, together with rational inferences, support the plausible conclusion that the person(s) in
the vehicle to be stopped has committed a traffic violation or is about to commit some other type of criminal activity.

1. Where an officer has Reasonable Suspicion of wrongdoing, they may conduct a brief investigative stop to seek additional information to confirm or dispel concerns.

2. Any facts that suggest criminal activity that an officer obtains after the stop commences cannot be used to justify the stop itself. However, these facts can be used to justify the continued detention of the person(s).

C. Traffic stops should be made in safe locations whenever possible. Officers should consider the following factors:

1. The need to make the stop immediately, as opposed to delaying the stop until a more preferable location can be selected.

2. Factors such as traffic flow, roadway width, lighting, hillcrests, curves, intersecting roadways, and similar circumstances that can affect safety.

3. Weather and other environmental factors that can affect road surface conditions and visibility.

D. Officers will attempt to notify the 911 dispatcher prior to the actual traffic stop or as soon as practical. Officers will transmit the following information to the 911 dispatcher as soon as practical:

1. Location of the stop.

2. License number of the vehicle.

3. Description of the vehicle.

4. Number of occupants.

5. Multiple officers working a specific traffic enforcement operation on a 10-7 assignment will inform 911 dispatch of their location and status both prior to and at the conclusion of the operation. Individual stops need not be announced on a primary channel if communication with on-location back-up officers is established.

E. When officers park a police vehicle to approach a violator’s vehicle, they will position the vehicle so as to avoid unnecessary future accidents, as well as to afford adequate cover and safety for themselves.

F. In some isolated situations, officers may elect to wave over moving offenders while on foot. This may be appropriate when multiple officers are working a low speed surface street or checkpoint operation (with prior command approval).

1. All stops made in this manner are still considered traffic stops and are subject to the same rules and procedures as any other traffic stop.

2. Officers who participate in such activities for traffic enforcement reasons must be in full uniform and must wear their florescent police traffic safety vests.

3. Officers who conduct on-foot traffic operations will exercise great care in selecting appropriate, safe, and clearly visible locations, avoiding proximity to hillcrests, blind curves and high-speed roadways such as the Interstates or the West Dodge Expressway.
II. Violator Contacts

A. Officers should be aware that the traffic stop might be the person’s FIRST ever contact with a police officer. They may be stressed, nervous, and even embarrassed about being stopped. Officers should be courteous in their conversation and demeanor. By doing so, officers forge a professional de-escalation technique.

B. Upon contact, officers will:
   1. Introduce themselves by name and agency.
   2. Inform the driver of the reason for the traffic stop.
   3. Request the driver's license, registration, and proof of insurance.

C. Citations will be issued as described in the OPD “Citations” policy.

D. Officers will complete the PortalOne Traffic Stop Analysis in accordance with the OPD “Bias-Based Profiling” policy.

III. Special Considerations

A. Non-resident violators. Non-resident violators will be handled in the same manner as residents, except in cases of Proof of Financial Responsibility and Driving Under Suspension, as described in this policy.

B. Nebraska Legislators. Officers will not issue Traffic Citations to, or take into custody for a misdemeanor offense, any member of the Nebraska Legislature while the Legislature is in session or within 15 days of the beginning or end of the session.

C. Members of the Armed Forces. Members of the Armed Forces who violate traffic laws will be handled in the same manner as residents, except with respect to laws governing the expiration and renewal of drivers' licenses and license plates. Armed Forces members and their spouses who are stationed in Nebraska on active duty are exempt from the state’s licensing requirements, if licensed in their state of residence.

D. Diplomats and Consular Officials. Traffic Citations that do not involve a physical arrest may be issued to diplomats and consular officials.

E. Juveniles. Several types of operators' licenses are issued by the Department of Motor Vehicles to juveniles who are at least 14, but less than 18 years of age, as described in Nebraska Revised Statute §60-480. Juveniles who possess one of the below listed types of licenses may be issued the appropriate citation:
   1. Provisional Operator's Permit (POP).
   2. Learner's Permit (LPD).
   4. Learner's Permit (LPE).
   5. Farm Permit (FMP).
F. Impaired Drivers. When an officer encounters an operator or person in physical control of a motor vehicle who exhibits physical signs of impairment, an investigation will be conducted to determine whether that person is under the influence of alcohol/drugs, and enforcement action will be taken in accordance with the OPD “Driving Under the Influence” policy.

G. Speeding Violations. Drivers stopped for violating the posted speed limits may be warned or issued a citation. Individual officers may use discretion to determine whether a Courtesy Citation or a Traffic Citation is most appropriate.

H. Accident-Causing Violations. Accident-causing violations can result in motor vehicle accidents, injuries, and death. Courtesy Citations are not appropriate for violations which have caused accidents. When fault can be determined, officers will issue the appropriate citation(s), in accordance with the OPD “Citations” policy. Officers will be alert to accident-causing violations and will take the appropriate enforcement action. Common accident-causing violations include, but are not limited to, the following:

1. Reckless Driving.
2. Following Too Close.
3. Improper Turn.
4. Failure to Yield the Right-of-Way.
5. Disobey a Traffic Signal or Stop Sign.
6. Speed Too Great for Existing Conditions.
7. Texting While Driving.

I. Off-Road Vehicle Violations. Various City Ordinances deal with the operation of motor vehicles off of roadways. Officers should be familiar with these ordinances and take the appropriate action with violators. Officers may take enforcement action against drivers who operate a motor vehicle on private property who are intoxicated or who operate in a careless and imprudent manner.

J. Equipment Violations. Officers will take enforcement action against the operators of motor vehicles that are in violation of the various laws and ordinances dealing with equipment on the vehicles. Officers will use their discretion to determine whether a Courtesy Citation or a Traffic Citation is most appropriate.

K. Commercial Vehicle Violations. Nebraska Revised Statutes require many operators of commercial vehicles to possess a valid Commercial Driver’s License (CDL). Officers should be familiar with the special restrictions and requirements for persons with CDLs and will take appropriate enforcement action when violations are observed.

L. Non-Accident Causing Violations. Many laws and ordinances exist that govern non-accident causing motor vehicle operations violations. Officers will be familiar with such laws and be attentive to violations. Some of these violations require special emphasis by officers.

1. Child restraint laws are often violated. Because a child who is not properly secured in a motor vehicle is at great risk in case of an accident, officers will be alert to such violations. Officers will issue a Traffic Citation when the child restraint laws are violated.

2. Seat belt laws can be enforced only when violators are stopped for primary violations due to the fact that seat belt violations are secondary offenses.
M. Multiple Violations. A traffic law violator will often violate more than one law or ordinance at a time. Officers may issue citations for all violations observed or they may issue a Traffic Citation for the most serious violations.

N. Newly-Enacted Laws. When new laws or ordinances are enacted that govern motor vehicle operations, officers should consider allowing a 30-day grace period before violators are cited to court. Depending upon the nature of the law, officers may elect to issue a Courtesy Citation rather than a Traffic Citation to violators during this grace period.

O. Violations Resulting in Traffic Accidents. If probable cause exists and is supported by information including, but not limited to, drivers’ accounts, witness statements, and physical evidence, a Traffic Citation will be issued. Courtesy Citations are not appropriate for violations which have caused accidents.

P. Pedestrian and Bicycle Violations. Ordinances regulate the movements of pedestrians and bicycles upon city streets. Officers will be familiar with these ordinances. Often, officers may use these ordinances as educational tools when contacting violators.

Q. Roadway Hazards. Officers will immediately report roadway hazard conditions to the Information Operator for immediate referral and action by the appropriate agency (Street Department of Omaha Public Works or State of Nebraska).

IV. Driving During Suspension

A. Driver’s License Compact and Non-Resident Violator’s Compact. When an officer encounters a driver with a suspended driver’s license from a state other than Nebraska, the options are:

1. Issue a Criminal Citation in lieu of arrest as prescribed in the OPD “Citations” policy.
   – OR –

2. Book the person for "Operation After Revocation" (§60-4,186), file the bond required for a Class III Misdemeanor, and verify the charge.

B. Duplication of Charges. When officers make an arrest for “Driving While Suspended” (§60-4,108), they will not additionally issue Traffic Citations for the offense “No Operator’s License.” Doing so results in a duplication of charges and can result in inadvertent sentencing. For example, the offender pleads guilty to the citation, forcing the suspension complaint to be dropped.

V. Warrantless Searches of Vehicles – Traffic Stops

A. A vehicle will not be searched solely on the basis of a traffic infraction. Officers are prohibited from requesting permission to search on a random basis, absent articulable suspicion. Officers must be able to articulate the suspicion that led to the request for permission to search.

B. Officers shall adhere to all procedures in the OPD “Searches – Vehicles” policy when conducting warrantless searches of vehicles.

VI. Public Roadways

A. Officers working off-duty are not authorized to direct traffic on a public roadway. No person other than an on-duty peace officer is authorized to direct traffic on a public roadway under any circumstances, with the following exceptions:
1. An emergency situation such as temporary construction or an obstruction in the street.

2. In the case of automobile accidents.

3. Similar events that create a temporary hazard to the moving public.

B. In these cases, traffic could be controlled by any interested party for the safety and well-being of passing motorists which could become endangered due to a temporary hazard.

VII. Off-Road Vehicles

A. The illegal operation of off-road vehicles on city streets, quasi-public property, and private property, is a recurring problem within the City of Omaha. Additionally, the winter months may result in enforcement problems involving snowmobiles.

B. Officers who observe violations involving off-road vehicles will use applicable traffic codes to cite violators.

C. Per Nebraska Revised Statute §60-339, the definition of “off-road” vehicles not authorized by law for use on highways includes, but is not limited to “golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles, utility-type vehicles, snowmobiles which are registered or exempt from registration under Sections §60-3,207 to §60-3,219, and mini-bikes.” Mopeds and electric personal assistive mobility devices are not considered motor vehicles per this statute.

1. Use of the above-described vehicles is restricted within the city limits. It is unlawful for any person, whether owner or operator of "any motorized cart, mini-bike, motor scooter, or motorcycle to use, operate, drive, or race the vehicle on any public property, public sidewalk, or public place in the city except at properly licensed tracks or establishments" (Omaha City Ordinance 16-163).

NOTE: The operation or driving of electric powered, noiseless off-road vehicles on private premises or the use, operation, or driving of off-road vehicles upon the operator's private driveway is legal.

2. Properly licensed motorcycles and motor scooters may be driven on public streets and will be governed by the Traffic Code. Operation of properly licensed motorcycles/motor scooters into and out of quasi-public property for business on a direct entry and exit route is not considered to be in violation of City Ordinance.

a. However, this does not authorize the operation of motorcycles or other off-road vehicles on quasi-public property in non-transportation activities.

3. An officer who observes a violation of City Ordinance 16-162 in the operation of off-road vehicles may:

a. Handle the violation as a Juvenile Street Release if the violator is under fifteen (15) years of age and issue a Criminal Citation to the parent, guardian, or adult who knowingly permitted use of the vehicle.

– OR –

b. Issue a Criminal Citation directly to the violator if they are fifteen (15) years of age and older.

VIII. Proof of Financial Responsibility
A. Officers will enforce Nebraska Revised Statute §60-3,167, which requires proof of financial responsibility for owners of motor vehicles. Violators will be issued a Criminal Citation.

1. Officers will not enforce proof of financial responsibility laws for other states.

B. OPD officers will adhere to the following procedures:

1. Proof of Financial Responsibility is not a primary offense. This means officers may not stop a motorist simply to determine if the motorist has proof of financial responsibility.

2. Officers will not impound a vehicle for violation of the Financial Responsibility Statute alone. Vehicles may be impounded for other reasons, if justified.


4. Citations for “No Proof of Financial Responsibility” will not be issued to persons driving vehicles that have been legally licensed outside of the State of Nebraska.

5. Proof of Financial Responsibility forms may vary in size. The usual form is a wallet-size card. However, some companies may issue a temporary coverage form (letter size or larger) or an electronic form. If the form appears to be an official insurance company form, i.e., bears the name of the insurance company, policy number, vehicle identification number, policy dates of issuance and expiration, and information regarding the owner, then officers will accept it as valid.

6. When an officer has reason to request a certificate of insurance from a vehicle owner, and the insurance card states the owner is insured for all vehicles registered in their name, this will be considered sufficient proof of financial responsibility provided that the named insured on the certificate matches the name of the registered owner of the vehicle.

IX. Racial Profiling

A. Racial profiling is prohibited by the OPD. See the OPD “Bias Based Profiling” policy for details.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #74-75, 52-84, 71-85, 10-86, 10-86 with Supplements #1 and #2, 43-86, 9-87, 61-87 and 61-87 Supplement #1, 103-88, 111-88, 69-90, 71-90, 80-90, 90-90, 48-92, 7-96, 63-96, #37-98 and 37-98 Supplement #1, 1-00, 77-00, 25-02, 81-02, 7-03 with Supplements #1 and #2, 26-03, 28-03, 15-06, 29-07, 7-08, 10-10, 7-11, 7-11 Supplement #1, 8-11, 47-12, 20-14, #33-15, and #49-17.

B. Previous OPD Information Orders include the following: #177-89 and #256-93.

II. Accreditation Standards

A. CALEA Accreditation standards 1.2.4, 1.2.7, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.7, and 61.1.8 are relevant to his policy.

III. Other

TRAFFIC - SELECTIVE ENFORCEMENT

POLICY:

It is the policy of the Omaha Police Department (OPD) to use available data and resources to assist in the direction of selective traffic enforcement activities for the purpose of reducing the number and severity of vehicular crashes on the streets of Omaha. The goal of all traffic enforcement activities is to gain voluntary compliance to the traffic laws of the City and State.

PROCEDURE:

I. Traffic Records System

A. Traffic Accident Data.

1. The OPD will compile and collect Traffic Accident Data through its Computer Aided Dispatch (CAD) System.

2. The Crime Analysis Unit (CAU) will provide a map of areas with high rates of traffic accidents to the Traffic Unit and UPB on a quarterly basis.
   a. The Traffic Unit and UPB supervisors will use this data to assist in the direction of selective traffic enforcement activities.

II. Traffic Selective Enforcement Activities

A. UPB officers may be assigned to selective enforcement activities as their normal duties allow. These assignments should be based on existing crash data and/or violation problems.

1. UPB Supervisors will be responsible for monitoring the selective enforcement activities of the officers under their command.

2. Individual officers may initiate selective enforcement activities within their assigned portion of the city.

3. Supervisors will monitor the selective enforcement activities by comparing the locations of citations issued with the problem locations.

B. Traffic Unit Activities.

1. The Traffic Unit’s Selective Enforcement Squad provides traffic enforcement throughout the city, on the interstate system, at locations with high numbers of vehicle crashes or violations, and in response to complaints received from city officials or police administration.
   a. Traffic Unit officers who are primarily assigned to other duties, such as investigating accidents, may conduct selective enforcement activities when they are not performing those other duties.

2. The Traffic Unit commander or designee will maintain data related to the Unit’s selective enforcement activities. This data may include information such as the number of selective enforcement activities, their locations, and their outcomes.
   a. The Traffic Unit commander or designee will review traffic enforcement activities periodically, and will compare the locations of those activities with the high traffic accident locations identified quarterly by the CAU.
III. Implementation of Selective Enforcement Techniques

A. Strategies and tactics used for selective traffic enforcement will be consistent with the nature of violations and the potential of violations to interfere with safe traffic flow.

B. One or more of the following types of traffic control may be used:
   1. Line Patrol: Patrol between two specific points on a given street.
   2. Area Patrol: Moving patrol within a defined area.
   3. Directed Patrol: Assignment of officers to a specific location to address a specific enforcement issue.
   4. Stationary Traffic Observation: Visible stationary observation and/or concealed stationary observation.

C. Officers may use countermeasures that would be effective for specific enforcement problems. These countermeasures may include the use of:
   1. Marked police vehicles.
   2. Semi-marked police vehicles (no external light bars).
   3. Unmarked police vehicles.
   4. Specialty vehicles (motorcycles, etc.).

D. Qualified officers may use Radar during enforcement activities in either moving or stationary modes.

IV. Speed-Measuring Devices

A. The OPD uses Radar/Lidar instruments to detect speeding violators. Officers who operate the Radar/Lidar units must be qualified to operate the units. All Radar/Lidar units must meet or exceed all NHTSA and IACP guidelines for police traffic speed detection devices.
   1. Radar can be operated in two modes, stationary and moving. However, the use of same direction moving Radar will be restricted to those officers who have received the necessary additional training and certification.
   2. After initial certification, officers must complete the Radar Recertification Disc every four (4) years. The Traffic Unit maintains the current version of the Radar Recertification Disc, which can be checked-out for recertification.
   3. The Radar Recertification Disc will be completed on duty (approximately two hours), and officers will need to take and pass the included test with a minimum score of 38 out of 47 questions (80 percent).
   4. Officers will send the test result printout to the Radar/Lidar Instructor to be verified.
   5. The Radar/Lidar Instructor will then forward the Notification of Completion of Training (OPD Form 39) and completed Certificate to the Training Unit.
   6. Officers who fail to maintain proper certification will surrender their Radar Card to their supervisor. The Radar Card will be marked "Void" and returned to the Traffic Unit Lieutenant.
B. The Radar units may operate on one of the following Radar bands: K Band or KA Band.

C. Radar/Lidar units must be operated in accordance with the training received by the operator.
1. Upon one (1) year after graduation from the OPD Academy, officers may become certified in Lidar.
2. The initial Lidar certification will be consistent with NHTSA guidelines on training. Once completed, there is no recertification for Lidar.
3. Officers must maintain their Radar certification (and re-certification) in order to use Lidar.
4. If the Radar certification expires, the Lidar certification will also expire at that time. Officers will need to attend the initial certification classes (in both Radar and Lidar) again to be re-certified.

D. Officers who operate Radar/Lidar units must verify that the units are functioning properly. Equipment will be checked for proper operation prior to, during, and after completion of every assignment.
1. Officers must perform an internal check of the units.
2. Officers must also perform an external check of the units by using the appropriate Radar tuning forks in the case of Radar, or the distance test as well the sight alignment test for the Lidar.

E. Radar/Lidar units found to be malfunctioning will be reported to the Supply Unit, and the proper repairs or maintenance will be sought.

F. Routine maintenance will be performed on the units as prescribed by the manufacturer.

G. The Training Unit will document speed measurement device certification by placing the certification in each officer’s training file. Qualified Operator Cards, OPD Forms 247 (Radar) and 247A (Laser), will be issued to certified officers.

H. Before a vehicle is stopped for a Radar/Lidar verified speeding violation, officers will make certain that all elements of the Tracking History Checklist have been followed:
   a. Identify target vehicle.
   b. Estimate speed.
   c. Verify range.
   d. Check environment.
2. Audio confirmation (Radar only).
   a. Check for proper pitch.
   b. Check for clarity.
3. Radar/Lidar verification.
   a. Stable readout of target speed (3-5 seconds).
b. Patrol speed verification (Radar moving mode ONLY).


**NOTE:** If the three main elements of the Tracking History Checklist are not utilized, a citation will NOT be issued.

I. Court testimony regarding speed-measuring device operation is critical. Officers will be prepared to explain how they set up and operated the unit, in addition to the basic principles of Radar/Lidar, e.g., range and beam width.

J. Traffic Unit vehicles equipped with Radar will not be used by officers who are not assigned to the Traffic Unit without approval of a Traffic Unit Command Officer.

