

## LAW AND ORDER HANDBOOK

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Training

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1.1 General.

These sections have been issued to set forth mandatory training requirements for Law Enforcement Services personnel. Additionally, these sections designate those Law Enforcement Services officials who have been assigned responsibility for assuring that there is full compliance with the mandatory requirements.

1.2 Objective.

The mandatory training requirements established herein have been prescribed to upgrade the level of competence of Law Enforcement Services personnel to assure the delivery of optimum service to the Indian population.

1.3 Mandatory Training Requirements.

A. Basic Police Training Course.

Newly employed enforcement personnel in non-supervisory positions must successfully complete the approved Basic Police Training Course conducted at the Indian Police Academy within their probationary period of service.

B. Supervisory Enforcement Officers Training Course.

Prior to, or within one year after promotion to a supervisory enforcement position, such personnel must complete the approved Supervisory Enforcement Officers Training Course conducted at the Indian Police Academy.

C. Basic Criminal-Investigators Course.

Personnel, prior to, or within one year after promotion to a Criminal-Investigator position, must successfully complete the Basic Criminal-Investigators Course conducted at the Indian Police Academy and/or any other course approved by the Central Office Division of Law Enforcement Services.

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D. Command and Management Course.

Before promotion, or within one year thereafter, to a Supervisory Criminal-Investigator position, personnel must successfully complete the Command and Management Course conducted at the Indian Police Academy and other Supervisory Command and Management Courses approved by the Central Office Division of Law Enforcement Services.

E. Local In-Service Training.

- (1) All Law Enforcement Services personnel shall receive a minimum of forty hours of local in-service training annually to meet determined training needs and to keep abreast with developments in the field of law enforcement.
- (2) To determine what annual training should be provided for individual employees, locally, the employee's supervisor, in consultation with the employee, should determine the employee's training needs; prepare a training plan to meet these needs; and schedule necessary training.
- (3) The fundamental elements of agency/reservation in-service training and the proposed hours for coverage are as follows:

<u>Element</u>	<u>Hours</u>
Organization and Chain of Command.	1
Authorities, duties, functions and responsibilities of Law Enforcement Services personnel.	4
Review of the United States and respective Tribal Constitutions.	1
Review of Treaty Rights (as applicable).	2

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<u>Element</u>	<u>Hours</u>
Civil Rights in Indian Country.	2
Police Community, Public and Press Relations.	4
Review of Applicable Federal, State and Tribal Offenses.	6
Elements of Applicable Offenses.	4
Search, Seizure, Preservation of Evidence, and Arrest.	4
Firearms and Other Defensive Weapons Training, including Semi-annual Record Firing of Basic Firearm.	16
First Aid and Emergency Childbirth.	20
Role of Police in Drug Abuse and Alcoholism.	4
Report Writing, Records and Statistics.	8
Maintenance, Care and Responsibility for Assigned Property.	2
Other Subjects as identified by supervisor/employee consultation or by higher authority.	

- (4) In meeting the annual forty hours mandatory training requirement prescribed by section 1.3E(1), courses conducted by the Indian Police Training and Research Center may be utilized when appropriate, to achieve partial or full compliance.

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## Training

1.4 Training Responsibility.A. Cognizant Supervisors.

- (1) Cognizant supervisors shall have responsibility for consulting with employees to determine training needs and preparing training plans which record needs determined and met.
- (2) Cognizant supervisors shall have the responsibility for assuring that there is full compliance with the mandatory training requirements of this Manual issuance. In assuring such compliance, supervisors shall conduct where indicated (Section 1.3E) or arrange for the conduct of all required training.

B. Indian Police Training and Research Center.

- (1) The official in charge of the Indian Police Training and Research Center, Acting in a staff capacity, shall devise a system for identifying Bureau-wide police training needs which can best be met by the conduct of short-term (normally not to exceed twenty-four hours) training courses at a central site. This official, having identified such needs, shall arrange for the conduct of such intra-Bureau training. Additionally, this official shall arrange for the development, preparation and distribution of training bulletins on new subjects, changes in procedures and other matters to aid field personnel in the performance of their duties.
- (2) The official in charge of the Indian Police Training and Research Center shall be responsible for planning, developing, scheduling and conducting the following types of training courses to be conducted by the Indian Police Academy Unit:

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- (a) Basic Police
- (b) Supervisory Police
- (c) Criminal-Investigators
- (d) Command and Management
- (e) Others as may be directed.

1.5 Training Authorization.

A. Non-Government Facility and Interagency Training.

When properly authorized, training conducted by non-Government facilities and other Government agencies may be used to meet the recorded training needs of Law Enforcement Services personnel.

B. Requests for Training.

Requests for training in non-Government facilities, with other Government agencies, and with the Indian Police Training and Research Center, will be submitted for approval by use of DI Form 510 A, in accordance with prescribed procedures. Copies of applicable requests will be submitted to the Director, Indian Police Training and Research Center, along with other information requested by the Center, to facilitate scheduling.

1.6 Evaluation of Training.

Officials responsible for the various aspects of training, as set forth herein, shall be responsible for evaluating training functions for which they are responsible.

1.7 Funding of Training.

Area/Agency offices will be responsible for providing funds for travel, per diem and related expenses for all training requirements.

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## Use of Firearms

2.1 Purpose.

The purpose of these regulations is to set forth the Bureau's policy and procedures relating to the use of firearms.

2.2 Policy on the Use of Firearms.

A firearm may be discharged only when in the considered judgment of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person. The weapon may be fired only for the purpose of rendering the person at whom it is fired incapable of continuing the activity prompting the officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal.

2.3 Authority to Carry a Firearm:A. Authorizing Official.

The Area Directors and the Administrator of the Hopi-Navajo Joint Use Area may authorize Bureau employees to carry firearms. The authority of the Area Director or Administrator under this paragraph may not be redelegated.

B. Employees Permitted to Carry Firearms.

Bureau law enforcement officers or trainees receiving firearms instruction may be authorized to carry firearms.

C. Initial Qualification Requirement.

Bureau law enforcement officers or trainees may be authorized to carry firearms during official or marksmanship training. Officers are required to receive four hours of training in the use of weapons, policy and safety and to be certified by a qualified instructor as proficient in the use of police firearms.

D. Semiannual Requalification Requirement.

Bureau law enforcement officers must attain a score of 70 percent or better within the previous six months to be qualified to carry a firearm. An officer who fails to qualify as a marksman may be retested one week later.

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Additional tests to qualify may be scheduled at one week intervals. Any officer who fails to qualify shall be re-assigned pending qualification to duties that do not require the use of firearms. Any officer who fails to qualify after 10 attempts shall be permanently reassigned to a position which does not require the use of firearms.

2.4 Actions to be Taken When a Firearm is Used:

A. Responsibility of Officer Firing Weapon.

A law enforcement officer shall prepare a report in accordance with 68 IAM 5.5 stating all facts involved in the firing of a weapon (except while in training or to kill a dangerous or seriously injured animal). The officer shall report the firing of the weapon to the supervisor immediately.

B. Responsibility of Supervisor.

- (1) Upon receipt of a report that a weapon has been discharged without injury to any person, the supervisor shall investigate the incident and submit a report of the findings to the BIA agency law enforcement officer.
- (2) The supervisor shall notify promptly, through appropriate channels, the Agency Superintendent in instances when the discharge of a weapon has caused injury or death. The Superintendent shall immediately notify the Area Director.

C. Investigation Procedures.

Upon notification that an officer has injured or caused death with a firearm, the Area Director shall place the officer on administrative leave or assign the officer to exclusively administrative duties pending a thorough investigation of the incident by the chief agency law enforcement officer. If the chief agency law enforcement officer caused the injury or death, the Area Special Officer shall conduct the investigation. The Area Director shall determine what action shall be taken based on the finding of the investigation. If disciplinary action is considered necessary, appropriate procedures complying with the provisions of Chapters 751 and 752 of the Federal Personnel Manual shall be followed. The Area Director shall transmit to the Commissioner a copy of the investigatory report and a report of the final action taken.



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2.5 Firearms Authorized for Police Use:A. Standard Police Hand Gun.

Bureau law enforcement officers will be issued the standard police .38 caliber revolver and ammunition. The use of other types of hand guns such as automatics, parabellums, or calibers other than the authorized .38 caliber is prohibited. The barrel length may be not more than six (6) inches nor less than four (4) inches for uniform personnel, and not less than two (2) inches for plain-clothes personnel. Only standard load ammunition may be used.

B. Waiver Provisions.

Officers who performed Bureau law enforcement duties before July 17, 1972, may be authorized to carry the .357 Magnum revolver. The Commissioner may grant a written waiver for hand guns not authorized under A and B above.

C. Auxiliary Firearms for Emergencies.

Under emergency conditions the ranking law enforcement supervisor at the scene may, if necessary and after conferring with other law enforcement supervisory personnel when possible, authorize the assignment and use of auxiliary firearms.

2.6 Weapons Management and Maintenance:A. Officers Authorized to Issue Firearms:

Firearms may be issued by the chief agency law enforcement officer to law enforcement officers or trainees authorized by the Area Director or the Administrator of the Joint Use Area.

B. Receipt for Firearms.

Each enforcement officer issued a firearm shall acknowledge receipt of the firearm by full description of the weapon, including serial number, BIA identification number and value. The receipt shall contain the following statement:

"I, \_\_\_\_\_, have completed the training and  
(Officer's Name)  
met the qualification standards for the carrying, issuance, and  
care and use of firearms as prescribed by 68 BIAM Supplement 1,  
as of \_\_\_\_\_ . I further understand that I must receive  
(Date)

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additional training and requalify no later than \_\_\_\_\_  
(Date)  
or I am to return to the issuing officer the above described  
firearm(s) by the aforementioned date."

\_\_\_\_\_  
(Officer's Signature)

The original receipt for issued firearms shall be maintained in a separate file established under the control of the chief agency law enforcement officer, who is responsible for assuring such records are current and accurate.

C. Lapse of Firearms Qualification.

Whenever an enforcement officer's firearms qualification lapses the chief agency law enforcement officer shall request return of the weapon.

D. Firearms Cleaning.

Each officer shall clean the issued service revolver at least once every two weeks. Ammunition shall be replaced at least once a year. The officer shall report the loss or damage of a service revolver immediately to the supervisor.

E. Firearms Storage.

The proper storage of firearms at home shall include: rendering firearm inoperable by a safety device and/or by storing ammunition and the weapon separately. Both ammunition and firearms shall be stored in places not readily accessible to children.

F. Wearing of Firearm.

Law enforcement officers shall carry firearms in full view. Plain-clothes officers normally carry firearms concealed from view.

G. Carrying of Firearms While Off Duty.

Bureau law enforcement officers are permitted to carry firearms while off duty. However, officers are not permitted to carry firearms outside the jurisdiction to which assigned.

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H. Weapons Inspections.

The chief agency law enforcement officer shall conduct monthly weapons inspections and note the results of the inspection on the monthly consolidated report of the police officer's daily log. Weapons inspection deficiencies require the supervisor to take immediate corrective action. Unserviceable weapons shall be replaced by serviceable weapons from existing stock while being repaired.

2.7 Marksmanship Training.A. Minimum Qualifying Score for an Officer.

An officer must score a minimum of 70 percent on one of the approved qualification courses in order to be certified as proficient in the use of police firearms. A score below 70 percent is also unsatisfactory for purposes of the required semiannual weapons qualification.

B. Minimum Qualifying Score for a Firearms Instructor.

An instructor must score at least 90 percent on one of the approved firearms qualification courses in order to be certified as a qualified firearms instructor.

C. Approved Firearms Qualification Courses.

The following courses are approved firearms qualification courses:

- (1) The National Rifle Association National Police Course
- (2) The National Rifle Association 25 - Yard Course
- (3) The National Rifle Association Practical Pistol Course
- (4) The Federal Bureau of Investigation Practical Pistol Course

D. Marksmanship Proficiency.

Bureau law enforcement officers shall remain proficient in the use of weapons issued and all officers shall participate in a marksmanship training program of not less than two (2) hours per month and appropriate records maintained of such training by the chief agency law enforcement officer.

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E. Marksmanship Program.

Area Directors shall develop appropriate marksmanship programs to motivate professionalism of law enforcement officers. The holding of competitive Inter-Area and Intra-Area marksmanship matches and occasional participation in NRA sponsored matches will establish rapport with neighboring jurisdictions and serve as a medium of goodwill in developing an exchange of professional information and courtesies.

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Police Conduct

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3.1 Purpose. The purpose of these sections is to establish standards of conduct for law enforcement officers of the Bureau of Indian Affairs and to set forth the procedures and criteria used in evaluating the performance of those officers.

3.2 Police Code of Conduct. Each law enforcement officer shall read and sign the Law Enforcement Code of Conduct, Form 5-6825 (See Illustration 1).

3.3 Outside Employment.

A. Permissible Employment. A law enforcement officer who has completed the probationary period may engage in extra work for another employer outside the officer's regular hours of duty for not more than twenty (20) hours a week if the extra work:

- (1) Does not interfere or conflict with the officer's regular duties or availability for emergency duty;
- (2) Does not impair the officer's ability to perform his or her duties;
- (3) Does not require a shield, revolver, uniform or police authority;
- (4) Does not involve patrol, investigative, guard, bouncer, security or similar duties;
- (5) Is not related to the manufacture, sale or recommending or offering for sale of any alcoholic beverage;
- (6) May legally be performed by a police officer under applicable, tribal, state or Federal law; and
- (7) Has been approved in advance by the Area Director.