K. Extreme care will be exercised by all officers when handling speed-measuring devices.

1. All Radar antennas and counting units will be firmly mounted on the vehicle.

2. Officers will make certain that the antenna does not come in contact with outside elements, e.g., rain or snow.

3. Radar units will remain in the assigned vehicle unless repairs are necessary. Constant transfers of Radar units from one vehicle to another will cause malfunctions.

V. Selective Traffic Enforcement Evaluation

A. The Traffic Unit commander or designee will continually evaluate OPD’s selective traffic enforcement activities, and will, at least triennially, complete a documented selective traffic enforcement evaluation.

1. The documented evaluation will assess past and current selective enforcement activities, and will serve as a guideline for future selective enforcement efforts.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #75-87, #70-00, #30-13 and #76-17.

II. CALEA Accreditation Standards

A. The following CALEA Accreditation Standards are relevant to this policy: 61.1.1, 61.1.5, 61.1.9, 61.3.2, 61.4.2.

<table>
<thead>
<tr>
<th>TRAINING ATTENDANCE</th>
</tr>
</thead>
</table>

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to promote the professional development of its employees through training and conference opportunities when feasible.

**PROCEDURE:**

I. Training Proposals

A. Employees who wish to request training or to make senior staff aware of training opportunities will complete OPD Form 108A (Training Proposal Form).
1. OPD employees will adhere to the following when completing OPD Form 108A (Training Proposal Form):

   a. “Transportation” and “Lodging Site” fields: If no transportation or lodging is required employees will note “None” or “N/A.”

   b. “Is training limited to a particular group?” field: Employees will include a detailed explanation of any limitations or restrictions on training attendance. If the training is open to all applicants, employees will note “No Limitations” in the field.

   c. “Estimated Overtime” field: This field will contain an amount or the notation “No Overtime Cost.”

   d. “Meals” field: The estimated cost of meals will be based on the Federal Per Diem Guidelines set by the U.S. General Services Administration (See the OPD “Travel Coordination” policy for more details).

      NOTE: The Federal Per Diem Guidelines will be followed for travel to the NLETC in Grand Island.

   e. “Funding Source” field: Employees will contact the OPD Fiscal Affairs Unit and identify a possible source of funding prior to submitting the request (i.e., General Fund, Equitable Sharing Funds, grant funds, etc.).

      (1) Employees may request assistance from their supervisor in identifying an appropriate funding source.

      (2) Requests for funding from the Equitable Sharing Funds shall be submitted to the Equitable Sharing Funds Committee for review.

         (a) The Equitable Sharing Funds Committee will send a recommendation to the Chief of Police to approve or deny the request.

         (b) The Chief of Police shall make the final decision regarding whether to approve or deny the funding.

   f. The remaining fields on the form will be completed as noted on the form.

2. The requesting employee is responsible for all required research. OPD command officers and/or the Training Unit are not responsible for any necessary research.

   B. Employees will forward the completed form via chain of command to their respective Deputy Chief for review and to make certain that the requested funds are available.

   1. Employees will submit complete and accurate forms in a timely manner to avoid any delays and possible missed training opportunities.

      NOTE: Incomplete Training Proposal Forms (OPD Form 108A) will be returned.

   C. All Departmental training shall be approved by a Deputy Chief or their designee.

      1. Approval of training proposals is based on the merits of the justification and the benefit to the Department in comparison to the time, money, and employees involved.

II. Notification of Training Opportunities
A. Once training has been approved, employees will be notified of training opportunities as follows:

1. If “Special Duty” for training is authorized, the training will be advertised via an Information Order to all OPD employees.

   a. Information Orders will be issued at least four weeks prior to the training. The Order will include the criteria for selection, how many people will be authorized to attend, the cost of the training, and the location, time, and place of the training.

   b. Employees will have at least two weeks to submit a Training Attendance Application (OPD Form 108B).

   **EXCEPTION:** Timeframes may be shorter if the Training Unit has received late notice of the training.

2. An Information Order will not be issued when the training is mandatory for a select group (i.e., Emergency Response Unit training, Canine Unit training, etc.), no one outside of a select group is eligible to attend, or the training takes place internally and involves no out-of-town travel.

   a. In these circumstances a Personnel Order will be issued directly.

**III. Training Attendance Application**

A. Employees who wish to attend a training advertised by the Department will complete a Training Attendance Application (OPD Form 108B).

1. Employees will be certain to include a clear explanation of how their attendance will benefit the Department in the “Justification” field in addition to the other required information.

2. Completed applications will be submitted for review via chain of command in a timely manner.

   a. Applications will be reviewed, signed, and dated by all levels of command above the requesting employee, up to and including the rank of Captain.

   **EXCEPTION:** Applications from employees/Units who report directly to a Deputy Chief will be reviewed, signed, and dated by the respective Deputy Chief.

   b. Supervisors will make every effort to check incoming mail for time-sensitive applications and will review and forward them in a timely manner.

      (1) If a supervisor is to be absent for more than two days, they will assign someone to review and approve/deny training applications.

   c. Applications denied by command will include the reason(s) for denial in the “Command Remarks” section of the application.

      (1) Supervisors may deny an application for non-mandatory training based on staffing needs.

      (2) If denied, the original application, including the reason for denial, will be sent to the requesting employee.
3. All Training Attendance Applications will be forwarded to the Training Unit for processing whether the application was approved or denied.
   a. Incomplete applications will be returned to the requesting employee.
   b. Applications received after the deadline will not be approved regardless of the reason.
   c. The Training Unit will issue a Personnel Order two weeks prior to the training, announcing who will be attending the course.

   (1) Employees approved to attend the training will complete and submit the Temporary Special Duty/Change of Hours Form (OPD Form 45) when applicable.

4. The Training Unit will not hold over applications for the next training opportunity for a specific topic area. Employees will need to submit a new application for each announced training session.

B. Employees who are approved to attend training or conferences will be required to attend each day of the approved training.

IV. Special Duty Status for Training

A. Sworn employees may be approved for Special Duty to attend no more than two training programs per year at their own expense.

   1. A limited number of employees who belong to police organizations, such as the Fraternal Order of Police Lodge No. 1, Black Police Officers Association (BPOA), Latino Peace Officers’ Association (LPOA), and Nebraska Association of Women Police (NAWP) may be allowed Special Duty status to attend one conference of the organization per year.

B. Employees who apply for Special Duty status will submit an Inter-Office Communication via chain of command to the Chief of Police that includes the following:

   1. How their attendance at the conference/training will benefit the OPD.
   2. A brochure about the training or conference that they will be attending.

C. Supervisors will consider staffing levels and command recommendations before approving or denying employees’ requests for Special Duty status for training or conferences.

   1. If an employee’s application for Special Duty Status for training is denied, the employee will use annual leave if they choose to attend the training.

D. Upon completion of the program attended on Special Duty, employees may be asked by their supervisors to share knowledge, skills, and abilities acquired at the training or conference.

E. Employees who become licensed or who receive other credentials from the Special Duty training or conference may be expected to use those licenses or credentials on behalf of the Department.

V. Reimbursement for Training Expenses

A. Employees approved to attend training may be responsible for all expenses related to the training including, but not limited to, registration fees, travel, meals, lodging, or class materials.
B. If the OPD is reimbursing the employee for any expenses related to the training, employees shall notify OPD Fiscal Affairs.

1. Employees shall adhere to all policies and procedures found in the OPD “Travel Coordination” policy if any travel expenses are to be reimbursed.

VI. Documentation of Completion of Training

A. Employees who complete outside training shall complete the Notification of Completion of Training Form (OPD Form 39) and submit it to the Training Unit to be entered into the employee’s training file.

NOTE: OPD Form 39 is not required to document internal training conducted by the OPD Training Academy. This training will be recorded by the Training Unit via PowerDMS. Outside training may include workshops, seminars, conferences, and any courses completed outside of the OPD Training Academy.

1. Employees will forward copies of any certificates issued to be saved in the employee’s training file.

B. The Training Unit will be responsible for retaining and archiving the following training documentation:

1. Sign-in rosters for seminars held at the OPD Training Academy.

2. A copy of the Information Order.

3. A copy of the Personnel Order.

4. Copies of any correspondence or Inter-Office Communications pertaining to the course including, but not limited to:
   a. Training Attendance Applications (OPD Form 108B) of all employees who applied to attend the course, including those who weren't selected.
   b. Correspondence with instructors, guests, outside speakers, and/or facility managers (i.e., Omaha Public Libraries etc.)

5. Copies of handouts, outlines, and seminar materials.

6. Lesson plans, if applicable.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include the following: #6-98, #34-99, #54-99, #55-99, #51-01, #52-01, #20-03, #34-03, and #109-16.

II. Other

A. PPM Update #3-2016.
Training has been cited as one of the most important responsibilities in any law enforcement agency. The Omaha Police Department (OPD) Training Unit is a State Certified Police Academy committed to the delivery of quality services to the community and the development of its employees through the provision of valuable and appropriate continuing education and training programs.

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide basic training to pre-service officers, in-service training and opportunities for advanced training (as resources allow) for existing officers and non-sworn employees, and continuing education training to area law enforcement agency employees.

PROCEDURE:

I. Training Unit Administration and General Guidelines

A. The Training Unit is responsible for the following:

1. Training of recruit officers (OPD Training Academy).
2. Field Officer Training Program.
3. In-Service Training (both sworn and non-sworn).
4. Firearms Qualification.
5. Coordination of outside training.

B. Full-time instructors assigned to the Training Unit shall attend a training course that includes instruction on the following:

1. Lesson plan development.
2. Performance objective development.
3. Instructional techniques.
4. Testing and evaluation techniques.
5. Resource availability and use.

C. OPD employees may refer to the OPD Training Academy Procedures Manual for specific administrative or operating procedures of the Training Unit.

D. All OPD Training Academy and in-service training conducted or sponsored by the OPD will be accompanied by a Training Course Lesson Plan (OPD Form 108).

1. Training Unit supervisors shall review and approve lesson plans, which shall include, at a minimum:
   a. A statement of performance and job-related objectives.
   b. An outline of the topics presented during training.
   c. A description of the instructional techniques used.
   d. Copies of any materials provided to students.
   e. Identification of and copies of any tests administered.
NOTE: The Training Unit can provide additional assistance in completing lesson plans if needed.

2. Employees who complete a Training Course Lesson Plan (OPD Form 108) will forward a copy of the lesson plan along with copies of any support materials or examination information to the appropriate Training Unit supervisor.

E. These requirements do not preclude the use of guest lecturers who may make a worthwhile contribution to training.

1. Training Unit supervisors will evaluate qualifications of outside instructors.

II. OPD Training Academy

A. The Commander of the Training Unit is responsible for the administration and operation of the OPD Training Academy including:

1. The statement of the OPD Training Academy’s goals and responsibilities.

2. Organization and staffing.

3. Administrative procedures.

4. Operating procedures.

5. The issuance of an orientation handbook to all new recruit officers at the time Academy training begins.

B. Provisions for the administration and operation of the OPD Training Academy may be outlined by Nebraska Law Enforcement Training Center, Nebraska Revised Statutes and/or the OPD Training Unit Manual.

C. Recruit officers shall successfully complete the OPD Training Academy prior to being assigned to any position within the OPD that would allow the officer to carry a weapon or make an arrest.

NOTE: This does not apply to formal field training programs.

III. In-Service Training

A. In-service training sessions will be offered each year over a variety of topics.

1. The Training Unit will be responsible for coordinating and publishing the annual in-service training schedule.

B. All sworn OPD employees will receive annual instruction in the following areas:

1. Legal updates.

2. Use of force policies.

3. Firearms qualification.

4. Electronic Control Device (ECD) certification.

5. Vehicle pursuits.

6. Bias-Based Profiling policy.
C. Sworn employees will receive biennial proficiency training and instruction in the following areas:

1. Less than lethal weapons and weaponless control techniques in accordance with the OPD “Response to Resistance – Special Techniques and Less-Lethal Weapons” policy.

2. Cardiopulmonary Resuscitation (CPR).

D. Non-sworn employees may receive in-service training.

E. In-Service training may be accomplished through various methods including, but not limited to:

1. Classroom instruction.

2. PowerDMS.

3. Training Bulletins.

   a. The Training Unit will be responsible for publishing OPD Training Bulletins to provide information on training procedures, policy and legal updates, and other information as suggested by employees.

      (1) Training Bulletins may be utilized by Precinct/Unit commanders to instruct OPD employees and address questions that arise regarding subject matter.

4. Roll call training (i.e., shift briefing).

F. All officers who attend in-service training shall wear either the authorized uniform or approved civilian (court attire) clothing unless otherwise notified. The Training Unit Commander will be responsible for enforcing compliance with the dress code (see the OPD “Dress Code” policy for further details).

IV. On-Line Training Library

A. The Training Unit will maintain a library of videos, links, and training bulletins that will be available to OPD employees via PowerDMS.

   1. Employees may forward links to potential training resources (i.e., videos, articles, etc.) to the Training Unit who will evaluate it for inclusion in the library.

V. Training Attendance/Completion and Performance

A. OPD employees will attend/complete required training.

   1. The names of employees who attend/complete training classes shall be documented.

      a. When conducting classroom trainings, the assigned instructor, or designee, shall be responsible for documenting the names of attendees.

         (1) Excused absences shall be approved by the immediate supervisor and reported to the Training Unit.

         (2) Unexcused absences shall be reported to the employee’s immediate supervisor for proper disposition.
b. The completion of training administered through PowerDMS will be tracked and monitored.

B. Employees are expected to perform at minimal standards during OPD Training Academy and continuing education courses.

1. If, at any time, an employee does not perform at these standards, that performance will be documented by the instructor and forwarded to the Training Unit Commander.
   a. The employee will be given the opportunity for remedial training to bring their performance level up to an acceptable level.
      (1) Remedial training will be offered as soon as practical.
      (2) If the employee does not attend or improve their performance, the employee's immediate supervisor will be notified.
   b. The results of the remedial training will be forwarded to the employee's supervisor and to the Training Unit Commander.

C. After successfully completing training courses, employees' records will be updated to reflect the acquired training.

D. OPD employees will refer to the OPD “Training Attendance” policy for all procedures regarding the application, attendance, and documentation of outside training.

VI. Specialized Training

A. Certain positions within the OPD require specialized training. Employees who are promoted or placed in a specialized assignment shall receive training pertinent to their new responsibilities within thirty (30) days of the new assignment date.

1. The immediate supervisor will be responsible for training in the following areas:
   a. Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization.
   b. Management, administration, supervision, employee policies, and support services of the Section/Unit.
   c. Performance standards of the assignment.
   d. Agency policies and procedures and rules and regulations specifically related to the assignment.
   e. Supervised on-the-job training.

2. All newly appointed non-sworn employees will receive training in the following areas:
   a. Orientation regarding the OPD’s role, purpose, goals, and policies and procedures.
   b. Working conditions and regulations.
   c. Responsibilities and rights of employees.
   d. Accreditation.
VIII. Training Records
A. Training records shall be kept on the following:
   1. Approved lesson plans.
   2. Training course contents, including handouts.
   3. Name of attendees and instructor’s name.
   4. Performance of attendees (i.e., test results, if administered).
   5. Electronic training files.
   6. Other information/files as deemed necessary.
B. OPD employees will refer to the OPD “Training Attendance” application for procedures regarding the documentation of outside training.

IX. Career Development
A. All employees, upon promotion, will receive appropriate training applicable to their new duties.
   1. Training will include on-the-job instruction by incumbent and/or designated employees.
   2. The OPD will also provide on-going management and leadership training as available and/or needed.
B. OPD sworn supervisors will attend and successfully complete required supervision and management training at the Nebraska Law Enforcement Training Center and/or the Omaha Public Safety Training Center.

REFERENCES:

I. Previous OPD Orders
A. Previous OPD General Orders include #42-89, #44-89, #44-92, #50-99, #59-00, #56-02, #6-16, and #61-17.

II. Accreditation Standards
A. Relevant CALEA Accreditation standards: Chapter 33.

TRAINING – COMMAND OFFICER TRAINING

POLICY:

It is the policy of the Omaha Police Department (OPD) to provide newly promoted command officers with on-the-job training and supervisor training within a classroom setting in order to familiarize newly promoted officers with the administrative and operational responsibilities of their new job assignments.

PROCEDURE:

I. Command Officer Training — Sergeants and Lieutenants
A. Newly promoted sergeants and lieutenants shall be required to attend Department-approved supervisor training either prior to their promotion or within the first year following their promotion in accordance with CALEA requirements and NRS §81-1414.

B. The Training Commander or their designee will be responsible for assigning newly-promoted sergeants and lieutenants a command training officer in coordination with the Bureau Deputy Chief.

1. Uniform Patrol Bureau (UPB) Sergeants/Lieutenants
   a. The command training officer will be of equal rank, in the same bureau, and, if possible, have a similar assignment.

2. Non-UPB Sergeants/Lieutenants
   a. The command training officer will be in the same bureau and hold or have held a similar assignment in the past.

C. The assigned command training officer will provide a minimum of one full week (four to five days) of on-the-job training for the newly-promoted sergeant or lieutenant.

1. UPB Sergeants/Lieutenants
   a. The command training officer and the probationary sergeant or lieutenant shall complete OPD Form 137 (Lieutenant/Sergeant Orientation Form) throughout the training period.
   b. The training will, at a minimum, cover all topics listed on OPD Form 137 and provide an overview of the probationary sergeant or lieutenant’s basic administrative and operational responsibilities.
   c. The probationary sergeant or lieutenant will be responsible for reviewing the forms, policies, and manuals listed on OPD Form 137 prior to completing the training.

2. Non-UPB Sergeants/Lieutenants
   a. Newly-promoted sergeants/lieutenants who are promoted directly into a non-UPB position are not required to complete OPD Form 137.
   b. The probationary sergeant’s/lieutenant’s command training officer will complete an Inter-Office Memo detailing the relevant training provided and topics covered.

D. Upon completion of the training, copies of the completed OPD Form 137 or Inter-Office Memo will be distributed as follows:

1. The command training officer shall provide the original form/memo to the newly-appointed sergeant or lieutenant.

2. The command training officer shall forward a copy of the completed form/memo to the appropriate Bureau Deputy Chief for information purposes.

3. The newly-appointed sergeant or lieutenant shall complete OPD Form 39 (Notification of Completion of Training Form) and attach a copy of the completed OPD Form 137/memo. OPD Form 39, and the attached form/memo, shall be forwarded to the Training Unit in accordance with the OPD “Training Attendance” policy.
II. Training for Captains and Above
   A. Officers who are promoted to the rank of Captain or above will receive job-related training relevant to their position.

REFERENCES:
I. Laws
   A. Nebraska Revised Statute §81-1414.

II. Previous OPD Orders
   A. Previous General Orders include: #27-98 and #66-17.

III. CALEA Accreditation Standards
   A. Relevant CALEA Accreditation Standards include: 33.8.2.

TRAINING – FIELD TRAINING AND EVALUATION PROGRAM

POLICY:
It is the policy of the Omaha Police Department (OPD) to maintain a Field Training and Evaluation Program in order to produce fully trained, competent, and qualified police officers.

PROCEDURE:
I. Responsibility
   A. The OPD Training Academy is responsible for the Field Training and Evaluation Program.
      1. The program is based on the San Jose Model and is a continuation of the academy training for recruit officers.
   B. The Field Training and Evaluation Program Sergeant will serve as the liaison between the Uniform Patrol Bureau (UPB) and the OPD Training Academy.

II. Field Training Officers
   A. Selection
      1. Field Training Officers (FTO) will be selected by the Chief of Police or their designee in accordance with Omaha Police Officers Association Collective Bargaining Agreement.
      2. Selection criteria for FTO candidates may include, but is not limited to the following:
         a. Law enforcement experience (both within and outside of the OPD).
         b. Experience, education, or training (formal or informal) in teaching, counseling, mentoring, and/or coaching.
         c. Proven work ethic as evidenced by infrequent absences and by no excessive history of disciplinary actions.
The Internal Affairs Unit will provide relevant disciplinary information to the Chief of Police or their designee for consideration as requested.

d. Good verbal and written communication skills.

e. Demonstrated ability to interact with members of the community.

B. Training

1. Prior to assuming the role of FTO, prospective officers shall complete Department approved training.

2. FTO’s will receive ongoing training as needed.

III. Recruit Officers

A. Recruit officers will complete 15 weeks of Field Training and Evaluation (after completing the Academy classroom training).

1. Time is provided daily in the Field Training and Evaluation Program for remedial training, if necessary. Opportunities for extended remedial training are available as needed.

2. The new officer’s training is not completed until the recruit officer has satisfactorily completed the Field Training and Evaluation Program.

B. Each recruit’s progress will be recorded in the Adore Field Training Program during the training according to the guidelines in the Field Training Officer Manual.

C. Reporting responsibilities of FTO’s are also found in the Field Training Officer Manual and shall be completed in compliance with these guidelines.

D. The Recruit Officer will rotate to a different FTO three times during the program. This will allow the recruit the opportunity to see multiple styles of policing and different areas of the city.

E. For the purpose of dispatching only, Recruit Officers and their FTO can be considered a two-officer unit (Baker Unit) if the following conditions are met:

1. Six (6) weeks into the Field Training and Evaluation Program, Recruit Officers with prior law enforcement experience will be evaluated to determine if they can work as a two-officer unit with their FTO.

   a. The evaluation will be conducted on a weekly basis.

   b. The FTO will be considered the senior officer and will continue the Field Training and Evaluation Program in its entirety.

2. Ten (10) weeks into the Field Training and Evaluation Program, Recruit Officers without previous law enforcement experience will be evaluated to determine if they can work as a two-officer unit with their FTO.

   a. The evaluation will be conducted on a weekly basis.

3. The decision to allow a two-officer designation, for dispatching purposes, will be made by the FTO and the Precinct Field Training Officer Sergeant in consultation with the Field Training and Evaluation Program Sergeant.
a. The decision will be made on the basis of overall skill level and demonstrated ability of the Recruit Officer and can be revoked at any time.

b. On a call-by-call basis, the FTO may decide to call for a second unit as back-up, regardless of the dispatching decision made at the onset of the call.

c. All other testing and evaluation aspects of the Field Training and Evaluation Program remain unaffected by the decision to change the dispatch status.

REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include the following: #24-89, #73-00, #54-02, and #62-17.

II. Accreditation Standards
   A. CALEA Accreditation standards 33.4.1, 33.4.2, and 33.4.3 are relevant to this policy.

TRANSPORTATION – WHEELCHAIR USERS

POLICY:

It is the policy of the Omaha Police Department (OPD) that appropriate arrangements will be made when transportation is needed for wheelchair users, and that details of such transportation will be properly documented.

PROCEDURE:

I. Officer Responsibilities – Arrest Situations
   A. Transportation Request.
      1. When an officer needs transportation for a wheelchair user in an arrest situation, the officer will contact the Police Information Operator via Channel 5.
      2. When requesting a medi-van dispatch, the officer will provide the Police Information Operator with their name, serial number, location of pickup, destination, reason for transportation, and the name of the person being transported.
   B. Pick-Up Location.
      1. When the medi-van arrives at the scene, the officer will notify the Police Information Operator so the pickup time can be documented.
      a. The officer shall also provide the medi-van driver with the RB Number so the driver can include it on the invoice.
      2. An officer shall accompany the medi-driver while transporting any arrested individual and will make every reasonable effort to ensure the safety and security of the arrestee, the medi-van driver, and the public during transportation.
      3. All persons placed under physical arrest will be handcuffed and searched unless the disability prevents it.
   C. Destination.
      1. When the destination has been reached, the officer shall provide the medi-van driver with their name, serial number, and reason for transport.
2. The officer shall note in the CAD Call Comments the name of the medi-van company used for transportation and the reason for transportation.

II. Officer Responsibilities – Non-Arrest Situations

A. Transportation Request.

1. When an officer needs transportation for a wheelchair user in a non-arrest situation, the officer shall contact the Police Information Operator via Channel 5.

2. The officer shall provide the Police Information Operator with their name, serial number, location of pickup, destination, reason for transportation, and the name of the person being transported.

B. Pick-Up Location.

1. When the medi-van arrives at the scene, the officer shall notify the Police Information Operator so the pickup time can be documented.

   a. The officer will also provide the medi-van driver with the RB Number, if applicable, so the driver can include it on the invoice.

2. The officer may, but is not required to, accompany the medi-van driver while transporting a wheelchair user in a non-arrest situation.

   a. The officer should use their best judgment in each situation to ensure the safety and security of the wheelchair user, the medi-van driver, and the public during transportation.

3. Citizens not under physical arrest will not be handcuffed unless the officer can justify and document a reasonable suspicion of danger to the officer or the public.

III. Police Information Operator Responsibilities

A. Transportation Request

1. When an officer contacts the Police Information Operator to request transportation for a wheelchair user, the Information Operator will immediately notify an approved medi-van provider to request a medi-van dispatch.

   a. The Records Unit will maintain a list of current medi-van providers.

2. The Information Operator will provide the approved medi-van provider with the pick-up location and destination, and will request from the medi-van provider an estimated time of pick-up.

   a. If the medi-van provider’s estimated time of pick-up is longer than 20 minutes, the Information Operator may consider calling another medi-van provider to see if they can arrive more quickly.

3. The Information Operator will get an estimated time of arrival from the approved medi-van provider and relay that information to the requesting officer.

B. Documentation
1. The Police Information Operator shall write a brief email to the Administrative Information Manager to provide the following information:
   a. Date of transportation, time of original call, and time of pick-up.
   b. Pick-up location and destination.
   c. Wheelchair user’s name.
   d. Requesting officer’s name and serial number.
   e. RB Number, if applicable.

2. The Administrative Information Manager shall forward the email to the OPD Accountant and the PSB Deputy Chief.

REFERENCES:

I. Previous OPD Orders
   A. The previous OPD General Orders are #38-94, #5-10, #81-16, and #121-16.

II. Accreditation Standards
   A. CALEA Accreditation Standards 70.2.1 and 70.3.1 are relevant to this policy.

TRANSPORTATION OF PRISONERS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers transporting a prisoner shall exercise caution for the safety of both the officer and the prisoner. Officers shall follow OPD prisoner transportation procedures at all times. Officers are responsible for prisoners at all times until custody is transferred to another law enforcement or detention officer or the prisoner is released from custody.

PROCEDURE:

I. General
   A. Officers will take the most expedient route possible, and refrain from any unnecessary stops when transporting prisoners.
      1. The transporting officer will not stop during transport unless the incident poses an imminent threat to a person’s life or serious physical injury may occur. Consideration to the possibility of injury to, or escape of, the prisoner will be given.
      2. Should a transporting officer come upon a situation requiring police assistance, they will notify their supervisor and advise them of the nature of the stop and the location and notify the dispatcher via radio, giving the location and nature of incident.
   
   B. Officers may answer a person’s inquiries about a prisoner at the earliest possible time. Safe transportation of prisoners requires that officers discourage prisoners from directly communicating with other persons during the transportation process.

   C. Officers shall not turn a person under arrest over to a civilian for transportation.
      1. If a person under arrest is transported via Rescue Squad, an officer shall accompany the arrest in the squad.
D. Officers shall not use vehicles as a holding cell or leave a prisoner unattended in a vehicle.

E. Officers will not leave suspects alone in the cruiser without an officer near enough to respond to an emergency involving the suspect.

F. Officers shall not engage in conduct designed to provoke, harass, or demean suspects.

G. Prisoners in transport will not be afforded the right to communicate with an attorney, family, friends, the news media, or other parties.

H. Officers shall not recommend attorneys.

II. Officer and Prisoner Safety

A. An officer will summon assistance to initiate an arrest whenever possible.

B. Officers will handcuff prisoners with their hands behind their backs whenever possible.

C. The officer assumes the responsibility of the safety and security of the suspect and their personal property.
   1. When an officer is walking a suspect, the officer shall keep their holstered weapon as far away from the suspect as possible.
   2. Officers will assist the suspect when walking up and down stairs and on questionable footing.

D. Prior to transporting a prisoner, an officer shall make a thorough and complete search of the person, per the OPD “Searches – Persons” policy.

E. Whenever numerous suspects are transported, the arresting officer shall contact the radio operator and request additional officers.

F. Officers shall make certain that all occupants shall wear seat belts during transportation.

III. Type of Police Vehicle Used for Transportation

A. Non-Partition – Equipped Vehicles
   1. All suspects shall ride on the passenger side of the vehicle.
   2. During transportation, shotgun and rifle rack(s) shall be locked.
   3. A single officer (1) shall only transport one (1) suspect in a cruiser and the suspect shall be placed in the front passenger seat.
   4. Two (2) officers may transport up to two (2) suspects in a cruiser.
      a. If two (2) officers are transporting only one (1) suspect, the suspect shall be placed in the rear passenger seat with an officer seated behind the driver.

B. Partition – Equipped Vehicles
   1. Prisoners shall be secured in the back seat of any vehicle equipped with a partition and disabled door locks and/or a prisoner transportation seat and disabled door locks.
2. Officers shall not ride in the back seat of a vehicle equipped with a partition and/or a prisoner transportation seat.

3. One (1) officer shall transport only one (1) prisoner. The prisoner should be placed on the passenger side of the rear seat. This allows the officer to monitor the prisoner during transportation.

   NOTE: One officer should not transport a combative or violent prisoner.

4. Two officers may transport one or two prisoners in the back seat of a properly equipped vehicle.

5. Prisoners who are co-suspects will not be transported together.

IV. Radio Communication

   A. When an officer is ready to transport a suspect, the officer shall notify the Dispatcher of their district number, their destination, the number of arrests, the code number, and their present location.

   B. Officers transporting juvenile suspects or suspects of the opposite sex shall give the Dispatcher the beginning mileage and upon arrival at the destination shall give the ending mileage.

V. Arrival Procedures

   A. All prisoners requiring emergency treatment at a hospital who are in handcuffs, leg-shackles, or any other type of restraint shall be brought through the Rescue Squad Emergency Entrance order to expedite the treatment time.

   B. Officers will stand behind the door and assist the suspect ONLY when help may be required.

   C. Officers shall park their vehicle to allow proper traffic flow when removing the suspect from a vehicle.

VI. Transfer of Custody

   A. Officers shall remove handcuffs from suspects/arrestees only after transferring custody to another agency or officer, or upon specific direction of a command officer.

   B. Officers shall advise receiving agency personnel of any potential medical or security risks.

   C. Officers shall take the suspects to the location requested when suspects are to be questioned by another unit within OPD.

      1. The suspect(s) will be segregated when required to prevent any communication other than with the investigating unit.

      2. Officers shall coordinate with the requesting unit upon arrival to complete the transfer of custody.

   D. Any item(s) in the suspect’s/arrestee’s possession considered evidence of criminal activity or personal property shall be set aside and handled as described in the OPD “Booking – General Procedure” policy.

VII. Escape of Prisoner During Transportation
A. In the event of an escape, officers shall proceed with caution. Officers shall not act without first taking time to consider what course of action is proper for the particular circumstances.

B. Nebraska State Statute §28-912 classifies Escape as a Class IV Felony.

**EXCEPTION:** Escape is a Class III Felony where:

1. The detainee was under arrest for or detained on a felony charge or following conviction for the commission of an offense.

2. A public servant concerned in detention of persons convicted of crime purposely facilitates or permits an escape from a detention facility or from transportation thereto.

3. Escape is a Class IIA felony when “the actor employs force, threat, deadly weapon, or other dangerous instrumentality to effect the escape” (NRS §28-912).

C. When a prisoner is discovered missing, officers shall:

1. Notify their immediate supervisor.

2. When an escape has been verified, contact 911 Communications and provide the following information:

   a. That an escape has occurred.
   b. Whether the escapee is armed.
   c. The escapee's name and description.
   d. The initial charge for which the escapee was arrested.
   e. Direction of travel.
   f. Any vehicle involved.
   g. Possible accomplices.

D. The officer's supervisor shall make Command Notifications and coordinate the follow-up investigation. Command shall direct search methods, procedure, and decide the length of time for searching.

E. Reports.

1. The officer shall make the following reports in connection with an escape:

   a. Incident Report.
   b. Chief's Report (OPD Form 214).

2. The supervisor on the scene shall direct employees under their command to make a Chief's Report concerning their individual knowledge of the incident.

VIII. Transporting Prisoners Aboard an Aircraft

A. Officers transporting a prisoner via aircraft shall coordinate the prisoner transport with the Fugitive Squad.
B. Officers flying armed must complete the Transportation Security Administration (TSA) required “Law Enforcement Officers Flying Armed” training offered by the OPD Training Unit.

C. Officers will transport prisoners aboard a commercial aircraft in accordance with TSA regulations found in 49 CFR §1544.221, Carriage of Prisoners Under the Control of Armed Law Enforcement Officers

D. Officers will refer to the OPD “Firearms and Ammunition” policy for additional details regarding flying armed on a commercial aircraft.

REFERENCES:

I. Nebraska Revised Statutes
   A. Nebraska Revised Statute §28-912 is referenced in this policy.

II. Previous OPD Orders
   A. Previous General Orders include the following: General Order #34-74, #64-87, #33-95, #52-95, #13-98, #92-00, #3-02, #28-05, #28-05 Supplement #1, #4-10, #20-13, #39-15, and #39-17.

   B. Previous Information Orders include the following: #126-90.

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

IV. Other
   A. PPM Update #5-2016.

   B. Transportation Security Administration (TSA) regulations found in 49 CFR § 1544.219, Carriage of Accessible Weapons and 49 CFR §1544.221, Carriage of Prisoners Under the Control of Armed Law Enforcement Officers.

TRESPASSING

POLICY:

It is the policy of the Omaha Police Department (OPD) to assist in the enforcement of trespassing of banned individuals in city parks, business establishments, government facilities, and in city schools in accordance with Omaha Municipal Code Section 20-154.

PROCEDURE:

I. Omaha Municipal Code Section 20-154
   A. Pursuant to Omaha Municipal Code Section 20-154, a person who has been banned from a location may be arrested for trespassing if they return prior to the expiration of the banishment.

II. City Parks
   A. Service of Ban Notices.
      1. When officers arrest a person for Lewd Conduct, Solicitation of Lewd Conduct, or Indecent Exposure in a City of Omaha owned or operated park, the arrested person
will be served with a ban notice that will be effective upon conviction (City of Omaha Municipal Ordinance 20-111).

a. Officers will advise the arrestee that they will be banned for two (2) years from the date of conviction from any City of Omaha park.

b. The arresting officer will complete OPD Form 152 (Notice of Trespass – Ban and Bar Letter). The fact that a ban notice was served will be noted in the Incident Report.

c. Ban notices will be signed by the arresting officer and the offending party.

(1) A signature from the arrested party is not mandatory. If the arrested person refuses to sign, the officer will write, “refused” in the appropriate line.

d. When possible, a photo will be taken of the suspect and forwarded with the original ban notice to the Special Operations/Vice Squad. The suspect's name and RB number will be noted on the photo.

NOTE: OPD officers cannot ban and bar for any other offense not listed above. Officers may contact the City Parks Department if they believe a ban and bar notice is appropriate.

2. In all other circumstances, City of Omaha owned and operated parks may issue their own ban and bar notices. In these cases the City Parks Department will be responsible for routing the ban and bar notice to the OPD.

B. The original completed ban and bar notice will be directed to the Special Operations/Vice Squad.

1. The secretary of the Special Operations/Vice Squad will maintain an updated list of individuals who have been banned from City of Omaha parks including:

   a. Name.

   b. Date of birth.

   c. Arrest date.

   d. Conviction date.

   e. Expiration date.

   f. Any additional relevant information that is available (i.e., social security number, photo etc.)

2. The Special Operations/Vice Squad secretary will send the updated list to Data Review on a monthly basis.

C. Arrest of Banned Individuals.

1. When officers conduct data checks of persons in City Parks, they will request a "check for park ban" via the Information Channel.

   a. The Information Operator will advise the requesting officer whether the individual is banned or not.

   (1) If the party is banned, the Information Operator will advise the requesting officer of the effective date of the ban (it must be within two (2) years to be valid).

2. If the person being checked is banned, the officer will arrest the individual for trespassing in that park pursuant to Omaha Municipal Code Section 20-154.

   a. Officers shall include the effective date of the ban in the Incident Report.

III. Business Establishments
A. Officers will assist local business establishments within the City of Omaha in the enforcement of banning certain individuals from such establishments.

1. Members of the local business establishments will identify individuals who are repeat trespassers on their properties with input from the OPD.

2. A "ban and bar" letter will be issued to the offending trespasser by a staff member of the individual business establishment who will then be escorted from the property. If the person returns they will face arrest for the offense of Trespass.

   (1) The "ban and bar" letter will be prepared by the establishment and witnessed by the officer on the scene at the time the "ban and bar" letter is issued.

   **NOTE:** An example of a “ban and bar” letter that may be used by business establishments is available on the OPD website.

B. The staff member from the business establishment will fill out the ban and bar notice and serve it to the offending party.

   **NOTE:** While a signature is preferable, the offending party is not required to sign the ban and bar notice for the service to be valid.

   1. Records of the service of these notices will be kept at the establishment issuing the letter.

C. Any officer may act as a witness for the service of this notice. The officer acting as witness will:

   1. Keep the peace during the service of this notice.

   2. Provide the establishment staff member with their name, rank and serial number as a witness of the service.

   3. Advise the staff member to maintain the original copy which the officer will sign and date.

D. Officers will instruct the business establishment to call the police if the offender returns after being issued a ban and bar notice.

E. Officers who respond to such calls will request a copy of the "ban and bar" letter.

   **NOTE:** No arrests under the "ban and bar" letter will be made unless the officer can verify that the "ban and bar" letter is still in effect. Failure to make such as verification could render the arrest invalid.

F. If the offending party returns to the property and is not seen by an officer but is seen by a member of the business establishment staff, the responding officer will:


   2. Advise the staff member of misdemeanor warrant procedures.

G. When an arrest is made, a copy of the ban and bar letter will be included with all other applicable reports.

   **NOTE:** Officers shall include the name of the complaining witness in the Incident Report.

IV. Government Facilities

A. Officers may make arrests under City of Omaha Municipal Codes 20-154 (Trespass) and/or 20-155 (Request to Leave) on government-owned property/facilities (i.e., libraries, sports facilities, Omaha Housing Authority property and government operations such as the Police Department or Omaha Fire Department) if the arrest does not violate persons’ rights under the First Amendment of the Constitution.
1. These first amendment concerns do not extend to government-owned property where admission is conditioned upon payment of a fee OR where inappropriate conduct is banned (e.g., disruptive behavior or unreasonable noise at a library).