B. Procedures for Approval of Off-Duty Employment.

(1) The officer shall complete an Off-Duty Employment Application, Form 5-6826, and submit it to the Agency Superintendent (Illustration 2).

(2) The Agency Superintendent shall supply the information requested on the application concerning the applicant's employment record, recommend whether or not the Area Director should approve the application, and forward the application to the Area Director.

(3) The Area Director shall approve or disapprove the application and notify the Superintendent and the applicant of the action taken.

C. Exception for Military Service. These restrictions on outside employment do not apply to service in the armed forces of the United States.

3.4 Performance Evaluation.

A. Evaluation Procedure.

(1) The immediate supervisor of each law enforcement officer shall complete a performance evaluation report for the officer annually during

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the month of the officer's birthdate.

(2) The supervisor shall prepare an original and three copies of the evaluation report to be distributed as follows:

- (a) Original - Official Personnel File
- (b) Copy - Area Special Officer
- (c) Copy - Local personnel file
- (d) Copy - Employee

(3) Upon completion of the evaluation report the supervisor shall discuss the report with the officer who is the subject of the report and obtain the officer's signature acknowledging that the supervisor has discussed the report with the officer and furnished the officer with a copy. After the officer has signed it, the report shall be signed by the chief agency law enforcement officer and distributed as required by paragraph (2) of this section. If the officer being evaluated is the chief agency law enforcement officer, the agency superintendent shall sign the report. Unless the evaluated officer expresses dissatisfaction with it, the report shall be distributed as soon as the chief agency law enforcement officer signs it.

(4) If the officer is dissatisfied with the evaluation report the officer may submit a memorandum to accompany each copy of the report within ten (10) days of the date on which the report was discussed with the officer. Within ten (10) days after the officer's memorandum has been received, the supervisor shall prepared a written response to the memorandum, which the supervisor shall give to the employee and attach to each copy of the evaluation report.

**B. Evaluation Criteria.** Each officer shall be evaluated according to the following standards consistent with the officer's position description:

- (1) Investigations.
  - (a) Responds promptly to complaints.
  - (b) Protects the crime scene.
  - (c) Notifies supervisor.
  - (d) Identifies and interviews witnesses properly.
  - (e) Conducts a complete investigation.
  - (f) Gathers and preserves evidence properly.
  - (g) Arrests or detains where appropriate.
  - (h) Interrogates suspects properly.
  - (i) Knows jurisdictional limits.
  - (j) Prepares and submits thorough and accurate case reports.
- (2) Arrests.
  - (a) Establishes probable cause before making arrest.
  - (b) Identifies self as a law enforcement officer to arrestee.
  - (c) Advises arrestee of rights and charges.
  - (d) Uses no unnecessary force.

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- (e) Conducts personal search properly.
- (f) Protects person and property of arrestee.
- (g) Uses prisoner restraints properly.
- (h) Files complaints and reports promptly and properly.
- (3) Court appearances.
  - (a) Is punctual.
  - (b) Has proper evidence and documents.
  - (c) Is properly dressed.
  - (d) Gives clear and concise testimony.
  - (e) Maintains proper demeanor in the courtroom.
  - (f) Prepares adequately for trials.
  - (g) Has good knowledge of federal court system and procedures.
- (4) Crime prevention.
  - (a) Knows what needs are in the jurisdiction.
  - (b) Has a good and feasible plan of action.
  - (c) Involves the community in crime prevention.
  - (d) Maintains good community relations.
- (5) Knowledge of law.
  - (a) Arrest.
  - (b) Search and seizure.
  - (c) Statutory authority for exercise of police powers.
  - (d) Civil rights.
  - (e) Jurisdiction.
  - (f) Evidence.
  - (g) Recent court decisions.
  - (h) Improves knowledge of law.
- (6) Firearms.
  - (a) Proficient in their use.
  - (b) Handles them safely.
  - (c) Knows proper names of parts.
  - (d) Maintains them properly.
  - (e) Is current in firearms training.
  - (f) Knows policies concerning their use.
- (7) Patrol.
  - (a) Prepares for patrol properly.
  - (b) Is alert.
  - (c) Knows the area of assignment.
  - (d) Knows particular problems in area.
  - (e) Exercises initiative.
  - (f) Knows patrol responsibilities.
  - (g) Relays information promptly and properly.
- (8) Physical fitness.
- (9) Public relations.
  - (a) Maintains proper attitude.
  - (b) Is respected by the community.
  - (c) Maintains good relations with other agencies.
  - (d) Maintains good relations with the news media.
  - (e) Maintains good relations with the tribal government.

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- (f) Is good public speaker.
  - (g) Responds promptly to citizen requests.
  - (h) Performs non-enforcement activities well.
- (10) Report writing.
- (a) Complete.
  - (b) Accurate.
  - (c) Factual.
  - (d) Prompt.
  - (e) Legible.
  - (f) Clear.
  - (g) Concise.
  - (h) Proper format.
- (11) Execution of legal documents.
- (a) Serves documents promptly.
  - (b) Conducts proper follow-up on unserved documents.
  - (c) Completes return of service properly.
  - (d) Is familiar with legal documents.
- (12) Care and maintenance of equipment other than firearms.
- (a) Inspects equipment regularly and properly.
  - (b) Proficient in use of equipment.
  - (c) Maintains patrol vehicle in good condition.
  - (d) Handles equipment safely.
  - (e) Can account for all issued equipment.
  - (f) Obtains replacements when needed.
- (13) Overall performance.
- (a) Judgment.
  - (b) Stability.
  - (c) Flexibility.
  - (d) Punctuality.
  - (e) Attendance record.
  - (f) Personal appearance.
  - (g) Adherence to BIA and Departmental policy on ethics.



LAW ENFORCEMENT CODE OF CONDUCT

1. I will faithfully abide by all laws, rules, regulations, and customs governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations while on or off duty.

2. In my personal and official activities, I will never knowingly violate any local, State or Federal laws or regulations.

3. While a law enforcement officer I will accept no outside employment (other than service in the armed forces of the United States) without the prior approval of the Area Director.

4. As a law enforcement officer I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly, and report the results thereof fully, objectively and with complete accuracy.

5. In the investigative process, I will release information pertaining to my official duties, orally or in writing, only in accordance with law and announced policy.

6. I will not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment or other thing of monetary value except in the context of obvious family or personal relationships where the circumstances make it clear that it is that relationship rather than my position as a law enforcement officer that is the motivating factor.

7. I will accept no loan except from a bank or other financial institution on customary terms or in the context of obvious family or personal relationships where the circumstances make it clear that it is that relationship rather than my position as a law enforcement officer that is the motivating factor.

8. I understand that this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of Interior employees as set forth in Part 20 of Title 43 of the Code of Federal Regulations and part 446 of the Departmental Manual, which I have read. I understand that

Violation of this code, of 43 CFR, Part 20 or DM 446 may be cause for disciplinary action including discharge from my position as a law enforcement officer.

\_\_\_\_\_  
SIGNATURE OF OFFICER

\_\_\_\_\_  
DATE





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

AUG 20 1990

68 BIAM Supp. 1  
Release 12

## MEMORANDUM

To: Holders of 68 BIAM

From: Deputy to the Assistant Secretary - Indian Affairs  
(Operations)

Subject: Law Enforcement, Service to Juveniles

This release 68 BIAM Supplement 1, section 4, Service to Juveniles, revises and updates the Law Enforcement manual. Substantial changes have been made to existing sections as well as having new sections added.

This Manual Supplement will be the operating procedure until the revised version of the 68 BIAM is issued.

*Walter R. Mills*

Deputy to the Assistant Secretary -  
Indian Affairs (Operations)

### Filing instructions:

- (a) Remove superseded material:  
None (0 sheets)
- (b) Insert new material transmitted:  
68 BIAM Supp. 1, Table of Contents, Rel. 12 (dated 8/20/90) (1 sheet)  
68 BIAM Supp. 1, 4.1 - 4.17C Rel. 12 (dated 8/20/90) (6 sheets)
- (c) Pen-and-ink changes:  
None

LAW ENFORCEMENT  
Service to Juveniles

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4. SERVICE TO JUVENILES

4.1 Purpose. This section sets forth procedures relating to law enforcement services to juveniles and to investigations of child abuse and neglect allegations, including child sexual abuse. They are not intended to be inconsistent with applicable law. Therefore, they apply when not inconsistent with applicable Federal, state or tribal laws.

4.2 Policy

A. It is the policy of the Bureau of Indian Affairs (BIA) to ensure the proper care, guidance, emotional and physical welfare of American Indian/Alaska Native juveniles, to preserve and strengthen the family ties whenever possible, and to remove the child from the custody of the parent, guardian, or custodian only when the welfare of the child cannot be adequately safeguarded without such removal. Whenever a child is removed from the custody of the child's parent, guardian, or custodian, the Division of Law Enforcement Services, in cooperation with the Division of Social Services, shall ensure that the care and discipline of the child is as near as possible to that which should have been provided by the parent, guardian or custodian.

B. Investigations of child abuse, including child sexual abuse, shall be conducted by the local law enforcement agency having criminal jurisdiction over both the location of the alleged offense and the alleged offender.

C. This policy shall permit the Deputy to the Assistant Secretary - Indian Affairs (Tribal Services) to authorize the Branch of Criminal Investigation (BCI), Child Abuse Investigations Section, to assist the local law enforcement agency when requested by the Agency Superintendent, Area Director or Central Office. Cases may be referred to BCI if the agency, area or central office levels have indications that the case(s) merit special investigative resources and concerns. One of the primary concerns for criminal case referrals to BCI is complex and extensive child abuse/child exploitation incidents that would be considered above the capabilities of local BIA criminal investigative officers due to limited resources, travel abilities, political sensitivity, involvement of public/school officials, extensive surveillance needs, multiple perpetrators or victims, etc.

4.3 Definitions. The terms listed in this section are defined by applicable Federal, state or tribal statutes, but generally have the following meanings:

A. "Juvenile" means an individual who has not reached his/her eighteenth birthday.

B. "Minor" shall have the same meaning as "Juvenile".

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C. "Dependent child" means a juvenile who is without parent, guardian or custodian; or who is in need of special care and/or treatment required by a mental/physical condition and whose parent, guardian or custodian is unable to provide the special care and/or treatment; or whose parent, guardian, or custodian, for good cause, desires to be relieved of care and custody.

D. "Unruly child" or "Status Offender" means a juvenile who has committed an offense which is an offense only when committed by a juvenile, such as habitual runaway, truancy, curfew violations, etc.

E. "Juvenile delinquent" means a juvenile who has violated a Federal, state or tribal law and whose case has been referred to a Juvenile Court.

F. "Neglected child" means:

(1) A juvenile who is abandoned by his/her parent, guardian or custodian; or

(2) A juvenile who is without proper care because of faults or habits of the parent, guardian or custodian; or

(3) A juvenile who is without necessary subsistence, education or other care necessary for physical, mental or moral well-being because the parent, guardian or custodian neglects or refuses to provide the necessary care.

G. "Runaway" means a juvenile who is unmarried and is voluntarily absent from the home of the juvenile's parent, guardian or custodian or is otherwise not under the direct supervision and/or control of the parent, guardian or custodian.

H. "Parent" means the natural or adoptive parent or parents of the juvenile.

I. "Custodian" means any person who is under legal obligation to provide care and support for a juvenile and who is in fact providing care and support for that juvenile.

J. "Family or household member" means spouse, former spouse, parent, persons-related by blood, persons related by marriage or any persons residing together.

K. "Person responsible for child's care" means the parent, guardian, teacher, school administrator, or other lawful custodian having either full-time or short-term responsibility for the care of the juvenile.

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L. "Court" means a Juvenile Court unless otherwise specified.

M. "Domestic abuse" means any act or incident committed against an adult, or juvenile, who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the offender has had a child, or has or has had a relationship, which is a crime under the local applicable law, or which results in physical harm, bodily injury or assault, or a threat which places a person in reasonable fear of imminent physical harm or bodily injury.

N. "Physical abuse" means any physical injury, either intentionally inflicted or as a direct result of a violation of a Federal, state or tribal law, inflicted by another person.

O. "Sexual abuse" means:

(1) contact between the penis and the vulva or the penis and the anus, or

(2) contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus, or

(3) penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with intent to abuse, humiliate, harass, degrade, or arouse the sexual desire of another, or

(4) the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse the sexual desire of any person, or

(5) the intentional forcing, coercing or deceiving of another to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with the intent to abuse, humiliate, harass, degrade, or arouse the sexual desire of any person.