B. Officers will not make an arrest solely for violations of City of Omaha Municipal Codes 20-154 or 20-155 in court or legislative areas if the arrest will result in the denial of citizen access to government.

**NOTE:** A violation of City of Omaha Municipal Code 20-154 or 20-155 is not sufficient to remove a person from a court or legislative area. An individual must commit another crime (i.e., disorderly conduct, assault etc.) in order to be expelled from courts or legislative areas.

C. Officers will notify a supervisor prior to arresting someone for such offenses on government owned property.

**EXCEPTION:** Officers do not need to notify a supervisor prior to an arrest if the property is owned by the City of Omaha.

V. Schools

A. All schools who wish to restrict access will post a notice on every entry into school buildings that the buildings are not public areas and that only students, staff, and others on official business are permitted in the buildings. The posted notice will include that those who violate the order are subject to arrest for Trespass under either City Ordinance or State Statute.

B. Officers will arrest all persons who enter restricted school buildings who are not on official business and who disregard posted notices for violation of City Ordinance Section 20-154 (Trespass) or NRS §28-520 (Criminal Trespass, first degree).

1. Officers do not need to witness a verbal order from school officials to the suspect in order to take action. This notice is sufficient make an arrest.

2. Officers will arrest unauthorized persons for trespassing if the person is identified by school officials as being in or having been in the building.

C. Officers who make an arrest will complete an Incident Report.

1. The specific school will be the victim.

VI. Request to Leave

A. The owner/agent or person in control of a residence and/or commercial establishment may order a trespasser to leave the property (City of Omaha Municipal Code 20-155).

**NOTE:** This ordinance does not apply where both parties have equal rights to occupy the property (e.g., wife and husband in a private residence).

B. If a trespassing person has been ordered to leave the property and has failed to do so the property owner/agent may call the police to have the trespasser removed.

C. Officers responding to such calls will adhere to the following procedures:

1. Obtain the identification of the person who has refused to leave so that the victim may swear out a warrant at a later date if they so desire.

2. The officer will witness the person in control of the property once more ordering the trespasser to leave.

3. If the trespassing person fails to leave after being ordered to do so in the presence of the officer, the trespasser will be arrested and charged with a violation of City Ordinance 20-155 (Request to Leave).


   a. The officer will include detailed information about the person giving the notification or ordering the trespasser to leave, including their position with the company or their authority as the person in control of the property.
VII. Outside Employment Situations

A. Officers will adhere to all procedures in the OPD “Outside Employment” policy when enforcing trespassing laws for an outside employer.

NOTE: Officers who provide parking lot security for an outside employer will keep in mind that they must adhere to the above "Request to Leave" procedures when enforcing City of Omaha Municipal Code 20-155 (Request to Leave).

REFERENCES:

I. Laws

A. Nebraska Revised Statute §28-520.

II. Previous OPD Orders

A. Previous General Orders include: #98-89, #43-91, #24-93, #50-96, #10-99, and #57-17.
B. Previous Information Orders include: #370-90.
POLICY:

It is the policy of the Omaha Police Department (OPD) to conduct undercover operations to support criminal investigations when appropriate. Each operation will be carefully reviewed in order to weigh the risks and benefits of the operation.

PROCEDURE:

I. Review and Notification Procedures
   A. Prior to conducting an undercover operation, officers shall present the operation to the respective CIB Captain or their designee via chain of command for review.
      1. Officers will follow the guidance received from the CIB Captain or their designee as it pertains to undercover operations.
   B. The command officer supervising the operation will coordinate with other units/squads as necessary.
   C. If an officer assigned to a bureau other than CIB is to be used in an undercover capacity, the command officer supervising the undercover operation will send a request to use the officer in the undercover capacity to the section/precinct commander and the supervisor of the officer.
      1. The section/precinct commander may choose to not allow an officer to participate in an undercover operation when appropriate.
   D. The section or precinct commander will make certain that the undercover officer’s immediate supervisor and respective CIB Captain is notified of the officer’s participation in the undercover operation when approved.
   E. If an OPD officer or unit/squad will be participating in an undercover operation with another jurisdiction, the respective chain of command will be notified.

II. Command Officer Responsibilities
   A. A command officer is required to be present at the scene of all undercover operations involving an officer.
      1. The command officer in charge will focus on monitoring and coordinating the overall operation including monitoring officers involved in the operation and making certain that officers follow all guidance and procedures established for the operation.
   B. Prior to beginning the operation, the command officer shall conduct a briefing for all officers involved. The briefing will include:
      1. An introduction of all officers involved.
         a. It is critical that all officers involved be introduced to the undercover officer.
      2. A detailed outline of command responsibilities, duty assignments, and authorities.
      3. The sequence of events required for the safe execution of the operation including, but not limited to, the correct frequencies or channels to be used.
      4. A detailed rescue plan as well as the conditions under which the operation would be terminated if necessary.
a. In critical situations involving an undercover contact, the supervisor will make certain that at least two officers are specifically assigned to protect the undercover officer.

C. When feasible an audio transmitter will be worn during undercover contacts.

III. Acknowledgement of Undercover Officers

A. Officers and employees will not knowingly acknowledge any on-duty officer who is working in plainclothes or in an undercover capacity unless that undercover or plainclothes officer acknowledges them first.

NOTE: To openly acknowledge and identify an officer involved in an undercover operation poses a threat to the officer’s safety and, possibly, the criminal investigation.

REFERENCES:

I. Previous OPD Orders

A. Previous General Orders include the following: #110-89, #21-98, and #21-17.

II. CALEA Accreditation Standards

A. Relevant CALEA Accreditation Standards include: 43.1.5.

**UNDOCUMENTED PERSONS - JURISDICTION FOR ARREST**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to only arrest undocumented individuals when there is no other arrestable offense if they have been designated as a U.S. Immigration and Customs Enforcement (ICE) fugitive through the National Criminal Information Center (NCIC). It is not within the jurisdiction of the OPD to determine whether an individual is an undocumented individual.

**PROCEDURE:**

I. Information Report

A. Officers who have information concerning an undocumented individual shall:

1. Detail the information on an Information Report (PortalOne/OPD Form 42).

2. Forward, a copy of the Information Report via chain of command to the Criminal Investigations Bureau’s Fugitive Squad for investigation.

3. The Fugitive Squad will route the information to ICE.

II. Detainment

A. When officers perform a records check and NCIC determines the undocumented individual is an ICE fugitive, officers will adhere to the following:

1. If the records check confirms that the undocumented individual is an ICE fugitive, officers shall contact ICE and follow the directives for detainment.

a. Officers shall attempt to contact the ICE Duty Officer at the phone number located in Appendix A.
b. If the ICE Duty Officer cannot be reached, officers shall contact the ICE Law Enforcement Center at 802-872-6020.

2. Officers shall note the following on the Information Report (PortalOne/OPD Form 42):
   a. Name of ICE individual contacted.
   b. The day, date, and time of contact.

3. Officers shall NOT notify the undocumented individual about their status as an ICE fugitive.

REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include #78-89 and #23-17.

II. Other
   A. PPM Update #3-2017.

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
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.
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. Optional Leather Jackets:
   
   (1) Leather jackets are approved for wear with the standard duty uniform (see Appendix B for specifications).
   
   (2) Leather jackets approved for wear with the Standard Duty Jacket will have OPD patches sewn on the shoulders in the same manner as the standard issue jacket.
   
   (3) Officers are responsible for the full cost of the optional leather jacket and the cost of sewing on patches.

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.


   a. No trousers with external cargo pockets or utility pants will be worn with the Formal Duty Uniform.


   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.


   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.

l. 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.


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.

C. Seniority stripes will be worn on the long sleeve uniform shirt. A seniority stripe for every four years of service may be sewn on the right sleeve parallel to and centered one inch above the cuff. The stripes will be light blue for police officers and gold for command.

1. Seniority stripes are mandatory for uniforms purchased after April 1, 2016. Seniority stripes are optional on uniforms purchased prior to April 1, 2016.

a. The OPD will be responsible for the cost of the mandatory seniority stripes and the cost of sewing them on uniform items.

b. Officers are responsible for the cost of the optional seniority stripes 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, #23-16, and #25-17.

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


B. PPM Update #4-2017.

UNIFORMS AND EQUIPMENT – 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.

UNIFORMS AND EQUIPMENT – 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.

**UNIFORMS AND EQUIPMENT – 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.

UNIFORMS AND EQUIPMENT – 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.

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 employee’s 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 employee’s 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 (2½") 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 and is issued to all OPD sworn personnel. All OPD lieutenants, sergeants, and officers shall carry the vest when on-duty.

B. Sworn employees are required to properly wear the vest, per their OPD training, when they direct traffic or are working within the right-of-way of a roadway and are exposed to traffic and/or vehicles.

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, 10-14, and 116-16.

II. Accreditation Standards
   A. CALEA Accreditation standard 22.2.7 is relevant to this policy.

III. Miscellaneous
   A. MUTCD (Manual on Uniform Traffic Control Devices) Section 6D.03 applies to this policy (regarding traffic vests).

UNIFORMS AND EQUIPMENT – 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 either side of the officer’s body. 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 (1½”) 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 (1½") 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, #30-14, and #86-16.

II. Accreditation Standards
UNIFORMS AND EQUIPMENT – 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.

**UNIFORMS AND EQUIPMENT – 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 Officer’s Association.

**PROCEDURE:**
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

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.

III. Other

A. PPM Update #5-2017.
VEHICLE ACCIDENT AVERSION TRAINING

POLICY:

It is the policy of the Omaha Police Department (OPD) to review incidents in which OPD employees are involved in motor vehicle accidents where the employee’s driving was found not to be in compliance with policy. If the accident occurred during the performance of official duties for the department, the employee may be required to attend Vehicle Accident Aversion Training, (VAAT) and/or receive discipline as determined by the Chief of Police or their designee. The OPD Safety Review Board or the Pursuit Review Committee may also make initial determinations regarding non-compliance.

PROCEDURE:

I. Attendance Selection

A. The OPD Safety Review Board or Pursuit Review Committee will determine policy compliance on a case by case basis when OPD employees are involved in motor vehicle accidents while operating a City-owned vehicle, a City-leased vehicle, or a privately-owned vehicle used for conducting City business.

B. Any employee found to be non-compliant while operating a City-owned vehicle, leased vehicle, or privately-owned vehicle operated for City business may be required to attend VAAT.

II. Progressive Discipline for Minor, At-Fault City Vehicle Accidents

A. An employee may only be assigned to attend VAAT once in any thirty-six (36) month period, unless otherwise authorized by the Chief of Police.

1. The thirty-six (36) month period will begin on the date of the first accident.

2. The first non-compliant accident may also result in a Letter of Caution, Job Performance Interview, or discipline if circumstances so warrant.

3. Any additional accidents during this thirty-six (36) month period which are found to have violated policy by the Safety Review Board or Pursuit Review Committee will result in the following:

   a. A second negligent accident within the thirty-six (36) month period will result in a written reprimand and an assignment to attend VAAT, if eligible and appropriate.

   b. A third negligent accident within the thirty-six (36) month period will result in disciplinary action (generally to include a period of suspension), as determined by the Chief of Police, in consultation with the Safety Review Board, Pursuit Review Committee, and/or Internal Affairs Unit.

   c. Any additional accidents in the same thirty-six (36) month period may potentially result in more severe disciplinary action, such to be determined by the Chief of Police, upon receiving recommendations from the Safety Review Board, Pursuit Review Committee, or additional sources as needed.

B. If, in the opinion of the Chief of Police, an employee of the OPD has, through exceptional negligence or other actions, caused a motor vehicle accident of such a serious nature as to warrant more severe discipline, the Chief may waive any or all portions of this minor accident policy and administer such level of discipline as deemed appropriate, considering the circumstances of the incident.
III. Notification of VAAT

A. The Safety Review Board, Pursuit Review Committee, or Internal Affairs Unit shall advise the employee’s immediate supervisor and the Training Unit Commander of the Chief’s approval for an employee to attend VAAT.

B. The Training Unit will notify the employee and their immediate supervisor of the date, location, and time of the VAAT.

1. The employee will complete the Temporary Change of Duty Status Form (OPD Form 45) as needed.

IV. Components

A. The VAAT is designed to provide the employee with the knowledge and skills that will assist the employee in safe vehicle operation and accident avoidance.

B. The VAAT will only be conducted by employees of the OPD who are certified Emergency Vehicle Operations (EVO) Instructors.

1. The VAAT training will be tailored to each employee’s specific incident.

2. The training will be a minimum of two (2) hours and will include a classroom portion and a practical application portion.

   a. The practical application may include driving courses or a “ride-along” evaluation of the employee’s driving behavior.

   b. The training will not exceed sixteen (16) hours.

C. Examinations

1. Employees attending VAAT will be given practical application evaluation of specific skills relating to their individual incidents.

2. Employees will demonstrate successful completion of the practical application section.

3. If an employee fails to successfully complete the practical application portion of VAAT they will receive additional remedial training.

   a. If the employee fails to successfully complete the practical applications portion of VAAT after the additional remedial training, all documentation regarding the initial VAAT training, remedial VAAT training, and any additional pertinent information will be sent to the Office of the Chief of Police.

   b. A copy of this documentation will also be sent to the Safety Review Board or Pursuit Review Committee, whichever group initiated the recommendation. The Safety Review Board or Pursuit Review Committee may then make additional recommendations regarding the employee’s fitness for duty to the Office of the Chief of Police.

4. The Training Unit Commander will submit a recommendation for the failing employee based on the EVO instructor’s report to the Chief of Police via the chain of command.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #12-99, #13-12, and #16-17.
VEHICLE USAGE

POLICY:

It is the policy of the Omaha Police Department (OPD) that OPD employees will adhere to all Departmental training, OPD policies and procedures, and Mayoral Executive Order S-26-14 when using a City-owned vehicle. Except when engaging in emergency driving as part of their job responsibilities, OPD employees will adhere to all applicable traffic laws and regulations.

PROCEDURE:

I. Usage of City-Owned Vehicles

A. In addition to the uses listed in Mayoral Executive Order S-26-14, the Chief of Police has authorized the use of OPD City-owned vehicles as follows:

1. Trips to the Nebraska Law Enforcement Training Center by OPD employees for training purposes.
2. Trips by OPD employees to meetings and events as part of their job responsibility.
3. Use of a marked vehicle by members of the Canine Unit or Bomb Dog Squad.
4. Use of vehicles by on-call officers as authorized by the Chief of Police.
5. Officers may take OPD motorcycles home ONLY when permission is granted by the Traffic Unit Commander in special circumstances (i.e., College World Series, etc.). Such officers shall use care and ONLY use the motorcycle for official OPD functions.

II. Usage of Police Vehicles

A. The transporting of individuals will be done only to accomplish a police function.

B. Those persons allowed in a marked police vehicle who are not obviously transported in the course of police duties (i.e., arrest, injured persons to a hospital, etc.), will be transported ONLY after the officer reports the location and nature of the transport to Dispatch.

1. Officers will utilize the radio system and make any additional notations using the CAD Call Comments functionality within PortalOne.

C. When officers transport an arrested or injured person, the officer will not conduct a traffic stop of a vehicle (officers may refer to the OPD “Transportation of Prisoners” policy for additional details).

1. If the situation warrants, the officer will notify Dispatch with information regarding the vehicle that should be stopped by other officers (e.g., reason for stop, description of a vehicle, direction of travel, etc.).

III. General Operations

A. OPD employees will operate City-owned vehicles in accordance with Departmental training, OPD policies and procedures, and Mayoral Executive Order S-26-14.

B. OPD employees will adhere to all traffic regulations and laws when driving in non-emergency situations (OPD employees may refer to the “Vehicles – Emergency Operations” policy for procedures to be followed when engaging in emergency driving).
C. OPD employees will avoid using medicines or drugs before operating vehicles whenever feasible if the possibility of side effects is present, such as those found in:

1. Cold medicines.
2. Pain killers.
3. Cough medicines.

D. If an OPD employee believes they cannot safely operate a vehicle, they will notify their supervisor immediately for proper arrangements.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #54-96, #15-02, #77-16, and #47-17.

B. Previous OPD Information Orders include #296-90.

VEHICLES - EMERGENCY OPERATIONS

POLICY:

It is the policy of the Omaha Police Department (OPD) that OPD employees will adhere to all Departmental training and OPD policies and procedures when engaging in emergency driving as part of their job responsibilities. OPD employees will adhere to all applicable traffic laws and regulations when they are not engaged in emergency driving.

I. Emergency Driving Operations

A. At no time will emergency driving conditions warrant unsafe driving practices. The speed of police vehicles will be reasonable and proper.

B. Emergency driving shall only be authorized when responding to “Expedite” or “Immediate” calls.

1. When responding to an "Expedite" call, the following equipment shall be used:
   a. Emergency lights.
   b. Siren.
   c. Spotlights may be used sparingly to alert traffic, but officers will exercise care to avoid "blinding" oncoming traffic.

   NOTE: When emergency vehicles are operating on "Expedite" status, the driver is accorded certain driving privileges and responsibilities.

2. When responding to an “Immediate” call (semi-emergency driving conditions) no emergency equipment will be used.
   a. A call may be categorized as "Immediate" when a crime may still be in progress and use of the emergency equipment may alert the offender, giving them an opportunity to escape.

   NOTE: Any police vehicle caught in a traffic jam while responding to an “Immediate” Level call may use the emergency lights and siren in an effort to get clear of the traffic jam. Once clear, the officer shall shut off
the emergency equipment and continue at the Immediate Level for the remainder of the trip.

3. If an escort is required officers will adhere to driving procedures followed when responding to an Immediate Level call, not an Expedite Level call.

NOTE: A private vehicle shall not, under any circumstance, operate in violation of the traffic code in an escort situation under the direction of a police officer.

4. If an officer believes a person is in grave physical danger and immediate medical attention is required, the officer will:

   a. Call for a rescue squad for transportation and immediate treatment.

   - OR -

   b. Convey the person in the police vehicle at an Expedite Level.

C. Officers will be aware of the following barriers to hearing and visibility that may create hazards during emergency driving situations:

   1. Barriers to hearing include, but are not limited to:
      b. Traffic and industry noise.
      c. Storm (rain, thunder etc.).
      d. Personal hearing limitations.
      e. Vehicle windows rolled up and heater and/or radio on.
      f. Children making noise in the vehicle.
      g. Engine and/or vehicle body noise.

   2. Barriers to visibility include, but are not limited to:
      a. Frost, fog, dirt, snow, ice, etc. on windows.
      b. Objects within the vehicle that cause distractions.
      c. Bright sunlight.
      d. Shrubbery.

REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include #78-16.
   B. Previous OPD Information Orders include #296-90.

III. Accreditation Standards
   A. CALEA Accreditation standard 41.2.1 is relevant to this policy.
PREAMBLE:

Inventory of vehicles prior to impound are NOT searches. Inventories are performed to catalog property prior to the vehicle being taken into police possession. Inventories are done to safeguard the Omaha Police Department (OPD) from allegations of the mishandling of property and to accurately track all property in the possession of the OPD.

POLICY:

It is the policy of the Omaha Police Department (OPD) to accurately and promptly inventory all property seized during impound of any vehicle seized by the OPD and transported to the City Vehicle Impound Lot. Officers who encounter contraband during the inventory of a vehicle shall seize it and book it into the OPD Evidence and Property Unit (EPU) per the OPD “Evidence and Property – Handling” policy.