4.4 Taking a Juvenile into Custody. Unless superseded by applicable Federal, State or tribal law, no juvenile may be taken into custody except:

A. by an order or warrant issued by the court, or

B. by a BIA or Tribal Police Officer when:

(1) the juvenile has been determined to be a runaway, or when a law enforcement officer reasonably believes the juvenile to be a runaway, or

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(2) the juvenile is found in surroundings or conditions which endanger the juvenile's health or welfare, or in conditions which a law enforcement officer reasonably believes shall endanger the juvenile's health or welfare, or

(3) a law enforcement officer reasonably believes the child has violated the terms of his/her probation, or

(4) a violation of Federal, state or tribal law has been committed in the presence of a law enforcement officer, or

(5) the officer has probable cause to believe that a felony has been committed and the juvenile in question committed the felony.

4.5 Release or Detention. Unless superseded by applicable Federal, State or tribal law, release or detention of a juvenile is governed by the following procedures:

A. When a juvenile is taken into custody the parent, guardian or custodian shall be notified as soon as possible, and shall be released to the custody of the parent, guardian or custodian, unless there is reason to believe that:

(1) the juvenile would endanger himself/herself or others, or

(2) the juvenile would not return for a court hearing, or

(3) the juvenile would not remain in the care or control of a person into whose lawful custody he/she has been placed, or

(4) the health and welfare of the juvenile would be immediately endangered.

B. When a juvenile has been taken into custody, the law enforcement officer shall immediately advise the local social services office, and if available, the juvenile officer, to assist with care, discipline, and interaction with the court.

C. If the juvenile is not released, the law enforcement officer taking the juvenile into custody shall notify the court of the detention and the reason for the detention. Such notification shall be as soon as possible, but in no case later than the next working day after the juvenile has been placed into detention.

D. No juvenile may be detained in a secure detention facility for more than twenty-four (24) hours, unless an order for detention has been issued by a court.

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E. No juvenile may be held in a shelter care facility longer than seventy-two (72) hours unless an order so stating has been issued by a court.

F. No juvenile may be held in a jail facility longer than forty-eight (48) hours unless a commitment order has been issued by a court.

G. All juveniles shall be detained in a jail facility consistent with 68 BIAM, Supplement 1, and shall be separated by sight and sound from adult inmates.

4.6 Search Incident to Taking a Juvenile into Custody. Unless superseded by applicable Federal, State or local law, a search incident to taking a juvenile into custody is governed by the following procedures.

A. When a juvenile is taken into custody because of an alleged offense, the same standards which apply to the arrest of an adult shall be used.

B. A law enforcement officer lawfully taking a juvenile into custody has the right to use reasonable force in order to complete the taking into custody. The degree of force used depends on the seriousness of the offense and the resistance offered. A law enforcement officer may use deadly force when taking a juvenile into custody when that officer has reasonable belief that his/her life or that of another person is in immediate danger.

C. A law enforcement officer may search a juvenile incident to lawfully taking the juvenile into custody. The search must be limited to the juvenile's person and the area under his immediate control. A search may be conducted:

- (1) to protect the officer from bodily harm, or
- (2) to confiscate weapons or instruments that can be used for escape, or
- (3) to confiscate illegal drugs or other contraband, or
- (4) to prevent the juvenile from committing suicide.

D. Unless a search is made incident to taking the juvenile into custody, the law enforcement officer shall have a valid search warrant, except that:

- (1) an officer may search an area if there is a clear and present danger to persons and/or property, or



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(2) if a law enforcement officer has reasonable suspicion that a juvenile is dangerous and/or carrying a dangerous or illegal weapon, the officer may stop and frisk the juvenile.

E. The procedure for searching a juvenile after the juvenile is taken into custody shall be the same as those for an adult. Before a lone officer attempts to search a group of juveniles, he/she should call and wait for assistance to arrive to maintain absolute physical control over the situation. The search should be conducted with as much dignity and courtesy as possible.

F. In situations which are not critical and the safety of the officer or other individuals are not in jeopardy, a juvenile shall be searched by an officer of the same sex as the juvenile being searched.

#### 4.7 Medical Care.

A. When a juvenile is taken into custody and is in need of medical treatment, it shall be the responsibility of the law enforcement officer to arrange to have the juvenile delivered to a medical facility to receive such treatment. The officer shall prepare a written report stating the reason for such medical treatment.

B. The Agency Special Officer shall prepare a written plan to designate the procedures for law enforcement officers to follow when providing medical care for juveniles. The procedures must provide for medical treatment twenty-four (24) hours a day.

#### 4.8 Law Enforcement Records.

A. Records of juveniles maintained in all BIA police departments shall be kept separate from records of adult inmates. Such records shall not be open for public inspection or their contents disclosed to the public without a written court order, subject to the routine uses exception and other exceptions to the Privacy Act.

B. Law enforcement officers may allow social workers who are charged with the responsibility of a juvenile's welfare to inspect records of that juvenile.

C. At the termination of the juvenile's court adjudication or when the juvenile reaches eighteen (18) years of age, whichever is later, all law enforcement records of the juvenile shall be destroyed by shredding, or other approved disposal methods.

#### 4.9 Fingerprinting and Photographing Juveniles.

A. A juvenile under investigation for allegedly committing an offense shall not be photographed except when a written court order for such photographs has been obtained.

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B. A juvenile shall not be fingerprinted unless latent fingerprints are discovered during an investigation of an offense and a law enforcement officer has probable cause to believe that the fingerprints are those of the juvenile. A written court order authorizing such fingerprinting shall be obtained prior to collecting the fingerprints. The juvenile's fingerprint record shall be immediately destroyed if it is shown that the juvenile's fingerprints do not match those found at the scene.

4.10 Informing Juveniles of Their Miranda Rights.

A. Immediately after securing custody of a juvenile for an alleged offense which falls within the jurisdiction of a Court of Indian Offenses or any other Federal court, the law enforcement officer shall inform the juvenile of his/her Miranda Rights in a manner that is understandable to the juvenile.

B. The Indian Civil Rights Act of 1968 does not require Indian tribes to furnish their members with professional legal counsel if a member cannot afford such counsel. However, it is a practice of certain tribes to provide their members with such counsel. If a juvenile has been taken into custody for an alleged offense which falls within the jurisdiction of a tribal court, the law enforcement officer shall inform the juvenile of his/her Miranda Rights as modified and required by tribal code.

4.11 Taking a Child into Custody During School Hours.

A. When a law enforcement officer takes a juvenile into custody from school, the officer shall inform the school principal or other school official of the officer's intent. The juvenile shall be summoned to the school's administration office where custody shall be effected. The officer shall notify the parent, guardian or custodian as soon as possible after the juvenile is in custody.

B. The use of restraining devices is prohibited unless the juvenile poses a threat to himself/herself, the officer or any other person.

4.12 Prevention of Juvenile Delinquency.

A. The Division of Law Enforcement Services shall provide a Juvenile Delinquency Prevention Program. The local police administrator shall prepare a written plan for the prevention of juvenile delinquency. Such plan shall include but not be limited to:

- (1) Patrolling areas that attract juveniles,
- (2) Scheduling police officers to patrol local special events,

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- (3) Investigative procedures regarding complaints against or involving juveniles,
- (4) Procedures regarding the investigation of conditions affecting the health, safety or behavior of juveniles,
- (5) The preparation and maintenance of a juvenile services resource guide,
- (6) Cooperation with social and recreational sources in the planning and implementing of juvenile delinquency prevention programs,
- (7) Policies regarding the maintenance of good relations with the community, and educating the community on ways to combat delinquency through lectures on drug and alcohol abuse within the school system, civic and social groups.

#### 4.13 Activities Pertaining to Juveniles.

A. All law enforcement officers shall be responsible to uncover and investigate the following activities or situations regarding juveniles:

- (1) Neglect/Abandoned Children in cooperation with Social Services.
- (2) Physical/Sexual Abuse in cooperation with Social Services.
- (3) Juvenile gang activity.
- (4) Suspicious circumstances indicating activity of a criminal nature.
- (5) Neighborhood/Community hazards.

B. Appropriate area and agency law enforcement officers shall participate in area and local child protection teams.

#### 4.14 Receiving Reports of Abuse and Neglect.

A. All complaints and reports of alleged physical and/or sexual abuse or neglect, shall be fully investigated and a written report prepared by the investigating officer.

B. The local law enforcement agency receiving a complaint of child abuse or neglect shall immediately notify the local social

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services department or other such agency charged with the responsibility of safeguarding the juveniles' health and welfare whenever such reports are received.

C. The head of the local law enforcement department shall prepare written procedures for law enforcement officers to follow when contacting the local social services agency.

D. Reporting procedures are located in 68 BIAM Supplement 2, "Reporting Procedures for Child Abuse Cases."

E. Adverse action procedures are located in 33 BIAM Supplement 4, Management Systems.

4.15 Request For Investigative Assistance From the Branch of Criminal Investigation, Child Abuse Investigation Section.

A. Local law enforcement agencies requesting investigative assistance from BCI shall make such requests in writing to the Chief, Division of Law Enforcement Services, through the Area Director, or in emergencies by telephone, followed by a written request through the Area Director.

B. The request for investigative assistance shall be accompanied by a complete case report which contains the name and address of the alleged offender(s) with personal identifiers, the name and address of the victim(s), the alleged offense, the location and date of the alleged offense, a description of all evidence collected and its location, facts, names of witnesses, and interviews/statements that were obtained by the originating case agent. The report shall be typed for proper referral, as if the case was being referred to another governmental agency.

C. Upon receipt of the request for investigative assistance, the Chief, Division of Law Enforcement Services shall assign the case to a BCI investigator for a preinvestigative evaluation. This evaluation shall gather sufficient additional information to determine the merits of the case.

D. Cases shall be analyzed using various factors for determination of acceptance by BCI. Referring agencies should consider the following factors before referring a criminal case to BCI:

(1) Resolving facts and evidence.

(a) Conflicting testimony/misleading information.

(b) Cooperation of subject and/or witnesses.

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- evidence.
- employed.
- proof.
- (c) Legal problems or issues.
- (d) Problems of reconstruction or analysis of
- (e) Unusual investigative techniques to be
- (f) Difficulties encountered in the method of
- (g) Availability of leads and evidence.
- (2) Subjects of the investigation.
- victims.
- (a) Number of alleged perpetrators and victims.
- (b) Location of alleged perpetrators and
- (c) Credibility of victims.
- (3) Separate investigative matters.
- charges.
- (a) Number of different potential criminal
- (b) Potential spin-off and related cases.
- (c) Number of separate schemes or conspiracies.
- (d) Number of perpetrators, victims, and witnesses that must be interviewed.
- (4) Establishing facts and evidence.
- problems.
- (a) Geographic scope of the investigation.
- (b) Precedent setting policy or investigative
- equipment.
- (c) Need for special investigative or technical
- (5) Sensitivity of investigation.
- (a) Consideration of the political, social, or economic impacts of the investigation.

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(b) Effect of premature knowledge of the investigation on the suspect, victim, witnesses.

(c) Degree of control of the suspect over investigative matters.

(d) How widely the suspect is known.

(e) Involvement of political figure(s), government/tribal employee(s), or law enforcement corruption.

4.16 Acceptance of Investigative Assistance Request.

A. Upon acceptance of a request for investigative assistance, the Chief, Division of Law Enforcement Services shall assign a BCI investigator, who shall, within three days submit a written report to the Chief, Division of Law Enforcement Services giving the status of the case. The BCI investigator shall submit a written status report on a weekly basis thereafter until the case has been concluded.

B. The BCI investigator assigned to assist the local law enforcement agency shall work with and coordinate his investigation through the Agency Special Officer or criminal investigator.

C. Upon completion of the case, the investigator shall submit to the Chief, Division of Law Enforcement Services a copy of the Final Disposition Report (form 5-324-A).

D. The investigator shall provide to the local law enforcement agency and to the Area Director in whose jurisdiction the alleged offense was committed, a copy of each status report submitted to the Chief, Division of Law Enforcement Services and a copy of the Final Disposition Report.

4.17 Central Registry of Child Abuse Reports.

A. Within three days after receiving a complaint of alleged child abuse or neglect, the law enforcement agency receiving the complaint shall submit a written report on form BIA-6833 (Offense/Incident form) to the Division of Law Enforcement Services, Central Registry, which shall include:

(1) The name of the Area and Agency where the offense occurred.

(2) The local criminal investigation case number (block 5), the offense/incident code and case disposition code (blocks 7 and 13).

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(3) The name, address, date of birth, social security number, sex, race, occupation and place of employment of the suspect (blocks 25 through 40).

(4) Name, address, race, date of birth and sex of the victim (blocks 15 through 21).

(5) Name, address and telephone number of the victim's parent/guardian (block 50).

(6) The victim's grade and the name and address of the victim's school (blocks 22 through 24).

(7) Name, address and telephone number of the complainant (block 50).

(8) A brief narrative of the case.

(9) Any credible evidence to support the allegations.

(10) Any determination that such allegations are unfounded.

B. The BIA law enforcement agency conducting the investigation shall submit a biweekly update of the case to the Central Registry.

C. If any allegation of child abuse or neglect is determined to be unfounded, founded or suspected, the law enforcement agency receiving the initial complaint shall notify the Central Registry by written report on form BIA-6833 (Offense/Incident form).

LAW AND ORDER HANDBOOK  
Inspection and Evaluation Unit

5.1 Objective. The objective of the Inspection and Evaluation Unit is to provide staff assistance, reports and recommendations to the Commissioner, Area Directors, Superintendents and Tribal Governments, through Chief, Division of Law Enforcement Services, upon which affirmative action can be initiated to improve and upgrade the caliber of law enforcement services in the Indian country.