PROCEDURES:

I. Vehicle Inventory Procedures

A. Prior to transporting a seized vehicle to the City Vehicle Impound Lot, officers may inventory the vehicle’s contents in order to protect the owner’s property, the OPD against claims of mishandling property, and officers from potential danger.

NOTE: If the vehicle is being impounded for safekeeping and a search warrant is being obtained, officers shall not conduct an inventory of the vehicle. Officers shall maintain custody (i.e., line of sight) of the vehicle until the warrant is obtained.

B. Officers will inventory all personal property left in the vehicle prior to the time the vehicle is turned over to the tow truck driver.

1. The officer and tow truck driver will jointly document the property in the vehicle at the time it was towed.

C. The inventory will cover all areas of normal access in which property would reasonably be expected to be placed in an automobile, including, but not limited to, the vehicle trunk and glove compartment.

D. Officers will inventory property as follows:

1. Money/Currency less than $10 and all other property left in the vehicle at the time of tow will be documented by the officer in the "Details of Impounding" Section of the Recovered/Impounded Vehicle Report (PortalONE/OPD Form 202).

2. The following items shall be held by the officer as Found Property and turned into the EPU per OPD policies and procedures:

   a. Money/Currency over the amount of $10.00.
   b. Other items that appear to have significant value found in the vehicle.

3. Contraband items shall be booked into the EPU per OPD policies and procedures.

E. All damage to the vehicle will be noted on the Recovered/Impounded Vehicle Report (PortalONE/OPD Form 202), as well as any property in plain sight inside of the vehicle, if the vehicle is locked and inaccessible at the time of the tow.

REFERENCES:
II. Previous OPD Orders
   A. Previous OPD General Orders include #5-94 and 46-16.

III. Accreditation Standards
   A. CALEA Accreditation standard 1.2.4 is relevant to this policy.

VEHICLES – MAINTENANCE OF POLICE VEHICLES

POLICY:
It is the policy of the Omaha Police Department (OPD) that all OPD vehicles will be inspected and maintained to make certain that they remain in good working order.

PROCEDURE:
I. Vehicle Inspections
   A. At the beginning of their shift employees will:
      1. Walk around the exterior of the vehicle and check the general overall condition including the vehicle’s:
         a. Headlights.
         b. Front and rear flashers.
         c. License plates.
         d. Condition of tires:
            (1) Tread condition.
            (2) Sidewall condition.
         e. Radio antenna (i.e., whether it is properly mounted).
         f. Any accident damage.
      
      NOTE: Antenna ribbons and bumper stickers shall not be placed on OPD vehicles, unless issued by the Department.
      
      2. Inspect the following to make sure that it is functioning properly:
         a. Headlights.
         b. Rotating lights.
         c. Emergency flashers.
         e. Each spotlight.
         f. Dome light.
         g. Windshield wipers including the condition of the wiper blades.
         h. Radio (officers will make certain that the radio is transmitting properly).
i. Public Address (PA) system.

j. Mobile Video Recorders (MVR).

**NOTE:** OPD employees will refer to the OPD “Mobile Audio/Video Recorders – In-Car Video Recorders” policy for guidelines regarding the inspection and maintenance of MVRs.

3. Inspect the interior of the vehicle for:
   a. Any obvious damage to the interior.
   b. Any cracked or broken glass.
   c. Any items left inside the vehicle or under the front seat.

4. Make certain that the shotgun is properly secured in the gun rack if applicable.

5. Check the fuel level, windshield solvent level, and oil pressure.

6. Document the inspection of the vehicle on the Mobile Audio/Video Recorder (MVR).

B. OPD employees will inspect the interior of police vehicles before and after transporting prisoners for the following:

   1. Any obvious damage to the interior.
   2. Any cracked or broken glass.
   3. Any items left inside the vehicle or under the front seat.

   **NOTE:** A thorough check of the interior of the vehicle before and after transporting a prisoner, will ensure that any weapons, contraband or personal property left in the vehicle is located and properly linked to the suspect. Vehicles will be searched as soon as possible after removing the prisoner, but in all cases, prior to returning to service.

C. If an employee finds damage on the vehicle, the employee shall immediately notify their supervisor and complete OPD Form 24 (Police Equipment – Accountability).

II. Equipment Requirements

A. OPD marked patrol vehicles will be supplied with the quantities of items listed on the Inventory Control Form (UPB Form 15).

   1. Plastic storage containers will be located in the trunks of marked patrol vehicles and will be used to store the items listed on the Inventory Control Form, with the exception of those items that are not easily damaged or will not fit because of size.

B. Precinct commanders will utilize the Inventory Control Form (UPB Form 15) to inspect and maintain these items in the fleet of vehicles under their command.

   1. This process will be undertaken at least twice a year, within thirty (30) days of each semi-annual shift change.

C. Officers will continually examine their equipment needs in the field, restock supplies as they are expended, and notify their chain of command of additional supply needs.

III. Vehicle Maintenance
A. General

1. Each OPD vehicle will be assigned a V.A.N. Number when acquired by the OPD and will keep this number as long as it is owned by the Department.
   a. The V.A.N. Number is used to track the costs of maintaining each vehicle.
   
   **NOTE:** The V.A.N. Number is not the same as the vehicle's car number. The car number may change as a vehicle is transferred from one unit to another, but the V.A.N. Number will remain constant once it has been assigned.

2. The City of Omaha Vehicle Maintenance Facility provides maintenance and service to all City of Omaha vehicles, with public safety vehicles having top priority for repair.
   a. The City of Omaha Vehicle Maintenance Facility is staffed from 0600 hours to 2245 hours, Monday through Friday, with supervised mechanics and services.
   b. A servicer is provided from 0700 to 1530 hours, Saturday, Sunday and holidays.

3. ALL service requisitions shall be approved by the OPD Fleet/Facilities Manager prior to being submitted to the Finance Department.
   
   **NOTE:** This applies to all OPD vehicles including motorcycles, trucks, etc.

B. Maintenance of Vehicle Fluids

1. OPD employees responsible for operating a city owned vehicle in the performance of their official duties, with the exception of motorcycles and undercover vehicles, will be responsible for refueling and maintaining fluid levels of the vehicle to at least the following minimum levels at all times:
   a. Gasoline: At one-half (1/2) full but never less than one quarter (1/4) full.
   b. Oil: Always above the "Add" mark.
   c. Windshield solvent: At half full (1/2) or more.

2. OPD motorcycles and undercover vehicles will be filled at self-serving retail commercial stations.
   a. Accounts will be established at approved stations and the officer will sign for the purchase.
   b. OPD motorcycles will be filled with the required premium gas.

3. The OPD Facilities/Fleet Unit will maintain a current list of re-fueling locations and will periodically issue the list on an Information Order.

4. If motor oil and/or windshield wiper fluid is needed, they can be obtained from the assembly.
   a. Each precinct/work site will keep a supply of oil, wiper fluid, and paper towels on hand.
   b. When the supply of oil and wiper fluid needs replenishing, the Vehicle Maintenance Facility (VMF) will be contacted for restocking.

C. Cleaning of OPD Vehicles
1. OPD employees will only use authorized car washes to wash OPD vehicles.
   a. The OPD Facilities/Fleet Unit will maintain a current list of authorized car washes and will periodically issue the list on an Information Order.

2. OPD employees will only use an authorized auto detailing establishment if they need to have their vehicles cleaned professionally (e.g., when transported parties have soiled the vehicle).
   a. Employees may request permission from a Captain, via chain of command, to have their vehicle detailed.
      (1) The employee will provide a brief explanation of the circumstances resulting in the need to have the vehicle detailed.
   b. This does not preclude employees from utilizing authorized car wash facilities as necessary.

REFERENCES:

I. Previous OPD Orders
   A. Previous General Orders include: #14-76, #77-87, #38-90, #4-91, #11-95, #12-96, #34-00, #39-02, #73-02, #9-12, and #80-16.
   B. Previous Information Orders include: #89-90, #107-93, #317-94, #113-95, and #70-97.

VEHICLES – SPECIAL PURPOSE

POLICY:

It is the policy of the Omaha Police Department (OPD) to utilize special-purpose vehicles to support police operations when needed. Only authorized individuals with the proper training/certifications will utilize special-purpose vehicles.

PROCEDURE:

I. General
   A. A special-purpose vehicle is a vehicle used because of considerations of weather, terrain, the need for inconspicuous appearance, or special operational needs.

II. Authorization, Conditions and Limitations of Usage
   A. Command officers in each unit will authorize the operation of special-purpose vehicles under their control.
   B. Authorized operators will restrict use of special-purpose vehicles to the specific intent and function for which the vehicle was designed to operate. Exceptions must be authorized by a Commanding Officer.

      NOTE: Special-purpose vehicles will not be used to transport detainees. Officers will refer to the OPD “Transportation of Prisoners” policy for procedures on transporting detainees.
   C. Employees will conduct an inspection prior to operating any special-purpose vehicle.

III. Qualifications and Training
A. To be authorized to operate a special-purpose vehicle, an employee will:

1. Possess a current valid operator’s license or certification for the vehicle type or rating, if applicable.

2. Demonstrate knowledge of the vehicle and skill in its operation, and possess certification, if required.

3. Conform to all specific safety and special operating requirements for the vehicle type.

B. Commanders will establish operating procedures to include qualification and training for employees assigned to operate special-purpose vehicles.

IV. Condition and Maintenance

A. Special-purpose vehicles will be kept in good physical condition and maintained in a state of operational readiness.

B. Authorized operators will be responsible for the condition and maintenance of special-purpose vehicles under their control.

V. Equipment

A. Special-purpose vehicles will be outfitted with special equipment necessary to complete the vehicle’s function.

B. Commanders will keep a listing of equipment, if any, to be kept in or on the vehicle.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include: #87-00, #13-10, and #48-17.

I. CALEA Accreditation Standards

A. Relevant CALEA Accreditation Standards include 41.1.3.

VEHICLES – OFFERED FOR SALE ON PRIVATE LOTS

POLICY:

It is the policy of the Omaha Police Department (OPD) to assist the City of Omaha’s Planning Department, Permits and Inspections Division with enforcement of Nebraska Revised Statutes (NRS) §60-1401 through §60-1440 relating to vehicles offered for sale on private lots and Chapter 55 of the Omaha Municipal Code.

PROCEDURE:

I. Unlicensed Sales of Vehicles

A. It is a violation of NRS §60-1401.07 to privately sell more than eight vehicles per year without an appropriate dealer license issued by the State of Nebraska (NE) Motor Vehicles Division.

B. It is a violation of City Ordinance to sell vehicles on a lot that is not zoned with the proper Certificate of Occupancy.
II. Enforcement

A. OPD officers are not responsible for enforcement of City of Omaha zoning ordinances or NE Department of Motor Vehicles dealer licensing violations.

B. OPD officers who observe or are dispatched to calls for service concerning violations shall complete an Information Report (OPD Form 42).

   1. Officers shall forward one copy of the Information Report (OPD Form 42) to the City of Omaha’s Planning Department, Permits and Inspections Division.

   2. The Information Report (OPD Form 42) will include the following:

      a. Specific address where the vehicle is offered for sale.

      b. Name of the property owner.

      c. Manner in which the vehicle is offered for sale.

      d. Any other identifying information, such as telephone numbers or names placed on the "For Sale" sign.

REFERENCES:

I. Laws

   A. Nebraska Revised Statutes §60-1401 through §60-1440 and Chapter 55 of the Omaha Municipal Code.

II. Previous OPD Orders

   A. Previous OPD General Orders include #13-17.

   B. Previous OPD Information Orders include #219-89.

VEHICLES REPORTED STOLEN

It is the policy of the Omaha Police Department (OPD) to enforce the laws of the state of Nebraska relating to the theft of vehicles, and to work towards the retrieval and return of personal property and the apprehension of suspect(s).

DEFINITIONS:

Foreign Stolen: A vehicle reported stolen from outside of OPD’s jurisdiction.

Motor Vehicle: For purposes of this policy, “Motor Vehicle” refers to those defined by Nebraska Revised Statutes (NRS) §60-501(7).

Theft by Receiving: When a person receives, retains, or disposes of stolen movable property of another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained, or disposed with intention to restore it to the owner (NRS §28-517). This theft charge will generally result in a felony arrest.

Unauthorized Use of a Propelled Vehicle: When a person exerts unauthorized control over another’s propelled vehicle by operating it without the owner’s consent. This is a misdemeanor if it is a first or second offense; a third or subsequent offense is a felony (NRS §28-516). The suspect can either be booked or issued a citation.
PROCEDURE:

I. General

A. Officers will complete an Incident Report to document the stolen vehicle in all cases that meet the criteria for stolen vehicles or Unauthorized Use of a Propelled Vehicle.

B. Some reporting considerations apply to trailers and/or vehicles on trailers as follows:

1. If any property is contained in, or on, a stolen trailer, the property will be listed as missing items in the Incident Report.

2. Trailers attached to a vehicle will receive the same RB number as the vehicle to which it was attached.

C. Multiple vehicles and/or trailers can be included on a single Incident Report with the same RB number if the victim is the same.

NOTE: The Data Center will designate a separate number for each vehicle/trailer when the information is entered into NCIC.

D. In cases of vehicles left unattended, the following procedures apply:

1. If the vehicle was left unattended on a highway (i.e. street/roadway) at the time of the theft and the keys were left in the ignition, the officer may issue a citation to the vehicle owner for violation of "Unattended Motor Vehicles" (NRS §60-6,168).

NOTE: NRS §60-6,168 does not apply to vehicles left unattended parked on private or quasi-private property (i.e. gas station or apartment parking lot, private driveway, etc.).

E. When a vehicle needs to be towed in relation to a criminal investigation, the Criminal Investigations Bureau (CIB) will be consulted to determine what, if any, special procedures must be followed (i.e. "hands-off" tow, "third party" tow, etc). See the OPD “Towing – Recovered Stolen Vehicles” policy for additional procedures.

II. Reporting Procedures

A. Reporting officers will obtain all available information including the license plate number and VIN Number when they complete the Incident Report.

1. Normally the license plate number and VIN can be obtained from the OPD Information Channel or via the Mobile Data Computer (MDC) if the reporting party is unable to provide them.

B. Officers who complete an Incident Report to document a vehicle taken during a robbery will select the appropriate checkbox on the Incident Report.

NOTE: If the offense was a “carjacking,” officers must be certain to document the offense as both a Stolen Vehicle and a Robbery in the Incident Report.

C. Officers will convey information to 911 Dispatch as soon as feasible that would be needed by 911 in order to make a broadcast.

1. 911 Dispatch will record this information for a broadcast and later use if needed. The victim’s current home and work phone numbers should also be provided to 911 when possible.
D. The Incident Report notification will automatically be sent to both the OPD Data Center (for NCIC and Mainframe entry) and the Vehicle Impound Unit when the report is submitted by the officer.

E. Copies of the Incident Report will be forwarded to the OPD Auto Theft Unit by the Data Center personnel after entry into the Douglas County and NCIC systems.

F. When a suspect is arrested for possession of a vehicle stolen or questionable stolen officers will complete an OPD Supplementary Report.

G. Officers will use PortalONE to submit a Recovered Impound Report when they submit a recovered stolen vehicle, in order to make certain of the timely removal of the stolen from NCIC.

III. Attempted Stolen Vehicles

A. In accordance with the Uniform Crime Reporting procedures, an Incident Report will be completed when a steering column is cracked or broken, and/or an ignition switch is punched.

   1. This type of damage indicates there was an attempt to steal the vehicle. When officers complete the Incident Report they will select the offense of “Attempted Motor Vehicle Theft.”

B. If there is no damage to a vehicle but an attempt to steal the vehicle was clearly made, the offense will be considered a valid “Attempted Motor Vehicle Theft” for purposes of reporting, charging, etc.

C. A Recovered Vehicle Report will not be required in cases of an Attempted Motor Vehicle Theft.

IV. Questionable Stolen Vehicles – Unauthorized Use

A. Officers may be dispatched to take reports when vehicles are taken by someone known by the owner such as a relative, employee, or acquaintance.

B. This type of situation is covered by NRS §28-516, “Unauthorized Use of a Propelled Vehicle,” and suspects will be cited or booked accordingly.

C. Reports of “Unauthorized Use of a Propelled Vehicle” will be documented on an Incident Report.

   1. Officers will select the “Questionable Stolen Vehicle” box on the Incident Report.

   NOTE: The Data Center will not enter questionable stolen vehicles in NCIC/NCIS.

D. Reporting officers will contact 911 Dispatch by telephone to give the broadcast information for a “Stop and Check” on the vehicle.

E. Questionable stolen vehicle Incident Reports will be forwarded to the appropriate CIB Unit via normal distribution.

F. If an officer recovers a questionable stolen vehicle, it will be towed to the OPD Vehicle Impound Unit lot and an OPD Recovered/Impounded Vehicle Report (OPD Form 202) will be completed.

   1. If a questionable stolen vehicle is occupied at the time of recovery, officers will arrest those who are driving or in control of the vehicle, when appropriate. In this instance, officers will complete an OPD Supplementary Report to document the identifying
information of the person who was driving or in control of the vehicle at the time it was recovered.

2. The officer will contact the Auto Theft Unit and inform them of the recovery of the vehicle.

V. Foreign Stolens

A. When a Foreign Stolen is located by OPD officers and is occupied, the initiating officer must conduct an investigation to ascertain if the person in possession of the vehicle is doing so lawfully.

B. If the occupant is in unlawful possession of the vehicle at the time of recovery, officers will complete an OPD Recovered/Impounded Vehicle Report, book and/or cite suspects as appropriate, and complete Supplementary Reports (OPD Continuation/Supplementary Report, Form 200A) as needed to document the Foreign Stolen vehicle possession.

1. The vehicle owner’s information shall be thoroughly documented in the reports.

C. Initially, officers must verify the vehicle is in fact stolen via the OPD Information Channel. Officers will obtain the following from the Information Channel Operator(s) as listed in the original report from the outside agency:

1. The name of the victim.

2. The originating agency.

3. The original report number from the originating agency.

4. The date of the original stolen vehicle report.

NOTE: In the event the NCIC Hit does not provide this information, officers will indicate this in their reports. If needed, the Auto Theft Unit will complete any additional follow up.

D. The initiating officer will utilize the victim information obtained from the OPD Information Channel to complete the Recovered/Impounded Vehicle Report (OPD Form 202) and any additional reports.

1. When feasible, the initiating officer will obtain copies of reports from the originating agency to include in arrest packets.

E. Suspects in these types of crimes can be cited or booked for either “Theft by Receiving” or “Unauthorized Use of a Propelled Vehicle.”

VI. Leased/Rented Vehicles

A. Failure to return a rented or leased motor vehicle is not a crime until seventy-two (72) hours after the rental/leasing agency has made a written demand by certified mail for return of the vehicle.

B. After seventy-two (72) hours, the rental/leasing agency must provide evidence of their written demand for the return of the vehicle in order for officers to begin investigation.

VII. Computer Records on Stolen Vehicles

A. Officers can check for a stolen vehicle via one of the following methods:

1. Contact 911 Dispatch for a “rolling” stolen.
2. Contact the OPD Information Channel to request an NCIC search.

**NOTE:** If officers are checking for a stolen vehicle without license plates but with a Vehicle Identification Number (VIN) they can contact the OPD Information Channel and provide the description of the suspect vehicle and VIN. The Information Channel Operator can search NCIC using the VIN.

– OR –

3. Utilize their MDC to check for the stolen vehicle.

VIII. Stolen Vehicle License Plates

A. One (1) plate missing from a vehicle will be classified as "Missing Property."

**EXCEPTION:** If a vehicle with only one plate required by law (i.e. motorcycle or trailer) is missing one plate, the offense will be classified as “Theft-Vehicle Parts."

B. Two (2) plates missing from a vehicle, simultaneously, will be classified as "Theft-Vehicle Parts."

C. When officers discover stolen license plates attached to a vehicle that is not stolen, officers will remove the license plates and book the plates into the OPD Evidence and Property Unit, per OPD policies and procedures.

IX. Obtaining a Motor Vehicle Through Fraud or Forgery

A. If an individual obtains a motor vehicle by using a forged check, stolen check, stolen credit card, or by any other fraudulent means, reporting officers will complete an Incident Report for the stolen vehicle.

B. If an individual obtains a motor vehicle and discovers that the title has been forged, the reporting officer will prepare an Incident Report for forgery of an auto title. A description of the vehicle will be documented in the Incident Report.

REFERENCES:

I. Laws

A. NRS §28-516, 28-517, 60-501, and 60-6,168 are referenced in this policy.

II. Previous OPD Orders


B. Previous OPD Information Orders include #353-98 and 32-03.

**VICTIM/WITNESS ASSISTANCE DURING ORIGINAL INVESTIGATIONS**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to provide victim/witness assistance information during the original investigation of a crime.
PROCEDURE:

I. Incident Reporting

A. When possible, officers who complete an Incident Report (PortalOne/OPD Form 189) will provide the following to victims, preferably at the scene:

1. A copy of the pamphlet titled “The Voice of the Victim-Witness Can Make A Difference” (OPD Form 51).

2. The RB number for the original Incident Report.

B. All witnesses will be asked if they are interested in victim/witness services and will be provided with a pamphlet if they wish to receive one. The pamphlet contains information concerning counseling, medical attention, compensation programs, general assistance, and victim advocacy.

C. When completing an Incident Report (PortalONE/OPD Form 189), officers shall select the “Victim/Witness” in the Incident Report drop down menu labeled “Advised of Procedure For” to indicate the pamphlet was provided to all victims and interested witnesses.

D. Any victim or witness who expresses fear of threat, harassment, or intimidation from the suspect, the suspect’s acquaintances, or family members will be advised of options available such as protection orders and restraining orders.

   1. Protection Order Wallet Cards (OPD Form 52 and 52S) will be distributed to all interested victims and witnesses.

E. Telephone Report Squad employees who make original reports will advise victims and witnesses that assistance is available by contacting the Omaha/Douglas County Victim Assistance Unit (O/DCVAU) at 402-444-4597.

   1. The “Victim/Witness” field in the Incident Report (PortalONE/OPD Form 189) drop down menu labeled “Advised of Procedure For” will be selected to indicate this information was provided.

F. The O/DCVAU will be responsible for mailing materials to victims or witnesses who request them. The Unit may be reached at 402-444-4597, and voice messaging is available for twenty-four hour access.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #111-95, #19-15, and #127-16.

II. Accreditation Standards

A. Relevant CALEA Accreditation Standards include the following: 55.1.1 and 55.2.3.

VIP SECURITY/POLICE ESCORTS

POLICY:

It is the policy of the Omaha Police Department (OPD) that the OPD will provide non-emergency police escorts as appropriate, provide security for approved VIPs, and assist other agencies in their assigned security missions while approved VIPs are in the City of Omaha. Furthermore, it is the policy of the OPD that only the Chief of Police or designee shall approve VIP protection operations.
DEFINITIONS:

VIP: A “very important person,” dignitary, famous personality, notorious person, or any other person who may potentially need special security.

VIP Security Coordinator: The OPD commander designated by the Chief of Police to coordinate the agency’s VIP protection response. This will normally be the Traffic Unit commander.

PROCEDURE:

I. VIP Security - General Information

   A. When requested by a state or federal law enforcement agency, or when necessary to serve the operational needs of the Department, the OPD may assist with VIP protection.

   B. All VIP security requests shall be routed through the Office of the Chief of Police or for approval and assignment of a VIP Security Coordinator.

   C. Once a request is approved, coordination of VIP security services will be the responsibility of the assigned VIP Security Coordinator. The VIP Security Coordinator will determine appropriate staffing and equipment needs based on budget constraints, outside support, threat assessment, and benefit to the community.

II. VIP Security Planning

   A. Planning for a VIP protection assignment will include, at a minimum, the following:

      1. The VIP Security Coordinator will coordinate and supervise VIP protection assignments.

      2. The VIP Security Coordinator will determine equipment requirements, including vehicles, weaponry for officers, and required body armor for the person being protected and officers assigned to the detail.

      3. Planning of primary and secondary travel routes will be coordinated with the requesting agency and the OPD, Traffic Unit, and respective precinct commanders.

      4. If requested by the VIP Security Coordinator, threat assessment and intelligence gathering will be the responsibility of either the requesting agency or the Criminal Investigations Bureau.

      5. The VIP Security Coordinator will be responsible for coordinating support and ancillary units from both within and outside the OPD.

      6. The VIP Security Coordinator will ensure that the designated trauma center for the day has been identified, designated pre-planned routes to the trauma center are identified, and appropriate medic units are available if needed.

      7. The VIP Security Coordinator will ensure that communication for police employees and external agencies is coordinated.

      8. Armed law enforcement personnel assigned to the protective detail will be identified by either uniform or other identifier authorized and designated by the requesting agency, or the OPD.

   B. If necessary, VIP Security Coordinator will establish coordination and communication with the designated contact person from the requesting law enforcement agency.
III. Non-Emergency Police Escorts

A. Requests for non-emergency escorts of public officials, dignitaries, funerals, oversized vehicles, or hazardous or unusual cargo will be directed to the Traffic Unit Commander for approval.

B. If approved, the Traffic Unit will coordinate and oversee the police escort.
   1. The Traffic Unit may request assistance from the Uniform Patrol Bureau as necessary.

C. Non-emergency police escorts will be carried out in a safe manner with as little disruption to the public as possible.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #93-95, #26-96, #39-00, #123-16, and #46-17.

II. Accreditation Standards

A. CALEA Accreditation Standard 46.2.6 is relevant to this policy.

VOLUNTEER ORGANIZATIONS – CITIZEN CORPS

POLICY:

It is the policy of the Omaha Police Department (OPD) to participate in Citizen Corps, a volunteer organization that creates an avenue for individuals to volunteer to help the community by preparing for and responding to emergencies. The Citizen Corps program is being developed throughout our country as part of Homeland Security.

PROCEDURE:

I. Objectives

A. The Tri-County Citizen Corps is comprised of the leaders of COPS (Citizens in Omaha Police Service); Neighborhood Watch; OCCP (Omaha Coalition of Citizen’s Patrols); CERT (Community Emergency Response Teams); and MRC (Medical Reserve Corps).

1. Other volunteers, as well as non-volunteer organizations, are invited to sit on the Citizen Corps Council as affiliates.

B. The objectives of the Citizen Corps program include:

A. Responding to and assisting wherever necessary in the case of a disaster at the request of first responders.

2. Recruiting volunteers for tasks.

3. Promoting Citizen Corps programs, such as Neighborhood Watch, COPS, OCCP, CERT, and MRC.

4. Developing creative practices to share with other Citizen Corps.

II. Coordination

A. A designated NSU Sergeant will:
1. Serve as the OPD’s contact person for the Citizen Corps.

2. Identify and manage the training of volunteers for police-related programs (COPS, Neighborhood Watch, and OCCP).

**NOTE:** The designated NSU Sergeant may take on additional functions for the Citizen Corps if voted to do so.

B. The Coordinator of Volunteers (COV) will serve as the representative for Volunteers in Police Service (VIPS).

III. Screening

A. The OPD recognizes the need to screen volunteers who will be working directly with police employees in the event of a disaster.

1. New volunteers will sign a permission sheet at training, and a background check will be completed by the NSU.

2. A local check will be all that is required.

B. Since each program of the Citizen Corps Council performs independently of the others and performs different functions, screening will differ slightly for each program.

1. COPS Program: The COV will be responsible for having background checks completed per existing OPD policy.

2. Neighborhood Watch Program: Neighborhood Watch volunteers do not require specific training and, at this time, will not be called to work directly with the OPD.
   a. No background check will be needed unless they are CERT, OCCP, or MRC volunteers also.

3. MRC/OCCP/CERT: Omaha/Douglas County MRC, OCCP, and CERT programs require that background checks be completed for volunteers for the purposes of working directly with the OPD. This check is not intended to stop anyone from receiving disaster preparedness training.

   **NOTE:** Each of the Citizen Corps programs will be responsible for its own policy for normal, everyday functions that do not involve OPD.

C. A database will be kept of all MRC/OCCP/CERT volunteers who have had a background check completed.

1. Background checks will be completed per OPD policy for existing members to make certain that new issues have not arisen.

2. The designated NSU Sergeant will be required to make certain that all required background checks have been completed and maintain the database so that it is available to the precincts.

3. The designated NSU Sergeant will maintain a permanent record of all data checks run on volunteers.

D. If required, OPD parking permits, identification passes, and building proximity cards will be issued according to the procedures in the OPD “Organizational Function – Volunteers” and “Police Facilities – Police Headquarters Security” policies.
E. Potential or existing Citizen Corps volunteers who meet any of the below listed criteria, shall not be allowed to participate with the OPD in this program:

1. Any felony Crime Against Person conviction.
2. Any felony conviction within the last five years.
3. Board of Mental Health Committals.
4. Conviction for Resisting Arrest within the last ten years.
5. Conviction for Assault on a Peace Officer.
6. Two or more convictions of Assault within the past five years.
7. Two or more convictions of DUI within the past five years.
8. Conviction for CCW within the past five years.
9. Currently under Court Jurisdiction.
10. Any pending charge for a Class I misdemeanor or above.
11. Conviction of any sex offense.
12. Any criminal record judged to be detrimental to the goals and objectives of the OPD.

F. The designated NSU Sergeant will notify the leader of the individual Citizen Corps programs (OCCP, CERT, MRC) of any person meeting the above criteria.

1. No specifics will be given for the reasons for denial.
2. The person that is denied will be referred to the designated NSU Sergeant if there are specific questions.

IV. Police Personnel Processing Point Procedures

A. The OPD, in partnership with the Tri-County Citizen Corps, has established a task list for volunteers who will report exclusively to a Police Personnel Processing Point.

B. Some volunteers will have specialized training and special identification badges, while other volunteers may have less specialized training.

C. A designated NSU Sergeant will:

1. Staff the Police Personnel Processing Point.
2. Be the liaison with the Emergency Operation Center (EOC); Law Enforcement Operation Center (LEOC); OPD Field Command; OMMRS; United Way; and field volunteers.
3. Facilitate education and training of Police volunteers from the Omaha/Douglas County Citizen Corps.
4. Facilitate protocol for the Police Personnel Processing Point and police volunteer inoculation.
I. Previous OPD Orders
   A. Previous OPD General Orders include #33-03, #20-06, #38-14, and #38-16.

II. CALEA Accreditation Standards
   A. Relevant CALEA Accreditation standards include the following: 45.2.1.

---

VOLUNTEER ORGANIZATIONS – HANDICAPPED PARKING ENFORCEMENT PATROL PROGRAM

POLICY

It is the policy of the Omaha Police Department (OPD) to utilize the Handicapped Parking Enforcement Patrol Program (also known as the HCPP) to enforce City ordinance and State statutes pertaining to handicapped parking enforcement laws.

DEFINITIONS:

Handicapped or Disabled Person: Any individual with a severe visual or physical impairment that limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device; any individual whose personal mobility is limited as a result of respiratory problems; any individual who has a cardiac condition to the extent that their functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association; and any individual who has permanently lost all or substantially all of the use of one or more limbs (NRS §60-331.02).

Handicapped or Disabled Parking Permit: A permit issued by the department that authorizes the use of parking spaces and access aisles that have been designated for the exclusive use of handicapped or disabled persons (NRS §60-331.01).

PROCEDURE:

I. Organization
   A. The Handicapped Parking Enforcement Patrol Program (also known as the HCPP) is a volunteer organization made up of trained citizens who have limited authority to enforce City ordinance and State statutes pertaining to the enforcement of handicapped parking laws.

   **NOTE:** HCPP positions are not sworn law enforcement positions. HCPP volunteers shall not represent themselves as sworn law enforcement officers.

   B. The OPD Neighborhood Services Unit (NSU) will oversee the HCPP with the assistance of the OPD Coordinator of Volunteers (COV).

II. Selection and Recruitment
   A. The COV will be responsible for the selection and recruitment of volunteers to serve as volunteers for the HCPP.

   B. In order to be selected as an HCPP volunteer, an individual shall meet the following criteria:

      1. Be 21 years of age or older.
      2. Pass a criminal history check and have a completed application on file.
NOTE: HCPP volunteers will be required to pass a criminal history check annually in order to remain in the program.

3. Possess or have access to transportation.
4. Be willing to serve without pay or reimbursement for expenses.
5. Successfully complete all required OPD training.

III. Training

A. HCPP volunteers shall successfully complete training provided by the OPD NSU prior to executing any of their duties on behalf of the OPD.
   1. The COV will coordinate any follow-up training as needed.

IV. Equipment

A. The NSU and/or COV will be responsible for assigning a book of Super Citations (The State of Nebraska Uniform Citation and Complaint form) to each HCPP volunteer who successfully completes the training.
   1. Volunteers may request additional books from the COV as necessary.
B. The COV will work with the Fleet and Facilities Unit to provide HCPP volunteers with a photo ID badge.
C. HCPP volunteers shall be equipped with the following while on duty:
   1. OPD issued photo ID badge.
   2. Paper Super Citations (The State of Nebraska Uniform Citation and Complaint form is the paper version of the Super Citation).
   3. Time/Activity log sheet.
D. HCPP volunteers shall dress appropriately and will prominently display their approved, laminated, photo identification card.

   NOTE: Weapons, including any impact weapons and/or chemical dispensers are prohibited.

V. Responsibilities

A. HCPP volunteers are responsible for:
   1. Enforcing violations of handicapped parking enforcement laws per the Municipal Code of the City of Omaha and Nebraska Revised Statutes.
   2. Maintaining all assigned equipment and property.
   3. Appearing in court for testimony when subpoenaed to do so.
   4. Attending training as required by the OPD.
B. HCPP volunteers shall work a maximum of 24 hours per week, and no more than eight (8) hours per day between the hours of 0600 and 2300.
1. HCPP volunteers will maintain a log of activities any time they are on patrol or writing citations and turn the logs into the COV at the end of each calendar month.

2. HCPP volunteers will show new activity each month including citations issued and time worked in order to maintain an active volunteer status and remain in the program.
   a. If an HCPP volunteer goes more than ninety (90) days without activity, they will be removed from the volunteer program and asked to turn in all assigned equipment and their identification card.

C. HCPP volunteers will complete all citations according to OPD policies and procedures.

1. HCPP volunteers will be trained to record the license number of each vehicle they contact prior to exiting their vehicle.

2. Owner information may be obtained by calling the Data Center (see Appendix A for phone number). When calling the Data Center the volunteer will:
   a. Provide their name and serial number.
   b. Request the appropriate information.
   c. Call back later if the operator is too busy.

3. Safety of the HCPP volunteer is a primary concern. In the event that a citizen is argumentative or displays behavior that may be termed abusive, the volunteer will immediately leave the area and contact 911.

4. HCPP volunteers will note any and all special circumstances on the backside of the yellow portion or “Prosecutor Copy” of the citation and if necessary draw a small diagram.

5. HCPP volunteers will turn in all citations within 48 hours of writing the citation.
   a. Citations may be dropped off at any of the four area precincts.
   b. Precinct Secretaries will forward all HCPP citations to the OPD Records Unit.
   c. The OPD Records Unit will be responsible for forwarding citations to the City Prosecutor's Office.

VI. HCPP Management

A. The COV will be responsible for:

1. Maintaining administrative records for each HCPP volunteer including each volunteer’s:
   a. Name.
   b. Address.
   c. Phone number.
   d. Number of citations written.
   e. Number of hours worked.
2. Scheduling and directing HCPP meetings.

3. Making certain all tickets and logs are properly filled out and maintained.

4. Making certain tickets are turned in on a timely basis (within 48 hours).

5. Monitoring the proficiency of the HCPP volunteers and identifying additional training needs.

6. Collecting all Monthly Activity Sheets (OPD Form 112C).

7. Making certain all HCPP volunteers undergo a criminal history check on an annual basis.

B. Procedures for removing volunteers from the HCPP are as follows:

1. The COV will review inactive volunteers to determine whether or not they should continue as volunteers or be replaced. Specifically, they will review:
   a. The number of citations issued each month.
   b. The amount of time worked each month.
   c. Whether the volunteer completed and issued citations properly.

2. The COV will be responsible for removing HCPP volunteers as appropriate from the program that have had no activity for more than 90 consecutive days.

REFERENCES:

I. Previous OPD Orders

A. Previous OPD General Orders include #56-93, 44-97, 4-00, 4-00 Supplement #1, and #14-16.

II. CALEA Accreditation Standards

A. Relevant CALEA Accreditation standards include the following: 16.4.1, 16.4.2, and 16.4.3.

VOLUNTEER ORGANIZATIONS – OMAHA COALITION OF CITIZEN PATROLS (OCCP)

POLICY:

It is the policy of the Omaha Police Department (OPD) to work with the Omaha Coalition of Citizen Patrols (OCCP) program to increase public safety and reduce crime through the use of regular citizen patrols within neighborhoods.

PROCEDURE:

I. OCCP Membership

A. All new members of the OCCP who attend the four-hour training session will be required to sign a roster sheet that gives the OPD permission to complete a background check.

   1. Background checks will be completed by the Neighborhood Services Unit (NSU).
a. A local check will normally be all that is required unless there is information that may require a wider check.

b. OCCP members will be required to undergo a criminal history check on a biennial basis.

B. Individuals who meet one or more of the following criteria shall not be eligible to participate in the OCCP program:

a. Any felony Crime Against Person conviction.
b. Any felony conviction within the last five years.
c. Board of Mental Health Committals.
d. Conviction for Resisting Arrest within the last ten years.
e. Conviction for Assault on a Peace Officer.
f. Two or more convictions of assault in the past five years.
g. Two or more convictions of DUI in the past five years.
h. Conviction for Carrying a Concealed Weapon within the past five years.
i. Currently under Court Jurisdiction.
j. Any pending charge for a Class I Misdemeanor or above.
k. Conviction of any Sex Offense.
l. Any criminal record judged to be detrimental to the goals and objectives of the OPD.

C. Individuals who are denied membership or who have their membership revoked will be referred to the NSU OCCP Liaison if there are any questions.

1. Persons who are denied membership or who have their membership revoked may appeal the decision to the NSU’s OCCP Liaison, who will make a final ruling.

D. The President of the OCCP will be notified of any member who is to be denied participation in OPD events. No specifics shall be given as to the reasons for the denial/revocation.

II. OCCP Management

A. The NSU OCCP Liaison will maintain a complete database of all OCCP members who have had background checks completed that will be kept at the NSU.

B. If required, OPD parking permits, identification passes, and building proximity cards will be issued according to the procedures in the OPD “Organizational Function – Volunteers” and “Police Facilities – Police Headquarters Security” policies.