5.2 Responsibility. The responsibility of the Inspection and Evaluation Unit is (A) to inspect Bureau law enforcement programs and/or Bureau enforcement contract programs and to evaluate their effectiveness; (B) to determine whether adequate performance standards are maintained; (C) to determine compliance with established Bureau and Departmental regulations and directives; (D) to make recommendations for program improvement, and (E) to provide upon request enforcement review and evaluation services to tribal governments operating tribally-funded law enforcement programs.

5.3 Organization. The Inspection and Evaluation Unit is a staff and support services function within the Division of Law Enforcement Services. The Chief Inspector directs staff activities of the Unit, and operates under the general supervision of, and reports to, the Chief of the Division of Law Enforcement Services. Law enforcement program reviews, evaluations, inspections and special investigations or assignments are conducted by the Chief Inspector and the Inspectors. The Inspectors report directly to the Chief Inspector.

5.4 Pre-Inspection Procedure.

A. Inspection of Bureau Area and Agency Law Enforcement Program: The Chief Inspector shall develop a schedule in cooperation with each Area Director and the Area law enforcement staff for the inspection and review of Bureau enforcement programs within each Area. A copy of the final approved schedule is forwarded to each Area Director, who advises affected field offices. Changes or modification of the approved schedule because of unforeseen circumstances are arranged in cooperation with the Area Director and staff.

B. Inspection of Tribal-BIA Contract Law Enforcement Program: The Chief Inspector shall develop a schedule in cooperation with each tribal chairman, Area Director and the Area law enforcement staff for the inspection of Tribal-BIA Contract law enforcement programs within each Area. A copy of the final approved schedule is forwarded to each Area Director, who advises the appropriate tribal chairmen. Changes or modifications of the approved schedule because of unforeseen circumstances are arranged in cooperation with the appropriate tribal chairmen and the Area Director.

C. Inspection of Tribally-funded Law Enforcement Program: Law enforcement program reviews and evaluations of tribally-funded enforcement



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programs will be made only upon request. Request means a tribal enactment from the tribal governing body specifically requesting such services together with written concurrence of the Superintendent and Area Director. Such requests should be transmitted to the Commissioner of Indian Affairs marked for the Attention of the Chief, Division of Law Enforcement Services. The Chief Inspector will communicate with the Area Director and/or enforcement staff on possible dates and arrangements, and upon agreement will confirm the request and initiation date in writing to the Area Director.

D. Confirmation Notices: In accordance with the approved inspection schedule developed with each Area Director, the Chief Inspector sends confirmation notices seven days in advance of scheduled inspections to the Area Director, Superintendent, Area Special Officer and Agency Special Officer. Advance or reminder confirmation notices are also sent to Tribal Chairmen in those instances of scheduled inspections and evaluation of tribal or contract enforcement programs.

#### 5.5 Inspection Procedures.

A. The Inspector personally confers with the Area Director and/or law enforcement staff on the Bureau program or programs to be evaluated before initiating the formal inspection. The Inspector reviews Area law enforcement records, reports, and files pertinent to the program to be inspected.

B. At the Agency level, the Inspector first confers with the Superintendent and Agency Special Officer, or Tribal Chairman in the event of tribal enforcement program, (1) to inform them of the specific areas of program responsibilities to be inspected; (2) to give an estimate when the inspection will be complete and (3) to arrange an estimated time for an exit interview with the Superintendent and/or Tribal Chairman.

C. The Area Director or Superintendent may designate a member of the law enforcement staff to accompany the Inspector during the inspection. In the event they elect not to do so, the Agency Special officer or Law Enforcement Officer In-Charge should be available to provide information on the program and its overall operations, make staff introductions and provide such assistance as the Inspector may need to accomplish the assignment. The Tribal Chairman may designate a tribal official to accompany the Inspector on evaluation of tribal enforcement programs.

D. Upon completion of the program review, an exit interview will be held with the Superintendent and/or Tribal Chairman or tribal law enforcement programs by the Inspector to report orally on the results of the inspection.

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E. Not less than sixty (60) days after the completion of the program review, a followup will be conducted to survey the progress on implementing recommendations and correcting noted deficiencies.

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5.3 Organization. The Inspection and Evaluation Unit is a staff and support services function within the Division of Law Enforcement Services. The Chief Inspector directs staff activities of the Unit, and operates under the general supervision of, and reports to, the Chief of the Division of Law Enforcement Services. Law enforcement program reviews, evaluations, inspections and special investigations or assignments are conducted by the Chief Inspector and the Inspectors. The Inspectors report directly to the Chief Inspector.

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B. At the Agency level, the Inspector first confers with the Superintendent and Agency Special Officer, or Tribal Chairman in the event of tribal enforcement program, (1) to inform them of the specific areas of program responsibilities to be inspected; (2) to give an estimate when the inspection will be complete and (3) to arrange an estimated time for an exit interview with the Superintendent and/or Tribal Chairman.

C. The Area Director or Superintendent may designate a member of the law enforcement staff to accompany the Inspector during the inspection. In the event they elect not to do so, the Agency Special officer or Law Enforcement Officer In-Charge should be available to provide information on the program and its overall operations, make staff introductions and provide such assistance as the Inspector may need to accomplish the assignment. The Tribal Chairman may designate a tribal official to accompany the Inspector on evaluation of tribal enforcement programs.

D. Upon completion of the program review, an exit interview will be held with the Superintendent and/or Tribal Chairman or tribal law enforcement programs by the Inspector to report orally on the results of the inspection.

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E. Not less than sixty (60) days after the completion of the program review, a followup will be conducted to survey the progress on implementing recommendations and correcting noted deficiencies.

*Release*  
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5.6 Inspection Reports.

A. The Inspector, upon returning to the headquarters office, prepares a full written report of inspection from the inspection forms, field notes, pictures, etc. to the Chief Inspector. Upon review and approval of the inspection report by the Chief Inspector, copies are transmitted to the Chief, Division of Law Enforcement Services, Area Director, Superintendent, and Tribal Chairman - if the inspection concerned a tribal enforcement program.

B. In those programs where the inspection report shows non-compliance with Bureau or Department established regulations, standards or requirements, the Chief Inspector prepares a memorandum to the Area Director for the Commissioner's signature, subject to concurrence of the Chief, Division of Law Enforcement Services. The memorandum sets forth the areas of non-compliance and directs that immediate corrective action be taken. Upon receipt by an Area Director of such a memorandum from the Commissioner, the Area Director submits within 20 days a written report to the Commissioner of Indian Affairs marked for the Attention of Chief, Division of Law Enforcement Services, documenting the actions taken to correct the areas of non-compliance.

C. Some inspection reports will show full compliance with Bureau and Departmental established standards and regulations. However, the Inspector may identify one or more critical problems or issues affecting the caliber of program services. In such situations, recommendations may be made in addressing the issue on problem areas. Such recommendations are not mandatory but are offered for consideration of Area Directors, Superintendents and Tribal Chairmen. Such recommendations are based on the law enforcement background and experience of staff of the Inspection and Evaluation Unit, the knowledge of actions taken by other Bureau field offices in handling similar situations and acceptable professional standards.

D. Complaints Against Bureau Law Enforcement Staff:

1. Civil Rights Violations:

a. Bureau law enforcement officers, including those in the Inspection and Evaluation Unit, are without authority to undertake formal investigation into reported civil rights violations.

b. Only upon authorization by the Office of Audit and Investigation may the F.B.I. investigation be supplemented by additional investigation into the circumstances surrounding program operations and practices in which the civil rights violation occurred.

2. Use of Firearms by Bureau Officers:

a. Each time a Bureau officer fires a weapon within the scope

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LAW AND ORDER HANDBOOK  
Inspection and Evaluation Unit

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of employment, except in training, the officer shall immediately notify his or her supervisor. The Superintendent, or an authorized representative shall submit a written report to the Area Director with a copy to the Chief Inspector of the Inspection and Evaluation Unit.

b. The Chief Inspector and the Area Special Officer shall initiate a full investigation into the circumstances surrounding the use of the weapon, including interviews, statements, reconstruction of the firing scene, etc. to determine whether the actions of the officer were in compliance with the Bureau's firearms policy.

3. Citizens Complaint Investigations:

a. On any complaint of misconduct made against a Bureau officer, the Superintendent immediately prepares a written report outlining the circumstances of the complaint and submits it to the Office of Audit and Investigation. The Superintendent also acknowledges in writing to the complainant receipt of the complaint and informs the complainant of the referral to the Department for investigative action determination. Copies of the written report are provided to the Area Director, the Commissioner of Indian Affairs, and the Office of the Secretary.

b. The investigation of misconduct cases of Bureau Officers will be undertaken only when concurrently authorized by the Commissioner and the Office of Audit and Investigation. In such situations, the Chief Inspector will be in charge of the investigation and responsible for the preparation of the report. Such report will be submitted to the Commissioner, the Office of the Secretary, and the Office of Audit and Investigation. Internal distribution is limited until authorized by the Office of Audit and Investigation.

5.7 Evaluation Criteria. The following subsection contains guidelines concerning criteria the Inspection and Evaluation Unit uses in evaluation and data collection. The following enumeration of criteria does not prohibit the Inspectors from using additional criteria in their inspections and evaluations:

A. Police:

1. Personnel:

a. Each employee must meet the Civil Service Commission qualification standards required for his or her position.

b. Each law enforcement officer must meet the training requirements prescribed in 68 BIAM and in 446 DM.

c. All law enforcement employees must meet the requirements of 68 BIAM relating to training and carrying of firearms.

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Inspection and Evaluation Unit

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d. Full, field background investigation meeting the scope of FPM Chapter 736 completed and evaluated for each law enforcement officer.

e. A signed code of conduct is on file for each officer.

f. Each law enforcement officer performs his or her duties in accordance with the following standards of professional conduct:

(1) While on duty, the officer is courteous in all contacts with the public, is mentally alert and maintains a high standard of personal appearance.

(2) When off duty, officers engage in no illegal activity, hold no employment that conflicts with their duties as law enforcement officers and engage in no other conduct that reflects adversely on the Department.

(3) Officers display a good personal knowledge of rules governing the performance of their duties and act accordingly.

(4) Patrol officers are well informed concerning activities in the areas they are assigned to patrol.

g. Supervisors exercise leadership; are diligent in performing supervisory functions; give clear orders; are fair in dealing with subordinates; keep subordinates properly informed of new developments; are able to contact subordinates in off-duty hours; are informed about activities of subordinates; enforce rules and regulations; operate within the framework of announced practices; and adhere to objectives.

2. Use, maintenance and accounting for equipment:

a. Motor pool meets the following standards:

(1) An adequate number of vehicles for the program.

(2) All vehicles in good condition.

(3) All vehicle storage facilities in good condition.

(4) Each operator record book current.

(5) Each vehicle contains the following equipment:

(a) Fire extinguisher

(b) Flashlight

(c) Emergency Flares

(d) Manila Rope 3/4"-125'

(e) Blankets

(f) First Aid Kit

(g) Shovel

b. Radio equipment provides adequate coverage throughout the reservation and equipment is in good working order.

c. 68 BIAM is being complied with as it relates to:

(1) Firearms training requirements.

(2) Carrying only approved weapons.

(3) Issuing weapons only to qualified personnel.

(4) Storing weapons gas, mace or other chemical agents securely.

(5) Storing ammunition securely in a place separate from any weapons.

(6) Replacing ammunition at least once a year.

d. Uniforms are in good condition and worn with badge, name tags and organization insignia patch.



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e. Auxiliary equipment, such as handcuffs with keys, batons, and chemical mace are properly carried and in good condition.

3. Effective allocation of manpower--Manpower properly utilized to achieve the following results:

- a. Reduce overtime to a minimum.
- b. Reduce to a minimum the time it takes an officer to respond to a call for assistance.

4. Records:

- a. Property records, including records of individual employee equipment.
- b. Dispatcher logs.
- c. Officer logs.
- d. Case reports, including arrest, investigation and incident reports.
- e. Juvenile records.
- f. Personal arrest and disposition records.
- g. Correspondence files.
- h. Deputization records.
- i. Evidence records.

5. Reporting requirements--Statistical data, monthly narratives and suicide reports are submitted on a timely basis.

6. Availability of legal materials:

- a. Titles 15, 18, 25 and 28 of the United States Code.
- b. State penal code.
- c. Titles 25, 42 and 43 of the Code of Federal Regulations.
- d. Tribal code and ordinances.
- e. Tribal Constitution.
- f. Bureau and Departmental directives in force.
- g. Posted statement of chain of command.
- h. Posted duty roster.
- i. Handbook of Federal Indian Law.
- j. Opinion of the Solicitor, No. M60616, dated April 27, 1939, and Opinion of the Solicitor, No. M29669, dated August 1, 1938.
- k. Most recent tribal enrollment census.
- l. Map of reservation coded to show land status.

7. Community relations program--Local agency maintains an active and effective program of community education and involvement and participates in community efforts to combat alcoholism.

8. Crime prevention program--Local agency maintains an active and effective crime prevention program.

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## 6. Availability of legal materials:

- a. Titles 15, 18, 25 and 28 of the United States Code.
- b. State Penal code.
- c. Titles 25, 42 and 43 of the Code of Federal Regulations.
- d. Tribal code
- e. Tribal Constitution.
- f. Bureau and Departmental directives in force.
- g. Posted statement of chain of command.
- h. Posted duty roster.
- i. Handbook of Federal Indian Law.
- j. Opinion of the Solicitor, No. M60616, dated April 27, 1939, and Opinion of the Solicitor, No. M29669, dated August 1, 1938.
- k. Most recent tribal enrollment census.
- l. Map of reservation coded to show land status.

7. Community relations program--Local agency maintains an active and effective program of community education and involvement.

8. Crime prevention program--Local agency maintains an active and effective crime prevention program.

## B. Courts:

## 1. Facilities:

- a. Courtroom in good condition.
- b. Adequate room for a jury.
- c. Adequate judge's chambers.
- d. A place where client and counsel can meet privately.
- e. A separate witness room.

## 2. Legal materials--Judge's library includes at least the following:

- a. Complete, up-to-date tribal code.
- b. Tribal constitution.
- c. Legal dictionary.
- d. Legal encyclopedia.
- e. Title 25 of the United States Code.
- f. State penal code.
- g. Book on general criminal law and procedures.

## 3. Court records--The following records maintained:

- a. Court Docket.
- b. Probation and pre-sentence reports.
- c. Records of dispositions.

LAW AND ORDER HANDBOOK  
Inspection and Evaluation Unit

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9. Other law enforcement agencies--Local agency maintains good working relations with other law enforcement agencies.

10. Program planning:

- a. Program planning documents are submitted in a timely fashion.
- b. Planning process adequately involves community members.
- c. Plans make adequate provision for anticipated changes in program responsibilities.

11. Budget integrity--Funds in each budget category are used exclusively for the designated purpose.

B. Detention programs:

1. Personnel:

- a. Each employee meets the Civil Service Commission qualification standards required for his or her position.
- b. Each detention facility employee provided adequate training.
- c. Each detention facility employee performs his or her duties in accordance with the following standards of professional conduct:

(1) The detention officer is courteous in all contacts with prisoners and the public, is mentally alert and maintains a high standard of personal appearance.

(2) The detention officer maintains adequate key security and performs prisoner and area searches as necessary to discover contraband.

(3) When off duty, each detention officer engages in no illegal activity, holds no employment that conflicts with his or her duties as a detention officer and engages in no other conduct that reflects adversely on the Department.

(4) Each detention officer displays a good personal knowledge of rules governing the performance of his or her duties and acts accordingly.

2. Equipment

- a. Detention facility vehicle in good condition.
- b. Radio equipment in operating condition.

3. Record Keeping--The following records are properly maintained and current:

- a. Detention employee personnel records.
- b. Financial records.
- c. Prisoner property records.
- d. Inmate records.

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Inspection and Evaluation Unit

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4. Food services--Adequate and nutritious meals prepared by trained cooks who are either licensed food handlers or have been given physicals by qualified medical personnel.

5. Prisoner supervision:

- a. At least one jail employee on duty whenever anyone is in custody.
- b. Matron on duty at all times when women are in custody.
- c. Detention personnel observe each occupied cell at least once every thirty minutes.
- d. Operating procedures for medical services for prisoners.

6. Suicide prevention--Each cell constructed and maintained in a manner to reduce the risk of suicide in any manner.

C. Area Offices:

1. Area Special Officer prepared to provide informed advice to the Area Director on all matters relating to law enforcement.

2. Area Office provides adequate technical assistance on law enforcement matters to Agency Superintendent and tribal leaders upon request.

3. Cooperative relations are maintained with U.S. Attorneys, FBI Agents and state, county, tribal and municipal law enforcement agencies.

4. Reports, planning documents and correspondence completed on a timely basis.

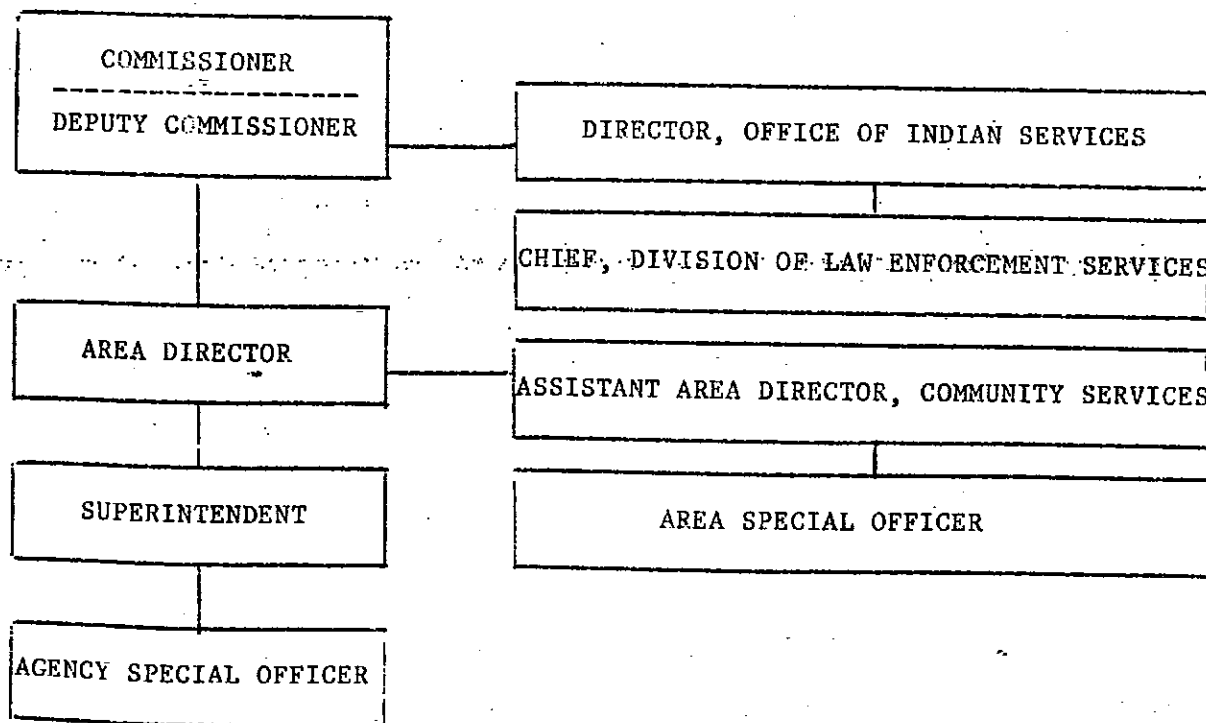
5. Funds in each budget category are spent exclusively for the designated purposes.

LAW AND ORDER HANDBOOK  
Organizational Relationships and Functions

6.1 Objective. The objective of the Division of Law Enforcement Services is to assist tribes to maintain a criminal justice system in any community where a tribe has criminal jurisdiction.

6.2 Authority. The authority of the Bureau of Indian Affairs to provide funds for Indian criminal justice services is set forth in the Snyder Act of November 2, 1921; 42 Stat. 208; Public Law 67-85; 25 U.S.C. §13; the Indian Self-Determination and Education Assistance Act, 88 Stat. 2203, Public Law 93-638, 25 U.S.C. §450; and in the annual Interior Department appropriations acts. Authority for Special Officers to make arrests and to command assistance is contained in 18 U.S.C. §3055. The Opinion of the Solicitor of the Department of the Interior, M. 60616, dated April 27, 1939, defines the legal jurisdiction of the police.

6.3 Organization. Local BIA law enforcement programs are supervised by the Agency Special Officer. The Agency Special Officer reports to the Agency Superintendent, who reports to the Area Director, who in turn reports to the Deputy Commissioner of Indian Affairs and the Commissioner of Indian Affairs. Staff assistance and advice to the Deputy Commissioner and the Commissioner on law enforcement matters are provided by the Central Office Division of Law Enforcement Services. Staff assistance and advice to the Area Director on law enforcement matters are provided by the Area Special Officer. The following is the table of organization for Bureau law enforcement programs:



LAW AND ORDER HANDBOOK  
Organizational Relationships and Functions

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6.4 Functions:

A. Central Office:

1. The Chief, Division of Law Enforcement Services, performs the following functions:

- a. Serves as technical adviser to the Director, Office of Indian Services, and the Commissioner on matters pertaining to the law enforcement program.
- b. Provides technical advice to Area, Agency and tribal personnel on all phases of law enforcement.
- c. Maintains continuing liaison with governmental agencies both in Washington and in the field concerning Indian law enforcement programs.
- d. Investigates and studies modern trends and developments in law enforcement techniques, procedures, administration, and prevention and control of juvenile delinquency. Evaluates such developments for adaptability to the specific needs of the Bureau.

2. The administrative staff develops standards and criteria for the selection, training, duties, and evaluation of law enforcement officers. It also develops regulations governing businesses located on Indian reservations.

3. The Special Operations Service Unit provides the Bureau with a rapidly mobilized, specially trained group of law enforcement officers whose purpose is to respond nationwide to emergency situations where lives and property of reservation residents are endangered. The Unit consists of police officers from several reservations who are on call at all times. The Unit, when activated, is supervised by a Commander who reports directly to the Commissioner. During periods of training and non-deployment, the Commander and a nucleus staff are under the administrative supervision of the Chief, Division of Law Enforcement Services and are located at the U.S. Indian Police Training and Research Center, Brigham City, Utah.

4. U.S. Indian Police Training and Research Center:

- a. The Indian Police Academy plans, develops, schedules and conducts training for law enforcement officers working in Indian communities.
- b. The Research and Statistical Unit collects, compiles and analyzes reports and statistics concerning the operation of the Indian reservation criminal justice system.

5. The Inspection and Evaluation Unit performs the following functions:

- a. Conducts regular inspections and evaluations of Area and local Bureau law enforcement programs.
- b. Upon tribal request, reviews and evaluates tribal law enforcement programs.

LAW AND ORDER HANDBOOK  
Organizational Relationships and Functions

c. Investigates incidents in which BIA law enforcement officers discharge firearms in the line of duty.

d. Investigates citizen complaints against BIA law enforcement officers.

e. Recommends corrective action where inspections indicate shortcomings in the existing law enforcement program.

B. The Area Special Officer performs the following functions:

1. Advises and assists the Area Director on matters related to law enforcement.

2. Provides technical advice to superintendents and tribal councils on law enforcement programs.

3. Responds to tribal requests for assistance in developing proposals to operate law enforcement programs under contract. Provides technical assistance, as requested, to law enforcement programs operated under contract with the BIA.

4. Conducts investigations of reported violations of Federal laws and regulations or tribal codes. Makes arrests and assists in the preparation and presentation of cases submitted for prosecution.

5. Maintains cooperative relations with the United States Attorneys, agents of the Federal Bureau of Investigation and state and local law enforcement agencies.

C. The Agency Special Officer performs the following functions:

1. Advises and assists the Superintendent and the Tribe on matters related to law enforcement.

2. Supervises the work of all other BIA police and detention personnel at the agency.

3. Assists tribes in developing proposals to operate law enforcement programs under contract. Provides technical assistance to tribes that are operating law enforcement programs under contract.

4. Conducts investigations of reported violations of Federal laws and regulations or tribal codes. Makes arrests and assists in the preparation and presentation of cases submitted for prosecution.

5. Maintains cooperative relations with the United States Attorney, agents of the Federal Bureau of Investigation and state and local law enforcement agencies.

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LAW AND ORDER HANDBOOK  
Detention Procedures

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7.1 Purpose. The purpose of these regulations is to set forth the Bureau's policy and procedures relating to the operation of detention facilities.

7.2 Policy on Detention Operation. Detention centers are operated for the protection of society and the rehabilitation of offenders, and are not to be viewed as institutions to inflict punishment in addition to the obvious punishment of confinement. Discipline and security procedures in the detention facility must not violate human rights.

Detention facilities operated under this policy cannot be considered rehabilitative for juveniles. When a law enforcement officer uses a detention center to house juveniles, the detention must be temporary and limited to the providing of secure custody for juveniles who are dangerous to themselves and others.

7.3 Admissions. The admittance of new residents is a very important aspect of the detention operation. An effective orientation will enable the new resident to adjust more quickly to the routines of the institution.

A. Preliminary Procedures.

1. Detention officers shall require proper identification of all law enforcement officers presenting a detainee for admittance.

2. The detention officer shall require the arresting officer who brings a detainee to the detention center to surrender a written report citing a specific charge or offense against the detainee.

B. Formal Detention Record. The detention officer shall prepare a formal record on each new resident. The record shall include the charge against the resident and his age, sex, residence, employment and any other relevant identifying information.

C. Personal Property of the Resident. Personal property (including money) to be taken from the resident and held for safe-keeping shall be described in detail in writing. After a written description of the property has been made it shall be presented to the resident for his examination and signature and a copy given the resident for his receipt. The property shall be stored in a secure place and the description shall be maintained in detention records.



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LAW AND ORDER HANDBOOK  
Detention Procedures

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D. Search of Detainee's Person. A detainee to be admitted may be required to remove his clothing and undergo a search of his person only if there is a reasonable suspicion that the detainee has contraband on his person or that the detainee could introduce infestations such as lice into the facility. If it is necessary to perform a bodily search the search shall be conducted in a courteous manner in a room offering privacy to the detainee.