III. Participation in OPD Operations

A. Any existing member who wishes to participate in an operation with the OPD will be required to sign a roster sheet at the precinct in which the operation is occurring that gives the OPD permission to complete a background check.
1. The roster sheet and will then be forwarded to the NSU OCCP Liaison, who will be responsible for making certain that members in need of a background check have it completed prior to participating in an operation.

REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include #14-04, #38-14, and #39-16.
WARRANTS – APPLICATIONS AND FILING

POLICY:

It is the policy of the Omaha Police Department (OPD) to apply for and file warrants in a consistent manner. OPD officers will advise citizens of procedures for obtaining misdemeanor warrants when circumstances allow.

PROCEDURE:

I. Advising Citizens of the Procedure for Obtaining a Misdemeanor Warrant

   A. Citizens shall be advised to contact the City Prosecutor’s Office to obtain a misdemeanor warrant if officers have completed the investigation to the best of their ability and have, at a minimum:

      1. Obtained the suspect(s)’s full name, date of birth, race, and sex.

      2. Documented ample information in the Incident Report to establish probable cause for the suspect(s)’s arrest, to include that the person identified is the person responsible for committing the crime.

         a. Additional identifying information that is known to the victim or the officer shall be included in the Incident Report such as the suspect(s)’s address, physical identifiers, vehicle information, and other such details.

   B. If the above criteria have been met, officers shall provide citizens with an OPD “Procedure for Obtaining a Misdemeanor Warrant Card” (OPD Form 241).

   C. If citizens are apprehensive or concerned about completing the misdemeanor warrant process, they may be referred to the Omaha/Douglas County Victim/Witness Assistance Unit for more information or assistance.

II. Felony and Misdemeanor Arrest Warrant Applications

   A. Officers shall contact the on-duty Deputy County Attorney in cases involving felonies or the City Prosecutor’s Office in cases involving misdemeanors.

      1. Officers shall present the incident to the Deputy County Attorney or the City Prosecutor, either in person or over the telephone, so that a determination can be made regarding whether or not to issue an arrest warrant.

   B. Officers who are requesting felony warrants shall prepare a Wanted (OPD Form 23) when they complete their affidavits and deliver a copy of the Wanted and affidavit to the Fugitive Squad.

      1. Pending warrants/OPD Wanteds shall be filed separately in the Fugitive Squad office pending approval of the warrants.

      2. Information shall be noted in the “Remarks” area reminding officers to advise the assigned case and Fugitive Squad officers of any information available or planned service of the warrant. This will reduce the chance of investigations being disrupted and eliminate duplication of work.

   C. If the Deputy County Attorney or the City Prosecutor agrees to issue an arrest warrant officers will prepare an Arrest Warrant Application Packet which shall include the following items:

      1. Affidavit for arrest.
NOTE: Because the Affidavit will become public information unless sealed by the Court, officers should consider documenting only the minimal amount of information or case facts needed to establish probable cause for the arrest in the Affidavit in order to prevent additional investigative information from becoming public, when feasible.

2. Arrest warrant (felony applications only).

3. Suspect’s criminal history and other supporting documents.

D. Officers will present the completed Arrest Warrant Application Packet to their immediate supervisor for review.

E. After supervisory review, felony arrest warrant applications shall be forwarded to the appropriate prosecutor through the on-duty Deputy County Attorney. Misdemeanor arrest warrant applications shall be returned to the initiating officer who shall present the warrant application to the City Prosecutor.

III. Search Warrant Applications

A. Officers seeking search warrants shall first complete an Affidavit and Application for Issuance of a Search Warrant and an actual Search Warrant.

NOTE: Because the Affidavit will become public information unless sealed by the Court, officers should consider documenting only the minimal amount of information or case facts needed to establish probable cause for the search in the Affidavit in order to prevent additional investigative information from becoming public when feasible.

B. Officers shall gather all reports regarding the incident and copies of arrest histories of all individuals associated with the location or item to be searched to form a Search Warrant Application Packet.

C. Officers shall present the Search Warrant Application Packet to their supervisors who shall review the packet to make certain it is complete.

D. The application Packet shall be returned to the initiating officer who shall then present an original and one copy of the packet, and an original and two copies of the search warrant, to a judge for signature.

IV. Requests to Seal Search Warrant and Arrest Warrant Affidavits

A. Affidavits of Probable Cause are considered public information unless they are sealed by the Court. The premature release of arrest, search, and investigatory details before critical, additional follow-up can be completed could jeopardize ongoing investigations.

B. In order to prevent investigations from being jeopardized by publicly releasing the Affidavits of Probable Cause, officers shall request the Court seal Arrest and Search Warrant Affidavits for cases of a sensitive nature by submitting a Seal Order along with the Search Warrant Affidavit or Arrest Warrant Affidavit.

NOTE: Not all cases can/will be sealed by the Court.

1. Officers shall present their Seal Order drafts/requests to their supervisor for review/approval before submission to the Court along with the Affidavit(s).

2. A Seal Order form template is available in both PowerDMS and the OPD Public Folders on Google Sites web page.
3. Cases in which it is appropriate to request a Seal Order include, but are not limited to, the following:
   a. High profile cases with heightened media interest.
   b. Cases with extensive follow-up still in progress.
   c. Cases where the information contained in the Affidavit could jeopardize the case in any manner or might identify a crucial witness.
   d. Other cases or circumstances the investigating OPD officers/supervisors deem it appropriate to request the Affidavits be sealed.

C. Cases may be unsealed by the Court at any time a judge deems appropriate, but this most often occurs after the preliminary hearing has taken place or when discovery has been ordered by the Court.

V. Filing Warrants at Central Headquarters
   A. During normal business hours the following procedures shall be followed:
      1. Warrants will be signed by a judge and available at the end of each day at approximately 1500 hours.
      2. Warrants can be obtained in the IMS/Mainframe, Justice, and NCJIS but must always be confirmed with the Information Operators.
   B. To file a warrant after hours, on weekends, and on holidays the below procedures will apply:
      1. If a warrant is obtained after regular business hours and Court personnel are unable to obtain a warrant number through regular channels, the warrant should be taken to Data Review to obtain a Temporary Warrant Number so the warrant can be entered into NCIC.
         a. A copy of this warrant will be left on the Fugitive Unit desk.
         b. The temporary warrant will be placed in a manila file folder, labeled and highlighted in red, and placed in the “TO BE FILED” box located on/near the misdemeanor and felony warrant filing cabinets to be processed the next day. The highlighted red will easily identify cases that need special attention.
      2. After the permanent warrant number is obtained during normal business hours, the temporary warrant must be cancelled. The permanent warrant number should be entered into NCIC.

NOTE: If DCDC will not book on the temporary warrant for felony charges, officers will contact OPD Regional Investigators to request approval to book on the charges listed on the warrant. The officer shall email the OPD Fugitive Squad (see PPM Appendix “A” for the email address) to inform them so the Fugitive Squad can make certain the suspect is processed appropriately the next day.

REFERENCES:

I. Previous OPD Orders
   A. Previous OPD General Orders include the following: #56-90, #24-88, #38-92, #77-92, #44-01, #111-16, and #71-17.
   B. Previous OPD Information Orders include the following: #178-89 and #77-92.
II. Accreditation Standards

A. CALEA Accreditation standards 55.2.1, 74.1.1, 74.1.3, and 74.3.1 are relevant to this policy.

WARRANTS – REQUESTS FOR ASSISTANCE FROM BAIL BONDSMEN AND BOUNTY HUNTERS

POLICY:

It is the policy of the Omaha Police Department (OPD) that, when assistance is requested by bail bondsmen/bounty hunters in the apprehension of wanted persons, to proceed in a manner consistent with federal and state law. The State of Nebraska does not recognize powers of arrest, warrantless entry, or other powers which may be granted to bail bondsmen/bounty hunters in other jurisdictions.

PROCEDURE:

I. Bail Bondsmen/Bounty Hunters NO Legal Authority in Nebraska

A. Bail bondsmen/bounty hunters have no legal standing or authority in the State of Nebraska.

B. Bail bondsmen/bounty hunters may possess certifications, authorizations, and/or licenses of various types issued by other jurisdictions. Any special powers of arrest, seizure, warrantless entry, and so forth granted the bail bondsman/bounty hunter in an outside jurisdiction are not valid in Nebraska.

C. Bail bondsmen/bounty hunters must follow all Nebraska laws related to weapons carrying, etc.

II. Requests for Assistance from Bail Bondmen/Bounty Hunters

A. Occasionally, OPD officers may receive a request to assist bail bondsmen/bounty hunters seeking to enforce a warrant from an outside jurisdiction. Assistance will be limited to the enforcement of confirmed warrants only. The OPD officer(s) providing assistance to a bail bondsman/bounty hunter shall:

1. Notify their supervisor of the request to assist the bail bondsman/bounty hunter.

2. Review the bail bondsman/bounty hunter’s valid government issued photo identification, and any other available paperwork or records presented by the individual.

3. Contact the Information Operator to confirm the warrant, whether or not the bail bondsman/bounty hunter presents a copy of a warrant.

4. Independently verify that the fugitive named in the warrant is the same individual being sought/apprehended.

5. Take the fugitive into custody following OPD arrest and booking policies and procedures.

B. Officers shall not allow a bail bondsman/bounty hunter to assist or become involved in any manner in the apprehension, detention, arrest, or transport of a fugitive. The fugitive will be the responsibility of OPD officers at all times.

REFERENCES:

I. Previous OPD Orders
A. Previous OPD General Orders include #11-12 and #82-16.

**WARRANTS – WARRANT ARRESTS BY/FOR OTHER JURISDICTIONS**

**POLICY:**

It is the policy of the Omaha Police Department (OPD) to closely cooperate with other jurisdictions and/or other law enforcement agencies with respect to warrant arrests.

**PROCEDURE:**

I. General

A. A subject may be booked at Douglas County Detention Center (DCDC) if the subject has a warrant on file with another Nebraska law enforcement agency with jurisdiction adjacent to the OPD’s.

B. If a subject has warrants on file for another law enforcement agency and also has warrants on file through OPD, the party should be booked by virtue of the OPD warrants.

C. If only an infraction accompanies a misdemeanor warrant arrest, the officer must issue a citation to the arrestee prior to booking for the misdemeanor warrant. DCDC cannot book on an infraction. Nebraska Revised Statute §29-422 (Citation in Lieu of Arrest) requires a citation in lieu of arrest for any infraction.

D. If an arrested subject is driving and the officer finds it necessary to tow the vehicle, the vehicle will be towed to the OPD Impound Lot. The arrestee and the other law enforcement agency will be advised of the location of the Impound Lot.

E. If an arrestee claims a sickness or injury during transport, the arresting officer shall use discretion in determining whether the arrestee should be taken to the hospital for treatment.

F. Officers shall advise personnel accepting/receiving custody of arrestees of any potential medical or security risk posed by the subject.

II. Misdemeanor and Felony OPD Warrant Arrests by Surrounding Nebraska Jurisdictions

A. When personnel from a surrounding jurisdiction, including La Vista, Papillion, Bellevue in Sarpy County, and Blair in Washington County, have arrested a subject named in an OPD warrant, they will be informed that they must call the OPD Customer Services Unit, Front Desk Squad.

1. The OPD Front Desk Squad shall obtain the following information from the caller:

   a. Name of the subject.

   b. Subject’s date of birth.

   c. Warrant number of the subject (if available).

   d. If the subject is already in a secure facility, or if there will be a roadside transfer.

B. The OPD Front Desk Squad personnel shall then determine if there is an active OPD warrant on the subject, based on the information communicated.

C. If there is an active OPD warrant on the subject, the Front Desk Squad personnel shall contact the appropriate OPD command officer responsible for transfer and relay on the information as follows:
1. During Business Hours: 0800 – 1400, Monday through Friday, excluding holidays: Pickup and transportation of subjects arrested by surrounding jurisdictions for OPD warrants will be coordinated by the OPD Fugitive Squad.

2. After 1400 and on weekends and holidays: Pickup and transportation of subjects arrested by surrounding jurisdictions for OPD warrants is the responsibility of the closest OPD Precinct.

D. Felony warrants are entered in NCIC / NCIS. Any notification from any jurisdiction (other than surrounding agencies) that a subject has been arrested on an NCIC / NCIS warrant entry will be handled by the OPD Fugitive Squad during normal business hours. Information received outside of normal business hours should be forwarded to the Fugitive Squad.

III. Misdemeanor OPD Warrant Arrests by Non-Surrounding Jurisdictions

A. When OPD is contacted by a non-surrounding jurisdiction/law enforcement agency and is advised the agency is holding a subject on an OPD Misdemeanor or Bench Warrant, the OPD Information Operator will conduct a local check on the party to verify if active warrants are on file.

1. If the check indicates the subject has an active OPD Misdemeanor or Bench Warrant, the Data Center Unit will physically check for the warrant in the Fugitive File or in Justice.
   a. The Data Center Unit will also verify that the warrant is still active by conducting a “Warrant Inquiry” on the computer.

2. If an active warrant is found on file, the Data Center Unit will send an NLETS message to the inquiring law enforcement agency.

B. If the inquiry identifies charges by the arresting agency against the subject, 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.

C. If the other agency advised that the subject may post bond on the OPD warrant, an NLETS message will be sent listing the amount of the bond and the date, time, and location of the court appearance if release is appropriate.

NOTE: On occasion, a Bench Warrant will specify a jail sentence and would not be bondable.

D. If OPD officers will be picking up the subject, the following procedures will apply:

1. The outside agency will be asked to house the subject until OPD Fugitive Squad or Uniform Patrol Bureau (UPB) officers are available to complete the transport.

2. In general, the OPD Fugitive Squad will only pick up prisoners who are jailed within ninety (90) miles of Omaha on an OPD Misdemeanor Warrant.

NOTE: The Special Operations Section Captain may authorize a prisoner transport beyond this limit for high-grade misdemeanors and offenses including, but not limited to: Child Abuse/Neglect, Carrying Concealed Weapon, Flight to Avoid Arrest, Protection Order Violations, Stalking, Resisting Arrest, Assault, Domestic Violence, Driving Under the Influence, and Reckless Driving.

3. If OPD Fugitive Squad personnel are not available for the transportation assignment, but it is determined the prisoner needs to be picked up, OPD Data Center Unit personnel will contact the Precinct Lieutenant responsible for the precinct nearest the requesting outside agency.
a. The Precinct Lieutenant may authorize a prisoner transport if the prisoner is within sixty (60) miles of Omaha and staffing levels and radio call load permit the assignment.

b. The Precinct Lieutenant will coordinate arrangements for the assignment with the appropriate Sergeant.

4. The date and time of OPD officers’ arrival will be sent to the outside agency in an NLETS message.

E. If Fugitive Squad or UPB officers are not available to transport the subject and the requesting jail cannot continue to house the subject, the Fugitive Squad Sergeant or respective Precinct Lieutenant will contact the Douglas County Court Duty Judge.

1. The Duty Judge will be asked for direction with respect to releasing the subject.

2. The Fugitive Squad Sergeant or respective Precinct Lieutenant will complete any necessary paperwork and fax information as necessary to comply with directions of the Duty Judge.

F. If the subject will be posting bond at the outside agency, the following procedures will apply:

1. If bond information is not on the original warrant, the OPD Data Center Unit will contact DCDC for the bond information and will send the bond information to the outside agency in an NLETS message.

2. A copy of all NLETS messages will be attached to the original warrant and sent to the OPD Fugitive Squad for final processing.

a. The Warrant Log Book entries shall be completed, per normal procedures, except that in the “Disposition” column, the agency the suspect was arrested by and where the bonding took place shall be documented.

IV. Misdemeanor and Felony Warrant Arrests for Agencies with Adjacent Jurisdiction

A. If an arrest is to be made by virtue of a warrant on file for an adjacent agency other than Douglas or Sarpy County Sheriff’s Offices, and no charges are pending for the OPD, the officer shall:

1. Confirm the warrant through the OPD Information Operator.

2. Advise the OPD Information Operator that the subject is in custody and to notify the other agency to meet the arresting officer at a prearranged location.

3. The OPD Information Operator will obtain an estimated time of arrival from the other agency and relay this information to the officer.

4. If no officers are available from the other agency, or if the estimated time of arrival is excessive, the subject shall be booked into DCDC. Officers will select “Fugitive from Justice” when booking.

B. If an arrest is to be made on a warrant for an adjacent jurisdiction agency (other than Douglas or Sarpy County Sheriff’s Offices), and there are new OPD charges, the officer shall book the subject on the OPD charges, per the OPD “Booking – General Procedures” policy.

1. Once the subject is booked and in DCDC custody, DCDC will make arrangements to transport the subject to the other agency at a later time if/when appropriate.

V. Warrant Arrests on Felony and Misdemeanor Douglas County Sheriff’s Office Warrants
A. If the subject has a warrant on file with the Douglas County Sheriff’s Office (DCSO), the subject shall be booked on the actual warrant and not as a “Fugitive from Justice.”

B. The arresting OPD officer shall contact the DCSO Dispatch at and obtain a SR number prior to booking.
   1. SR numbers are not needed for the arrest of subjects only on Warrants of Arrest and Order of Commitment (Capias Mittimus).
   2. Upon arrival at DCDC, DCDC staff will verify and locate the warrant once it has been booked.
   3. The DCSO District Number, “52,” will be used for DCSO warrants booked by OPD officers.
   4. The first arresting officer will be listed as “Serial #S002” to force the system to generate a Sheriff’s booking.
   5. The arresting OPD officer will be listed as “Arresting Officer #2.”
   6. Copies of the Record of Arrest will be placed in the DCSO mail tray for pick up.

VI. Warrant Arrests on Sarpy County Sheriff’s Office Felony and Misdemeanor Warrants

A. Frequently, Sarpy County Sheriff’s Office (SCSO) does not have deputies available to meet Omaha officers who have arrested individuals on Sarpy County warrants.

B. If an OPD officer makes an arrest by virtue of a Sarpy County felony or misdemeanor warrant, the officer will request the OPD Information Operator to contact Sarpy County Communications to determine if a deputy is available to meet the OPD officer(s) and assume custody of the arrestee.

   1. If OPD officers are advised that no Sarpy County deputy is available, they may transport the arrestee to DCDC and will select “Fugitive from Justice” when booking.
   2. If it would be more expedient, OPD officers may transport the arrestee to the rear entrance of the Sarpy County Law Enforcement Center at South 84th Street and Highway 370 and transfer custody directly to the Sarpy County Sheriff’s Office.

      a. Upon arrival at the rear entrance to the Sarpy County Law Enforcement Center, OPD officers will be required to identify themselves via the intercom system.

VII. Warrant Arrests for Other Outside, Non-Adjacent Jurisdictions

A. Officers who arrest a Fugitive from Justice shall confirm the NCIC / NCIS hit, as well as the warrant itself, and will provide confirmation to DCDC staff.

   1. If the arrestee is the subject of an In-State Warrant (not from an adjacent jurisdiction, the DCSO, or the SCSO), and there are no new charges, DCDC will hold the fugitive for the other jurisdiction.

      a. OPD officers shall complete a Booking/Arrest Report.

          (1) Officers shall select “Warrant Only” and then enter “Hold For In-State Warrant” in the “Warrant # Offense” Field.
2. If the arrestee is the subject of an Inter-State Warrant (i.e., a warrant from a State other than Nebraska), and there are no new charges, the officer shall book the arrestee as a “Fugitive from Justice.”
   a. Officers shall leave a copy of the Record of Arrest in the Fugitive Squad mail tray at OPD Central Headquarters on the Fourth Floor.