Matrons only shall make bodily searches of detained females.

After any bodily search the officer shall include in the formal detention report notations of any injury, cuts or bruises of the detainee. If no bodily search is conducted notations shall be made of any visible injury, cuts or bruises of the detainee. Photographs may be useful in recording any such conditions.

E. Bathing. All residents must bathe upon admittance to prevent the spread of germs, disease, lice, etc. However, if a detainee violently resists incarceration the detainee should be isolated from the detention population until the detainee agrees to bathe.

F. Assigning Residents. Assignment of residents is a very important aspect of detention security and morale. The admitting officer must carefully consider if there are any conditions which would require a special assignment apart from the general detention population of the newly admitted resident. The following shall require special assignments:

1. Intoxicated resident
2. Female resident
3. Juvenile resident
4. Mentally ill resident
5. Resident suspected of suicidal behavior

The following may require special assignments.

1. Physically weak resident
2. Elderly resident
3. Violent or aggressive resident
4. Youthful (not juvenile) resident

G. Physically Ill Residents. Physically ill residents shall not be admitted unless a medical release issued by a medical doctor is first obtained.

H. Special Procedures for Juveniles. When a juvenile is detained for more than 24 hours (1) an examination shall be performed by a qualified physician to detect any physical

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LAW AND ORDER HANDBOOK  
Detention Procedures

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or mental illness that requires medical care; and (2) A BIA social worker or other qualified person shall be requested to assist in the development of alternate plans for the juvenile who is not released to his parents or guardian.

I. Detention Regulations. Written guidelines of local detention regulations shall be prepared for the residents. These guidelines shall clearly set forth the behavior expected of all residents. Newly admitted residents shall be informed of the contents of these guidelines. The admitting officer shall answer the resident's questions and make necessary explanations to insure that the resident understands these guidelines.

7.4 Outside Contacts.

A. Mail. The submission of an approved correspondence list shall not be required. Residents shall be allowed to receive mail of a letter type without limitations. Packages may be restricted according to security and space necessities. Mail to residents shall be opened for inspection only if it is suspected of containing contraband or plans for escape or other criminal activity.

No limit shall be placed on the number of outgoing letters authorized for mailing and for which the resident can provide postage. Resident written mail may not be censored.

Mail from a resident's attorney shall not be read by detention officials and may be opened for inspection for contraband only in the presence of the resident the mail is addressed to.

Mail privileges may not be revoked for disciplinary purposes.

B. Visitors. Visiting shall be scheduled at least once per week and preferably daily. If facilities permit a room shall be set aside for visiting purposes. The visiting room shall be kept clean and tidy.

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LAW AND ORDER HANDBOOK  
Detention Procedures

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A detention officer shall be present in the visiting room at all times during visiting. The officer shall be courteous to all visitors and residents. Residents shall be instructed to conduct themselves with decorum in a quiet manner so as not to disturb other residents and their visitors. Before meeting with a resident, visitors shall be informed of the detention visiting policies.

Visiting privileges may not be suspended for disciplinary purposes for more than one week at a time.

C. Attorney Visits. Residents shall be allowed to visit with their attorneys as needed. Privacy shall be provided for attorney visits.

7.5 Personal Hygiene. A resident has a right to clean clothing and surroundings and the opportunity to keep his person clean. Cleanliness in a detention institution is important for the self-respect that it fosters and also for the physical well-being of the residents.

A. Bathing. Each resident shall be allowed to bathe or shower and shave a minimum of four times per week and shall be required to bathe at least once per week. Juveniles shall have privacy for bathing.

B. Clothing. If residents are not allowed to, or are unable to furnish their own clothing, they shall be provided with clothing appropriate to the climate and circumstances. Clothing furnished residents shall be reasonably well-fitting and in an acceptable state of repair.

C. Laundry. Residents shall be provided with clean undergarments daily. Soiled outer garments shall be exchanged for clean ones at least every other day. Clean sheets and towels shall be provided residents at least once per week. Blankets and other bedding shall be laundered or cleaned as required. Residents may be allowed to do their own laundry if facilities permit.

D. Sanitary Facilities. Plumbing shall be kept in working condition. All complaints of plumbing in need of repair shall be reported immediately to the appropriate persons and prompt action to repair shall be taken.

Juveniles shall use toilets in private.

## LAW AND ORDER HANDBOOK

## Detention Procedures

E. Cleaning of Cells. Residents shall be furnished with supplies daily to clean their cells. The detention guidelines shall include procedures for the cleaning of cells.

7.6 Food. All residents shall be served three adequate, nutritious meals per day. Residents doing work requiring more than average amounts of physical exertion shall be given extra food to compensate for their activities. Residents in need of special diets due to physical ailments shall be provided them.

All food handlers, including any resident workers, shall receive medical clearance preceding their employment. Periodic physical examinations shall be required to assure that all food handlers are free of disease.

Resident diets shall not be restricted for disciplinary purposes.

7.7 Exercise and Recreation. There shall be at least one period set aside daily for physical exercise on a voluntary basis. If at all possible residents shall be provided with an outdoor exercise area to use during this period. Exercise and recreation opportunities for juveniles shall be separate from adult residents.

7.8 Religious Observance. Residents shall be allowed to practice their religions through the observance of hair styles, dietary restrictions and the like as long as the observances do not endanger the health, safety or security of the detention facility.

7.9 Security Procedures.

A. Emergencies. Written plans for handling emergencies shall be prepared and made known to all detention officers. These emergency plans shall include a fire, a riot and an escape plan. In general these plans shall include to whom reports of such emergencies must be made, location and use of equipment and duties of detention employees.

*See Release 8*

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7.8 Operational Statistical Reports. Statistical data of an operational nature will be prepared and submitted, utilizing Bureau of Indian Affairs Case Incident Record, Form 5-6825. See Illustration No. 5. For detailed preparation and submission instructions refer to Indian Criminal Justice Automated Data System User's Guide for Coding Input Forms.

A Case Incident Record (Form 5-6825) will be prepared and submitted to the Research and Statistical Section, U.S. Indian Police Training and Research Center, for each incident regardless of whether it is an offense/crime or non-enforcement type service rendered. When a Case Incident Record is classified as an offense/crime and more than one offender is involved, a separate form will be prepared and submitted so as to account for each offender. A Case/Incident Record will also be prepared and submitted to make any changes in the original Record Card (Form 5-6825), whether it be to correct, delete or complete the original card submitted. Refer to the User's Guide for assigning appropriate Case Incident Numbers and other needed data for submission of corrections, deletions, and completing of original data submitted.

It is essential to the overall Indian Criminal Justice Program for the foreseeable future that final court dispositions be obtained and reported on Form 5-6825 in accordance with the User's Guide.

In accordance with Code of Federal Regulation 25, Subchapter Y, Part 271, Subpart D, 271.49(d) and 41 FR 51012, November 19, 1976 (Title 25 - Indians, Part 11, Law and Order on Indian Reservations - Law Enforcement Standards for Police and Detention Programs, Section 11.304(m)) tribal entities operating criminal justice programs, or segment(s) thereof, under the provisions of Public Law 93-638, will utilize, prepare and submit Bureau of Indian Affairs Case Incident Record (Form 5-6825) as required in this release, and in accordance with the Indian Criminal Justice Automated Data System User's Guide for Case Incident forms, or special supplemental instructions as may be issued periodically. Tribal entities operating so-called "pure" tribal criminal justice and/or law enforcement programs are to be encouraged to participate in this program.

Area, Agency and/or Reservation Law Enforcement Program Administrators, or Contract Monitors are responsible for insuring that a Form 5-6825 is correctly completed in a legible manner and timely submitted in accordance with this release, the User's Guide, or special Supplemental instructions as may be issued periodically.

7.9 Monthly Narrative Reports. A monthly narrative summation, utilizing Optional Form No. 10 (8" x 10-1/2"), will be prepared and submitted giving an account of both operational and management positive highlights, as well as deficiencies, of reservation, agency and area criminal justice programs.

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Problems confronting the development of viable and realistic law enforcement service program and appropriate recommendations are to be included. Noteworthy and news type information of general and historical interest is also to be included in the report. Reports are to reflect the true status of programs regardless of conditions existing at the end of the report period.

To be included as an attachment to the Monthly Narrative Report will be a locally designed and reproduced form which will be entitled "SUICIDE OR ATTEMPTED SUICIDE" and will include the following information in order as listed:

1. Race;
2. Age;
3. Sex;
4. Martial Status;
5. Degree of Indian Blood;
6. Tribal Affiliation;
7. Place of Incident (e.g., home, jail, etc.);
8. Suicide or Attempt;
9. Reason;
10. Method;
11. Previous Attempts;
12. Disposition in Attempts;
13. Brief Social and Family History;
14. Kind of Suicide Prevention Program in Operation;
15. Resources Utilized to Help Individuals (If Attempt: Are services still being offered or utilized?); and
16. Other comments.

In accordance with Code of Federal Regulation 25, Subchapter Y, Part 271, Subpart D, 271.49(d) tribal entities operating criminal justice programs, or segment(s) thereof, under the provisions of Public Law 93-638, are required to submit Monthly Narrative Reports in the same manner as a Bureau operated program.

Agency Responsibility: Agency/Reservation Law Enforcement Administrators, or Contract Monitors are responsible for preparation and submission of reservation/agency reports to respective area offices, in triplicate, not later than the 5th working day of each month covering the prior month's activity. Area Responsibility: Reservation/agency/area reports will be transmitted, in duplicate, not later than the 10th working day of each month covering the prior month's activity to the Research and Statistical Section, U.S. Indian Police Training and Research Center.

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Monthly narrative reports will be utilized as an indicator as to overall program success, activities and problems and serve as one of the bases for program realignments, changes and future program planning and development.

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LAW AND ORDER HANDBOOK  
Detention Procedures

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E. Keys. A resident shall not be allowed to handle keys. Keys carried by a detention officer shall be covered at all times. Officers shall not carry keys for both inside and outside doors at the same time when in security areas of the facility.

F. Tools. Tools shall be kept in a locked cabinet when not in use. A procedure shall be established for signing tools in and out. A shadow box tool cabinet can provide an instant check of which tools are not in place.

G. Restraints. Mechanical restraints are for use in the transportation of residents. Restraints shall not be used for punitive purposes. The use of mechanical restraints for juveniles is rarely justified. If restraints are used, a written record shall be made for detention records as to the purpose and the length of use.

7.10 Discipline. Discipline is the training that develops self-control, orderly conduct and efficiency. If residents understand what is expected of them they will be more likely to do what is expected of them. Therefore, discipline begins from a preventive standpoint in the education of residents to detention procedures. When self-discipline is not exercised further measures are needed to restore self-discipline.

The following guidelines shall be observed in disciplinary actions:

- (1) Disciplinary action shall be taken only at such times and in such measures and degree as is necessary to regulate a resident's behavior within acceptable limits.
- (2) Resident behavior must be controlled in a completely impersonal, impartial and consistent manner.
- (3) Disciplinary action shall not be capricious nor in the nature of retaliation or revenge.
- (4) Corporal punishment of any kind is strictly prohibited.
- (5) Disciplinary action shall be taken as soon after the occurrence of misconduct as circumstances and due process permit.



## LAW AND ORDER HANDBOOK

## Detention Procedures

(6) Whenever disciplinary action is taken a written report for detention records shall be made. The report shall contain the resident's full name, a description of the resident's behavior leading to the report including a summary of the findings of the disciplinary hearing and the type of disciplinary action taken.

The following due process standards shall be observed in any disciplinary actions which might result in a substantial loss to the resident:

- (1) Written charges including the intent to remove one or more stated privileges must be given to the resident at least 24 hours before he is to appear at a disciplinary hearing to enable him to prepare a defense.
- (2) The resident shall be allowed to call witnesses and present documentary evidence in his defense.
- (3) The resident may be allowed at the discretion of detention officials to cross-examine and confront accusers if permitting him to do so will not be unduly hazardous to the institutional safety. If the resident requests the privilege of confrontation and cross-examination in a disciplinary proceeding and the privilege is denied, detention authorities must enter in the record of the proceeding and make available to the resident an explanation of the denial.
- (4) Residents may be appointed counsel at the discretion of detention officials and shall be assisted by counsel or detention employee or other resident if the resident does not have the ability to adequately defend himself because of illiteracy or other incompetencies.

7.11 Segregation. The following guidelines shall be observed whenever it is necessary to segregate a resident for disciplinary purposes:

- (1) The quarters used for segregation shall be well ventilated, adequately lighted, appropriately heated and maintained in a sanitary condition at all times.
- (2) Cell occupancy shall not exceed that which it was designed for except in emergencies.

LAW AND ORDER HANDBOOK  
Detention Procedures

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- (3) All residents shall be admitted to segregation dressed in normal clothing and shall be furnished a mattress and bedding.
- (4) Segregated residents shall be fed three times a day on the standard menu of the day for the institution.
- (5) Segregated residents shall have the same opportunities to maintain the level of personal hygiene available to all other residents.
- (6) A juvenile shall not be placed in segregation for more than eight hours at a time. A detention official shall observe a juvenile in segregation at least once every 15 minutes. Juveniles in segregation shall be provided with reading materials or other occupational materials. A full written report shall be made and kept in detention records whenever a juvenile is segregated.

7.12 Supervision. Adequate supervision shall be provided 24 hours everyday whenever anyone is in custody. A matron must be on duty at all times whenever a woman or a minor girl is in custody.

A detention officer shall observe each occupied cell at least once every half hour or more often if required for special conditions.

7.13 Protection of Residents. Residents shall be protected from harm inflicted by other residents. Protection may be achieved through such means as special assignments for violent residents apart from weaker residents, adequate supervision, and disciplinary action against those residents who harm other residents.

7.14 Sick Residents. Written procedures for obtaining medical care of ill residents including medical emergencies shall be established. In addition all detention officers shall be familiar with basic first aid measures to be utilized while awaiting medical assistance.

All medical complaints made by residents shall be reported to the designated medical authorities within two hours of the complaint. If there is any doubt about a resident's health the detention officer shall summon medical assistance.

A written report shall be made of all medical complaints made and the medical actions taken.

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LAW AND ORDER HANDBOOK  
Detention Procedures

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7.15 Medicines. All medicines shall be administered by detention officers according to the medical directions or by medically licensed individuals. Residents shall not be allowed to keep any medicines in their possession.

An official written record shall be kept of all medicines administered including the time and date the medicine was administered, the resident receiving medicine and the officer dispensing the medicine.

7.16 Special Residents. Male and female residents shall be housed separately and juveniles in custody shall not be housed with adult residents.

Violent, aggressive residents shall be housed alone if possible and shall not be housed with older or weaker residents.

Youthful residents (not juveniles) shall be kept apart from older more experienced residents if facilities permit.

Residents suspected of suicidal tendencies or mental illness shall be carefully watched and referred for proper medical aid. Cells occupied by these residents shall be carefully examined and features that could contribute to a suicide or the infliction of self harm shall be corrected if at all possible.

Residents admitted under the influence of alcohol shall be housed separately until sober. Special attention shall be given to the cleaning of a cell where intoxicated residents are kept. Intoxicated residents shall be watched closely for any change of their physical condition. If there is any question about the physical condition of an intoxicated resident, medical assistance shall be secured.

7.17 Physical Facilities. There shall be adequate ventilation, heat and light (as defined below) in all areas where residents are housed. Resident population shall not exceed that for which the facility was designed except in emergencies. All facilities shall be kept clean and in an acceptable state of repair.

A. Ventilation. Each cell where residents are housed shall have either natural or mechanical ventilation at least equal to the following:

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LAW AND ORDER HANDBOOK  
Detention Procedures

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Natural ventilation shall be provided by an opening directly to the outside, the area of which is at least equal to 5% of the floor area of the room served.

Mechanical ventilation where used shall provide habitable rooms, other than kitchens, with at least 3 air changes per hour, kitchens shall be provided with at least 4 air changes per hour provided that openable area directly to the outside at least equal to 3% of the floor area of the habitable space served shall be available for use in case of temporary failure of such mechanical ventilation.

B. Heating. Each occupied cell shall be maintained at a temperature of at least 68 degrees F.

C. Light and Lighting. Each cell where residents are housed shall have natural light equivalent to that which would be transmitted by a clear glass area at least equal to 1/10 of the floor area served. The natural light shall be derived from glass construction facing directly to the outside.

From dusk until bedtime occupied cells shall be artificially illuminated with a minimum of 20 footcandles measured at floor level at any point on the open floor space.

D. Water. Each sink, lavatory, bathtub and shower shall have hot and cold running water, the hot water to have a minimum temperature of 120 degrees F.

E. Rooms partially below ground. Any room with more than 50% of any exterior wall area from floor to ceiling below ground level (using average level along each exterior wall) shall not be used to house residents.

F. Floor space. Each occupied cell shall have a minimum of 60 square feet of floor space per resident housed therein.

68 BIAM Supplement 1  
Illustration No. 5

BUREAU OF INDIAN AFFAIRS CASE INCIDENT RECORD														
FORM 5-6825 Revised (Apr. 1976)		RESERVATION NAME												
1. ORGN. CODE		2. LOC. CODE		LOCATION OF INCIDENT										
3. CASE/INCIDENT NO.		4. WHEN DID IT OCCUR?		5. HOUR		6. DAY OF WEEK		7. OFFENSE/INCIDENT CODE		8. HOURS SPENT INV./INCIDENT		9. RACE		10. ARREST / CITATION
9. CASE DISPOSITION		10. COURT DISPOSITION		11. (1) ADULT / (2) JUVENILE		12. (1) ARREST / (2) CITATION		13. RACE		14. DATE OF BIRTH		15. SEX (M) / (F)		16. NATURE OF INCIDENT
QUANTITY		PROPERTY STOLEN OR DAMAGED DESCRIPTION		STOLEN		(R) RECOVERED / (C) CONFISCATED		16. TOTAL ESTIMATED VALUE		17. PROPERTY CODE OF HIGHEST VALUE		18. PROPERTY CODE OF HIGHEST VALUE		19. DATE (MO. DAY YR.)

## LAW AND ORDER HANDBOOK

## Issuance of Deputy Special Officer Commissions

9.1 Policy and Purpose. It shall be the policy of the Bureau of Indian Affairs to issue Deputy Special Officer Commissions to State, County, local and tribal full-time law enforcement officers, who serve without compensation from the Federal Government, for the purpose of obtaining active assistance in the maintenance of law and order enforcement of hunting and fishing regulations on Indian reservations and in the suppression of traffic in narcotics and intoxicants among Indians.

9.2 Authority. Authority for the issuance of Deputy Special Officer Commissions is contained in 18 U.S.C. 3055.

9.3 Issuing Officer. Responsibility for issuing Deputy Special Officer Commissions is delegated to each Area Director and shall not be redelegated.

9.4 Applications. Applications for Deputy Special Officer Commissions shall be submitted in writing to the Area Director. Each application shall be accompanied by a Fingerprint Chart of the applicant and the required BIA application form. (Form 5-6827/July 1978). See Illustration 1.

9.5 Clearance. The Area Director shall cause an examination to be made of the applicant's background for the purpose of determining applicant's qualifications and eligibility.

A. Fingerprint chart shall be cleared through the Federal Bureau of Investigations, Washington, D.C., to determine if applicant has a criminal record. No Commission may be issued until the applicant has satisfactorily passed the clearance examination. Applicants who are employed by a law enforcement organization, who require as a pre-condition of employment, that they be fingerprinted and undergo a background investigation may be exempted from this process if they can show written documentation of clearance.

B. Application form is completely answered and attested to by the Chief Officer of the enforcement agency for whom the applicant is a full-time officer.

C. Each candidate shall be interviewed by the Area Director or his designee at the Agency level to assess personality traits and characteristics of the candidate.

9.6 Qualification Standards. All recipients of commissions shall meet the following standards:

A. Be at least 21 years old.

LAW AND ORDER HANDBOOK  
Issuance of Deputy Special Officer Commissions

B. Meet Peace Officer Standards and Training (POST) requirements for certification as a bona fide full time peace officer and shall have written proof of this certification.

Tribal officers shall meet the minimum standards set forth in 25 CFR 11.304.

C. Shall, within the six month period immediately preceding the issuance of the commission, have passed his firearms qualification.

D. Shall not ever have been convicted of a felony nor within one year period, immediately preceding the issuance of the commission, have been convicted of a misdemeanor offense.

E. Shall have no physical impairments that will hinder his performance as an active enforcement officer.

9.7 Issuance of Commissions. Commissions shall be issued through the Chief Officer of the enforcement agency for which the applicant is a full time officer who shall agree in writing to assume responsibility for returning the commission to the issuing BIA Officer when one of the following conditions exists:

A. Holder terminates his employment as a full time peace officer for any reason.

B. Holder transferred to another area or jurisdiction.

C. Holder is suspended for any reason.

D. Holder is under indictment.

E. Commission expires.

9.8 Expiration of Commission. All Deputy Special Officer Commissions shall expire three (3) years from date of issuance. Each commission may be renewed without further processing, if a continuing need exists. Commissions may be revoked for cause.

9.9 Commission Cards. Each commission card shall carry the following identifying data: See Illustration 2.

A. Name and recent photo of holder of commission.

B. Date of birth, height, weight, social security number, color of hair and eyes.

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LAW AND ORDER HANDBOOK  
Issuance of Deputy Special Officer Commissions

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- C. Date of issue and date of expiration.
- D. Signature of issuing BIA officer (Area Director).
- E. Signature of holder.

9.10 Records. Each Area Director shall cause a current record to be kept of all outstanding commissions which shall be subject to review.

9.11 Training. Each new holder of a Commission shall be given a thorough orientation as to the exact authority he is able to exercise by virtue of the Commission. The Area Director or his designee shall deem what other training is required, particularly in the areas of jurisdiction and federal laws.

9.12 Caution. The Deputy Special Officer Commission endorses the holder with federal authority and responsibility and concomitantly places a high level of liability risk upon the U.S. Government. In order to reduce liability risks for the Government, great care should be taken to adhere to the policy and procedures set forth.

9.13 Commissions. Commissions are to be issued only when a legitimate law enforcement need requires issuance. Commissions are not to be issued solely for the furtherance of inter-agency or public relations.



Form 5-6827  
July, 1978

68 BIAM  
Illustration 1  
Area:

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Date: \_\_\_\_\_

Agency: \_\_\_\_\_

APPLICATION FOR COMMISSION AS DEPUTY SPECIAL OFFICER

CERTIFICATION: I hereby certify that the answers I make to the questions below and the information submitted in support of this application as a Deputy Special Officer in the Bureau of Indian Affairs, Department of the Interior, are true to the best of my knowledge and belief and understand that failure to answer all questions fully and truthfully will result in denial of this application.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

NAME \_\_\_\_\_ CURRENT RESIDENCE ADDRESS \_\_\_\_\_

RESIDENCE TELEPHONE \_\_\_\_\_ Previous address, if less than 3 years at present \_\_\_\_\_

Agency/Organization Currently employed by \_\_\_\_\_

Agency/Organization address \_\_\_\_\_ Telephone \_\_\_\_\_

Name/Title of Immediate Supervisor \_\_\_\_\_

Date employed \_\_\_\_\_ Position currently held \_\_\_\_\_ Title/Rank \_\_\_\_\_

Previous employment, if at present position less than 3 years \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

Name/Title of immediate past supervisor \_\_\_\_\_

Position/Title/Rank held at previous employment \_\_\_\_\_

Dates employed: From \_\_\_\_\_ To \_\_\_\_\_

Education \_\_\_\_\_ Specialized Training \_\_\_\_\_

State Peace Officer Standard Training Certification issued by \_\_\_\_\_

Date of Certification \_\_\_\_\_, Location of Training Academy \_\_\_\_\_

List all convictions (include misdemeanors) for which you have paid a fine of \$25.00 or more. Include, date, location and court action, even if dismissed, acquitted or suspended.

st three references and their addresses who may be contacted locally, other than Bureau of Indian Affairs employees, that can attest to your qualifications, background, loyalty and integrity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
CERTIFICATION: I certify that the above named applicant \_\_\_\_\_  
is a full time regularly employed peace officer of the \_\_\_\_\_ Department.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Police, Sheriff, Director of Law Enforcement Agency

APPLICATION REVIEWED BY: (Name) \_\_\_\_\_  
(Title) \_\_\_\_\_ (Agency) \_\_\_\_\_  
Commission Issued, Date \_\_\_\_\_ Date of Expiration \_\_\_\_\_

NOTICE: If insufficient space to answer fully all questions, use additional paper.

All applicants, except presently employed law enforcement officers, whose Department requires the following as a pre-condition of employment, must submit (2) two copies of his/her fingerprint chart (U.S. Government SF 87). The fingerprints will be cleared through the Federal Bureau of Investigation, Washington, D.C.. To be exempt from this clearance, applicant must submit proof of clearance as a pre-condition to the issuance of the commission.

BUREAU OF INDIAN AFFAIRS  
DIVISION OF LAW ENFORCEMENT SERVICES

This Presents That

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IS, BY AUTHORITY ESTABLISHED IN ME BY LAW,  
COMMISSIONED A POLICE SPECIAL OFFICER IN THE  
BUREAU OF INDIAN AFFAIRS AND AUTHORIZED TO  
CONDUCT INVESTIGATIONS AND EXERCISE AUTHORITY  
DELEGATED BY VIRTUAL ACT 18 U.S.C. 3055.

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AREA DIRECTOR

Date of Birth	Age	Height	
Weight	Color Hair	Color Eyes	
Soc. Security No.	Expiration Date		
Title or Position			
Law Enforcement Agency			

Issue Date

Signature of Employee

## LAW AND ORDER HANDBOOK

## Issuance and Accountability of Badges, Credentials and Firearms

10.1 Purpose. The purpose of these regulations is to set forth the Bureau's policy and procedures relating to the issuance and accountability of law enforcement officers' badges, credentials and firearms.

10.2 Policy.

A. Badges, identification cards and commissions may be issued only to law enforcement officers (series O83-1811). These credentials will be issued by the authority of the Area Director or the Administrator of the Joint Use Area.