3. If the arrestee is the subject of an Inter-State Warrant (i.e., a warrant from a State other than Nebraska), and there are new local charges, DCDC will contact the OPD Fugitive Squad to book the subject.
   a. 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.
   b. DCDC will place a “hold” on the fugitive until the local charges have been satisfied.

REFERENCES:

I. Nebraska Revised Statutes
   A. NRS §29-422 and 29-742 are referenced in this policy.

II. Previous OPD Orders
   A. Previous OPD General Orders include #16-79, 23-91, 2-97, 19-04, 43-00, 8-12, 43-12, 6-14, and 112-16.

III. Accreditation Standards
   A. CALEA Accreditation standards 1.2.5, 70.1.6, 70.5.1, 74.1.3, and 74.3.1 are relevant to this policy.

WEAPONS - ATF VIOLENT FELON FILE

CONFIDENTIAL INFORMATION: THIS POLICY IS CONFIDENTIAL IN ITS ENTIRETY.
WEAPONS – CONCEALED HANDGUN PERMITS (CHP)

PREAMBLE:

This policy describes encounters with individuals who hold a valid permit issued under the Nebraska Concealed Handgun Permit Act if the only weapon in their control is a concealed handgun. This policy does not apply to encounters with individuals carrying illegally concealed weapons. For procedures regarding encounters with individuals carrying illegally concealed weapons, please see the “Weapons Offenses – Booking and Charges” policy.

POLICY:

It is the policy of the Omaha Police Department (OPD) to respect the rights of Concealed Handgun Permit (CHP) holders and uphold the laws established under the Nebraska Concealed Handgun Permit Act. Nothing in this policy applies to the Open Carry of firearms.

DEFINITIONS:
Concealed Handgun: A handgun that is totally hidden from view. If any part of the handgun is capable of being seen, it is not a concealed handgun.

Concealed Handgun Permit (CHP) Holder: An individual holding a current and valid permit to carry a concealed handgun issued pursuant to the Nebraska Concealed Handgun Permit Act.

Emergency Services Personnel: A volunteer or paid firefighter or rescue squad member or a person licensed to provide emergency medical services.

Handgun: Any firearm with a barrel less than sixteen inches in length, or any firearm designed to be held and fired by the use of a single hand.

Official Contact: Any time an officer personally stops, detains, questions, or addresses a CHP holder for an official purpose or in the course of the officer’s duties.

Valid Identification: A driver’s license, state identification card, or military identification card.

PROCEDURES:

I. Contacts with Concealed Handgun Permit (CHP) Holders

A. When an officer makes official contact with a CHP holder who is carrying a concealed handgun, the permit holder is required to immediately inform the officer that they are carrying a concealed handgun. A CHP holder who makes this advisement has not broken the law, and officers shall respect the CHP holder’s rights.

1. The officer may secure the handgun or direct that it be secured for the duration of the contact if the officer can articulate an officer safety concern.

   a. The CHP holder is required by state law to submit to the officer’s order to secure the handgun.

   b. The simple lawful possession of a firearm by a CHP holder will not normally be sufficient reason for an officer to take and secure a firearm.

2. The officer shall instruct the CHP holder to display their concealed handgun permit and valid identification.

   a. The CHP holder is required by state law to display both their concealed handgun permit and valid identification when asked to do so by a police officer.

3. If an officer has secured a CHP holder’s firearm for officer safety reasons, the officer shall return the firearm upon conclusion of the official contact when no criminal or statutory violations have been identified.

   NOTE: In accordance with standard firearms safety guidelines, an officer may remove the ammunition from the firearm prior to passing it back to the CHP holder.

B. The State of Nebraska recognizes concealed handgun permits from certain other states. The Nebraska Attorney General’s office will maintain a list, published annually, of states with CHPs that are recognized by the State of Nebraska.

1. Officers shall treat a valid CHP holder from one of these recognized states just as they would treat a citizen holding a Nebraska-issued CHP.

2. CHP holders from these states are required to abide by Nebraska state law when carrying a concealed firearm within Nebraska’s borders.
C. If, for any reason, an officer takes possession of a CHP holder’s handgun for safekeeping by the Evidence/Property Unit, the CHP holder shall be provided with a completed Nebraska State Patrol Secured Handgun Receipt.

1. Officers who take possession of a CHP holder’s handgun shall complete an Information Report and forward it to the Firearms Squad via email or PortalOne. The Information Report shall detail the circumstances under which the officer took possession of the firearm.

2. Examples of circumstances under which an officer may take possession of a CHP holder’s handgun include a medical emergency or a violation of the Nebraska Concealed Handgun Permit Act.

II. Concealed Handgun Permit (CHP) Holder Criminal Violations.

A. Failure to carry permit and identification.

1. NRS § 69-2440(1) requires CHP holders carrying a concealed handgun to carry their CHP and valid identification, and to display these documents to a police officer upon request.

B. Failure to notify.

1. NRS § 69-2440(2) requires CHP holders to immediately notify a police officer or emergency services personnel, upon official contact, that they are carrying a concealed handgun.

2. If the CHP holder is incapacitated or otherwise unable to give notification, the CHP holder would not be in violation of this section.

C. Failure to surrender/secure firearm.

1. NRS § 69-2440(3) requires CHP holders to surrender or secure their firearm pursuant to a request from a police officer or emergency services personnel.

D. Prohibited locations.

1. NRS § 69-2441(1-4) provides a list of locations where CHP holders are restricted from carrying concealed handguns. These locations include:

   a. Police, Sheriff, or Nebraska State Patrol stations or offices.

   b. Detention facilities, prisons, or jails.

   c. Courtrooms or buildings which contain a courtroom.

   d. Polling places during a bona fide election.

   e. Meetings of the governing body of a county, public school district, municipality, or other political subdivision.

   f. Meetings of the Legislature or committees of the Legislature.

   g. Financial institutions.

   (1) Security personnel with a valid permit are exempted.

   h. Professional or semi-professional athletic events.
i. Buildings, grounds, vehicles, athletic events, or any sponsored activities of any school.

j. Places of worship.
   
   (1) Security personnel with a valid permit are exempted.

k. Hospitals, emergency rooms, or trauma centers.

l. Political rallies or fundraisers.

m. Establishments having a license issued under the Nebraska Liquor Control Act that derive more than one-half of their total income from the sale of alcoholic liquor.
   
   (1) This is intended to encompass bars, not restaurants.

n. Places where possessing or carrying a firearm is prohibited by state or federal law.

o. Places or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permit holders from carrying concealed handguns into or onto the place or premises.
   
   (1) The business must have posted a conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or have made a request, directly or through an authorized representative or management personnel, that the CHP holder remove the concealed handgun from the place or premises.

   (2) If a CHP holder carries a concealed handgun in a vehicle or on their person while riding in/on a vehicle into or onto any parking area used by a prohibited location, the CHP holder is not in violation of this section if:

   (a) The parking area is open to the public.

      – AND –

   (b) Prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle.

   NOTE: This does not apply to any parking area used by a prohibited location when carrying a concealed handgun into or onto such parking area is prohibited by federal law.

E. Intoxication.

1. NRS § 69-2441(5) prohibits CHP holders from carrying a concealed handgun while consuming alcohol or having alcohol or a controlled substance in their blood, urine, or breath.
2. A CHP holder does not violate this subsection if the controlled substance in their blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

III. Concealed Handgun Permit (CHP) Revocation

A. If any officer has reason to believe a CHP holder is in violation of the requirements provided in the Nebraska Concealed Handgun Permit Act, that officer shall notify the Firearms Squad via an Information Report sent by email or PortalOne.

1. The Information Report shall list the CHP state of issue and details of the potential violation.

B. Upon receipt of the Information Report, the Firearms Squad shall review the details provided, investigate the claims made, and, if warranted, complete and submit an application to the appropriate State to have the CHP holder’s permit revoked.

NOTE: Only officers assigned to the Firearms Squad are authorized to submit an application for CHP revocation.

REFERENCES:

I. Laws

A. The Nebraska Concealed Handgun Permit Act (NRS § 69-2427 – 2449) is referenced in this policy.

II. Previous OPD Orders

A. Previous OPD General Orders include #1-17.

WEAPONS OFFENSES – BOOKING AND CHARGES

PREAMBLE:

This policy is relevant to encounters with individuals carrying weapons illegally. This policy does not apply to encounters with Concealed Handgun Permit (CHP) holders if the only weapon in their control is a legally concealed handgun. Procedures regarding encounters with CHP holders are located in the “Weapons – Concealed Handgun Permits” policy.

POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce weapons laws in a manner that increases public safety. To achieve this goal, officers will PHYSICALLY ARREST AND BOOK suspects for the charge of Carrying a Concealed Weapon (CCW) in both felony and misdemeanor arrest situations, in addition to booking suspects for other appropriate weapon charges.

DEFINITIONS:

Air Gun: Any variety of pneumatic weapon (such as a pellet gun, BB gun or dart gun) that propels projectiles by means of compressed air or other gas.

Firearm: Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon (state statute); or any instrument which releases a projectile by means of an explosive charge (city ordinance).

Handgun: Any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand.
Knife: Any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds.

Knuckles or Brass/Iron Knuckles: Any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in knuckles.

Machine Gun: Any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

Paint Ball Gun: Any gun which releases a paint ball propelled by spring mechanism or compressed gas.

School: A public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in NRS § 326-1603, a community college, a public or private college, junior college, or a university.

Short Rifle: A rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

Short Shotgun: A shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Stun Gun: Any hand-held electronic device that is powered by an internal power source, such as batteries, and that is capable of introducing an electrical current into the body of a person which when introduced shall be capable of disrupting a person's central nervous system and rendering him/her temporarily incapable of normal functioning. The electrical current may be introduced into the body from fixed electrodes on the electronic device and/or one or more electrodes attached to a length of wire and which, upon being fired from a firearm or mechanical device, strikes the human body.

Weapon: A firearm, stun gun or any instrument the use of which is intended or likely to cause death or bodily injury.

PROCEDURE:

I. Carrying a Concealed Weapon (CCW) (NRS § 28-1202)

   A. When an officer has reason to charge someone with Carrying a Concealed Weapon (CCW), the officer shall PHYSICALLY ARREST AND BOOK that person on the charge of CCW if the elements meet the criteria established under NRS § 28-1202.

      NOTE: This in no way changes the policy of lodging a felony charge wherever possible in weapons charges. This simply means if no felony charges are possible, then the misdemeanor charge will result in physical arrest and booking.

   1. The officer shall check via the OPD Information Channel to determine if the suspect has any prior CCW convictions, if the weapon(s) is/are stolen, and if there is any other reason to book the suspect. The officer then has two (2) options:

      a. Arrest and book the suspect for CCW and any other applicable charges.

      NOTE: City of Omaha Ordinance § 20-192 does not allow for felony enhancement of subsequent arrests and shall not be used to book a suspect for CCW when NRS § 28-1202 is applicable.

   -OR-
b. If the suspect was engaged in lawful activity, and there are no other charges on which to book the suspect, the suspect may be released.

(1) Per NRS § 28-1202(1)(b), it is an affirmative defense if the defendant was engaged in any lawful activity at the time they were carrying the weapon(s) and the circumstances in which they were placed at the time were such that a prudent person would be justified in carrying the weapon(s) for defense of their person, property, or family.

(2) If the officer cannot determine the lawfulness of the suspect’s activities, or the activities’ lawfulness is questionable, the officer should book the suspect for CCW and advise the suspect to inform the prosecutor of the affirmative defense.

B. No Prior CCW Convictions of NRS § 28-1202.

1. When a suspect is arrested on the charge of CCW and it is found to be the suspect’s first offense, the suspect will be booked on suspicion of a Class I Misdemeanor.

2. If the suspect is arrested for other violations, the suspect will also be booked for those violations.

C. Prior CCW Convictions of NRS § 28-1202.

1. If a suspect is arrested on the charge of CCW and the suspect has at least one (1) prior conviction for CCW, the suspect will be booked on suspicion of a Class IV Felony.

   a. The prior CCW offense must have been a violation of NRS § 28-1202 for the suspect to be considered for enhanced booking. A prior violation of City Ordinance does not trigger enhanced booking in this circumstance.

2. If the suspect is arrested for other violations, the suspect will also be booked for those violations.

II. Use of a Deadly Weapon to Commit a Felony (NRS § 28-1205)

A. In cases where an arrest has been made for a felony violation and the suspect used or possesses a firearm, knife, knuckles or brass/iron knuckles, or any other deadly weapon during the commission of the felony, the suspect will be charged under NRS § 28-1205 as a separate and distinct charge.

B. Any person who *uses* a firearm, knife, knuckles or brass/iron knuckles, or any other deadly weapon to commit any felony commits the offense of “Use of a Deadly Weapon to Commit a Felony.”

   1. Use of a Firearm to Commit a Felony is a Class IC Felony.

   2. Use of a Deadly Weapon other than a firearm to commit a Felony is a Class II Felony.

C. Any person who *possesses* a firearm, knife, knuckles or brass/iron knuckles, or a destructive device during the commission of any felony commits the offense of “Possession of a Deadly Weapon during the Commission of a Felony.”

   1. Possession of a Firearm during the commission of a Felony is a Class II Felony.

   2. Possession of a Deadly Weapon other than a firearm during the commission of a Felony is a Class III Felony.
III. Possession of Deadly Weapons by a Prohibited Person (NRS § 28-1206)

A. Any person commits the offense of “Possession of a Deadly Weapon by a Prohibited Person” (NRS § 28-1206) when the person possesses a firearm, knife, knuckles or brass/iron knuckles, and:

1. Has previously been convicted of a felony.
2. Is a fugitive from justice.
3. Is the subject of a current and validly issued domestic violence protection order and is knowingly violating such order.

-OR-

4. Has been convicted within the past seven (7) years of a Misdemeanor crime of domestic violence.

B. All violations are felonies and suspects will be booked for violations of NRS § 28-1206.

IV. Other Weapons Offenses (City Ordinance §§ 20-192 & 20-195)

A. Stun Guns.

1. City Ordinance § 20-191 includes "stun guns" to be considered as weapons.
   a. Under the ordinance, it is lawful to carry a stun gun only if the device is in open view. Once the weapon is in any way concealed, it is a violation of § 20-192, and the violator will be prosecuted accordingly.
   b. Nothing in this ordinance should be construed to restrict the use of hand-held electronic devices, commonly called cattle-prods, by ranchers, farmers, and/or stockyard workers in the course of their vocations. This ordinance applies only to the hand-held electronic devices which are sold to be used against humans.

2. OPD Officers who arrest a suspect for CCW of a stun gun will book the suspect for this Misdemeanor offense using City Ordinance § 20-192.

B. Possessing or Transporting Weapons (City Ordinance § 20-195).

1. City Ordinance § 20-195 makes it unlawful for a person to knowingly transport or possess any rifle, shotgun, air gun, air rifle, paint ball gun, or machine gun unless the weapon is unloaded and contained in an enclosed case, or unloaded and disassembled.
   a. This section is not applicable to those persons or activities described in § 20-195(b).

2. § 20-195 does not apply to handguns or concealed firearms. NRS § 28-1202 should be used for handguns and concealed firearms when these types of weapons are improperly transported.

V. Impounding Weapons.

A. Firearms.

1. When an officer impounds a firearm, the officer shall complete an Information Report detailing the circumstances under which the officer came into possession of the
firearm.

a. The officer shall forward the completed Information Report to the Firearms Squad via email or PortalOne for follow-up investigation.

**EXCEPTION:** Officers will refer to the OPD “Firearms – Recovered Stolen” policy for procedures regarding recovered stolen firearms.

2. When an officer impounds a Concealed Handgun Permit (CHP) holder’s handgun for any reason, the officer shall provide the CHP holder with a receipt for that handgun. For CHP procedures see the “Weapons – Concealed Handgun Permits” policy.

3. Firearms shall be booked into Evidence and Property via Tracker under the “Firearms” category.
   a. Items such as air guns, paint ball guns, starter pistols, blank firing pistols, and flare guns are not firearms and shall not be booked into Tracker under the “Firearms” category.
   b. Officers may refer to the OPD “Firearms – Seizure, Storage, Release, and Disposal” policy for additional information regarding the booking of Firearms into the EPU.

B. Other Weapons (Non-Firearms)

1. All other weapons shall be booked into Evidence and Property via Tracker under the “Weapon” category.
   a. After selecting “Weapon,” the officer will choose the type of weapon from the drop-down menu in the next Tracker form field.

   (1) Examples of “other” weapons include paint ball guns, air guns, brass knuckles, and knives.

REFERENCES:

I. Laws
   A. NRS §§ 28-1202, 28-1205, and 28-1206 and the Concealed Handgun Permit Act, NRS §§ 69-2427 – 2448 along with Nebraska Administrative Code, Title 272, Chapter 21 are relevant to this policy.
   B. Omaha Municipal Code §§ 20-191 – 20-206 are relevant to this policy.

II. Previous OPD Orders
   A. Previous OPD General Orders include the following: #33-73, 31-84, 60-86, 30-89, 70-90, 2-17, and 3-17.

III. Previous OPD Orders

**WHEEL TAX PAYMENT - ENFORCEMENT**

**PREAMBLE:**

Owners of vehicles not exempt from the City of Omaha’s wheel tax are required to register such vehicles annually with the Douglas County Treasurer. The wheel tax registration expires on the first day of the month
POLICY:

It is the policy of the Omaha Police Department (OPD) to enforce the provisions of the City of Omaha wheel tax law.

PROCEDURE:

I. Vehicles Not Exempt

A. The following vehicles are not exempt from the City’s wheel tax.

1. Vehicles owned by Omaha residents even if they maintain a residence elsewhere.

2. Vehicles that are stored, garaged, or dispatched from Omaha and/or vehicles owned in connection with a business located in Omaha.

3. City employees living outside the city limits.

II. Vehicles Exempt from Wheel Tax

A. The following vehicles are exempt from the City’s wheel tax.

1. Vehicles owned by students whose actual residence is outside of the City of Omaha.

2. Vehicles owned by military personnel whose legal residence is outside the City of Omaha.

   NOTE: A procedure exists wherein exemption stickers may be obtained by students and military personnel at schools and military installations.

3. Vehicles registered as part of an interstate fleet.

4. Vehicles used temporarily in the City, not exceeding 15 days in duration or which is in transit through the City, or where such vehicle is owned and used by a person who is a bona fide visitor in the city for not more than thirty (30) days of continuous employment or presence.

5. Vehicles owned by the State or its political subdivisions.

6. Aircraft and watercraft.

III. Enforcement

A. Officers who initiate a traffic stop and determine the operator has an expired vehicle registration, or expired period of transit, can cite the operator for violation of Municipal Code 16-23 (Wheel Tax) if the owner of the vehicle has a residence address within the Omaha city limits or the owner is a business located within the Omaha city limits.

   NOTE: If the owner of the vehicle does not have an address within the Omaha city limits, the violation reference used will be Nebraska Revised Statute § 60-362 (Registration required).

REFERENCES:

I. Laws
A. Nebraska Revised Statute § 60-362 is relevant to this policy.

B. City Ordinances 16-23, 16-25 and 23-98 are relevant to this policy.

II. General Orders

A. Previous General Orders include #5-84, #107-95, #29-96, #47-02, and #108-16.