B. Area Directors and the Administrator of the Joint Use Area may authorize Bureau employees to carry firearms in accordance with 68 IAM 2.3.

10.3 Procedures.

A. Initial Hiring: The Division of Law Enforcement Services at the hiring agency will issue to each officer a badge, identification card, commission and service revolver. The individual officer shall acknowledge receipt of same by completion of a form with the following information:

I, (officer's name), have received a (title) badge, Bureau ID card and commission and service revolver (make - caliber - serial number). I fully understand that upon my termination from law enforcement for any reason, it is my responsibility to return these issued credentials, badge and weapon to the appropriate Bureau authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This form shall be made in quadruplicate. The original copy of the form is to be filed with the issuing officer and copy to each Official Personnel File, Area Property and Supply and individual officer.

B. Transfer: When an officer is transferred from area jurisdiction to another, he will retain all issued credentials and badge. It will be the responsibility of the Area Law Enforcement office to advise Property and Supply to transfer accountability of officer's property to the receiving Area. However, when an officer is transferred, he will return issued weapons to the Agency, except in instances where an individual officer has a waiver to use a weapon other than the standard .38 caliber revolver. In this instance, the officer may retain the issued weapon, if concerned Areas concur. In all cases, proper accountability will be maintained by Property and Supply.

## LAW AND ORDER HANDBOOK

Issuance and Accountability of Badges, Credentials and Firearms

C. Lost or Not Returned Items: If a badge, credentials and/or issued weapon is lost, the officer shall be liable for the cost of the item(s).

If a badge, credentials and/or issued weapon is not returned at time of officer's termination, for any reason from law enforcement duty, it shall be the responsibility of the Area Personnel Officer to take prompt steps to holdup any approval for final pay until this matter has been fully cleared.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

AUG 21 1990

68 BIAM Supp. 1  
Release 13

Memorandum

To: Holders of 68 BIAM

From: Deputy to the Assistant Secretary - Indian Affairs  
(Operations)

Subject: Law Enforcement, Central Registry

This release revises and updates the Law Enforcement Supplement of the Law Enforcement Manual. A new section, 68 BIAM Supplement 1, Section 11, Central Registry For Child Abuse Cases has been added. This section outlines procedures established for the collection, security and use of information contained in the Central Registry.

*Walter K. Mills*

Deputy to the Assistant Secretary -  
Indian Affairs (Operations)

Filing Instructions:

- (a) Remove superseded material:  
None (0 sheets)
- (b) Insert new material transmitted:  
68 BIAM Supp. 1, Table of Contents, Rel. 13 (dated 8/20/90) (1 sheet)  
68 BIAM Supp. 1, 11.1 - 11.11D Rel. 13 (dated 8/20/90) (2 sheets)
- (c) Pen-and-ink changes:  
None

LAW ENFORCEMENT  
Central Registry For Child Abuse Cases

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11. CENTRAL REGISTRY FOR CHILD ABUSE CASES

11.1 Purpose. The purpose of this section is to establish procedures for the collection, safeguarding, use and dissemination of information in the Central Registry.

11.2 Policy. It is the policy of the Bureau of Indian Affairs (BIA) that a Central Registry of Child Abuse and Neglect Allegations be maintained within the Division of Law Enforcement Services. Such Central Registry shall be utilized to assist the BIA to monitor child abuse cases, track the alleged offenders, assist with case management, develop a data base of alleged child abuse cases, and to provide information for reported incidents to the Assistant Secretary - Indian Affairs.

11.3 Central Registry.

A. A Central Registry is established in the BIA and shall be maintained by the Division of Law Enforcement Services.

B. The Chief, Division of Law Enforcement Services shall be responsible for the gathering, storage, security and dissemination of information contained within the Central Registry.

11.4 Information Contained in the Central Registry. Information contained in the Central Registry shall include, to the extent such information can be obtained, but is not limited to:

A. The name of the Area and the Agency where the alleged offense occurred.

B. The local criminal investigation case number or the local incident report number.

C. The name, address, date of birth, social security number, sex, race, and place of employment of the alleged offender.

D. Name, address, sex and date of birth of victim.

E. Name, address and telephone number of victim's parent/guardian.

F. Name and address of the victim's school and the victim's grade.

G. Any determination that such allegations are unfounded, founded or suspected.

11.5 Reporting to the Central Registry.

LAW ENFORCEMENT  
Central Registry For Child Abuse Cases

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11.5 Reporting to the Central Registry.

A. Within three days of receiving a complaint of alleged child abuse or neglect, the law enforcement agency receiving such complaint shall submit to the Central Registry a written report on form BIA-6833 (Offense/Incident Report), containing the information specified in section 11.4 of this chapter.

B. Each law enforcement agency receiving a complaint of child abuse shall submit to the Central Registry a written update on the status of the case on a bi-weekly basis using form BIA-6833. Once a case has been completed, the initiating law enforcement agency shall submit to the Central Registry a copy of the completed Final Disposition Report (form 5-324-A).

11.6 Routine Use of the Central Registry. The Central Registry shall be used to:

A. Track alleged and known offenders in child abuse and neglect cases.

B. Provide a data base on child abuse and neglect incidents in Indian country.

C. Assist agencies within the BIA, which are responsible for services to juveniles, with child abuse and neglect case management.

11.7 Security of Information Contained in the Central Registry.

A. The Chief, Division of Law Enforcement Services, shall establish procedures to ensure the security of the information contained in the Central Registry.

B. The Central Registry shall be maintained in accordance with Department of the Interior procedures regarding security of sensitive information.

11.8 Access to Information Contained in the Central Registry.

A. Access to reports of alleged child abuse and neglect which are contained within the Central Registry shall be in accordance with the Privacy Act.

B. Requests for personal information contained within the Central Registry shall be in writing. Such written requests for information shall be submitted to the Chief, Division of Law Enforcement Services.

C. Only that limited information needed from the requested Central Registry case file by the requestor shall be released. All



## LAW ENFORCEMENT

## Central Registry For Child Abuse Cases

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LAW ENFORCEMENT  
Central Registry For Child Abuse Cases

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other information shall be redacted. The written requests for information pertaining to a specific case shall be filed with that case.

D. Social services or law enforcement agencies requesting information from the Central Registry shall include their local case number on the written request.

E. The reports, to the extent they do not identify the victim or assist in identifying the victim, may also be accessed by employers seeking information about potential or current employees.

11.9 Expunging Central Registry Information.

A. Information contained in the Central Registry which has been determined to be unfounded may be expunged only on a directive of the Chief, Division of Law Enforcement Services.

B. Only that information which serves to identify an alleged offender shall be expunged.

11.10 Oversight. An important function of the Central Registry is to improve oversight and monitoring of sensitive cases of alleged child abuse and neglect. It is the responsibility of the BIA Security Officer to routinely review and screen the incoming reports for the following circumstances:

A. Cases of alleged child abuse or neglect in which the alleged offender is employed by the BIA in a position that requires regular contact with, or control over, children. In such cases the BIA Security Officer shall ensure that the alleged offender's immediate supervisor has been contacted so that appropriate administrative action may be initiated.

B. Cases requiring immediate reports to the Chief, Division of Law Enforcement Services. Such cases shall include, but not be limited to:

- (1) Incidents resulting in the death of a child.
- (2) Cases involving multiple victims.
- (3) Allegations of "cover-ups."
- (4) Tribal leaders or Agency Superintendent involvement.

LAW ENFORCEMENT  
Central Registry For Child Abuse Cases

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(5) Cases involving injury of a child in foster care, group care facility, or institutional placement (BIA, state, or tribal).

(6) Cases in which a child was injured in a BIA operated or tribally contracted school facility.

(7) Allegations of any law enforcement wrongdoing in the handling of the case.

C. The BIA Security Officer shall establish and maintain a case file when allegations are made against BIA employees. The case file shall include:

(1) A copy of the initial report.

(2) Update case information.

(3) Administrative actions taken.

(4) Records of all follow-up actions taken including all contacts made to supervisors, other law enforcement officials and other collateral contacts.

#### 11.11 Monitoring

A. The BIA Security Officer shall routinely screen the received reports to ensure that the time frames outlined in section 11.5 of this section have been met. Any deviation from these time frames shall be reported to the Area Special Officer for appropriate attention and action.

B. The Chief, Division of Law Enforcement Services, shall routinely review reports received under section 11.10A and B, shall determine which national, Area or local program officials should be notified and shall make such notifications.

C. The Chief, Division of Law Enforcement Services, shall submit quarterly reports to the Assistant Secretary - Indian Affairs regarding the activities of the Division of Law Enforcement Services in maintaining the Central Registry including a report on the data collected.

D. During each local law enforcement program review, the Division of Law Enforcement Services shall incorporate a review of Central Registry activities for compliance with section 11.5 of this section.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245



REPLY REFER TO:

AUG 20 1990

68 BIAM Supp. 1  
Release 14

## Memorandum

To: Holders of 68 BIAM

From: Deputy to the Assistant Secretary - Indian Affairs  
(Operations)

Subject: Law Enforcement, Child Abuse and Neglect Reporting Hotline

This release revises 68 BIAM, Supplement 1, Section 12, Law Enforcement, Child Abuse and Neglect Reporting Hotline. Procedures for operation of a reporting hotline are described herein which are to be followed by those Law Enforcement Services personnel who are assigned to the Hotline staff, including receiving calls and referring reports to local law enforcement agencies.

*Walter R. Mills*  
Deputy to the Assistant Secretary -  
Indian Affairs (Operations)

### Filing Instructions:

- (a) Remove superseded material:  
None (0 sheets)
- (b) Insert new material transmitted:  
68 BIAM Supp. 1, Table of Contents, Rel. 14 (dated 8/20/90) (1 sheet)  
68 BIAM Supp. 1, 12.1 - 12.10C Rel. 14 (dated 8/20/90) (3 sheets)
- (c) Pen-and-ink changes:  
None

## LAW ENFORCEMENT

## Child Abuse and Neglect Reporting Hotline

## 12. CHILD ABUSE AND NEGLECT REPORTING HOTLINE

12.1 Policy. The Hotline service was created to enable Bureau of Indian Affairs (Bureau) employees to report known or suspected incidents of child abuse or neglect, Toll free, to the Central Office in the event circumstances preclude them from contacting their local law enforcement office. Employees are notified that such calls can be made to the Hotline 1-800 number between the hours of 8:00 a.m. and midnight, Eastern Standard Time. Operational hours may be extended or reduced as circumstances require.

12.2 Staffing.

A. Hotline Staffing. Hotline staffing is the responsibility of the Chief, Division of Law Enforcement Services (hereafter referred to as the Chief).

B. Chief's Discretion on Mobilization. At the discretion of the Chief, Hotline staff members may be mobilized from any Bureau level of Law Enforcement operation. Compensation shall be in accordance with prescribed rules and regulations for Bureau police personnel.

C. Mobilization of Non-Police Personnel. At the discretion of the Chief, non-police personnel may be used, provided such personnel have received training on interview techniques and report preparation.

D. Work Schedule. The Chief is responsible for developing a work schedule. The Chief's written approval is required for any deviation from the work schedule, except in the event of illness or emergency. In order to staff the Hotline in the event of illness or emergency, the Chief shall designate an alternate Hotline operator who shall stand in for the absent scheduled operator. The alternate shall remain on duty until relieved.

E. Responsibility of Receiving Reports. Hotline operators have the limited responsibility of receiving reports of child abuse and neglect from Bureau employees. At the discretion of the Chief, this responsibility may be expanded to include other law enforcement duties, provided the ability of the staff to respond to child protection matters is not compromised.

12.3 Hotline Answering Procedures.

A. Hotline Answer. Hotline staff shall answer calls as "This is the Bureau of Indian Affairs Child Protection Hotline".

B. Receipt of Non-Employee Calls. Primarily, the Hotline is established for receipt of reports from Bureau employees. However, additional reports may be received from employees of Bureau contractors or from the general public, including tribal members.

## LAW ENFORCEMENT

Child Abuse and Neglect Reporting Hotline

C. Factual Reporting. Persons making reports should be assisted in making as factually complete a report as possible.

D. No Personal Calls. Absolutely no personal calls are to be processed on the 1-800 phone line.

E. Incoming Call Use Only. The 1-800 number is intended only to serve incoming calls and therefore is not to be used to place outgoing calls. Any other phone with FTS service is to be used to place an outgoing call.

F. Caller Identification.

(1) Anonymous reports shall be accepted. However, reporters should be encouraged to disclose their identity.

(2) All persons making reports will be informed that those individuals who do identify themselves will not be disclosed by the Bureau to anyone other than the necessary law enforcement personnel, to the extent permitted by Federal law.

(3) If a caller is initially unwilling or reluctant to provide self-identification, the operators shall be tactful and not press the question. If by the end of the questioning, no identification has been provided, the operator shall remind the caller that it would improve the investigator's chances of substantiating the complaint if the caller can be contacted by local law enforcement.

(4) In the case of an anonymous employee caller, the operator shall remind the caller that employees are mandated to provide reports of suspected child abuse and neglect, so it would be in their best interest to have their name on the record as having initiated a report.

(5) Regardless of the identity of the person making the report, or their request to remain anonymous, sufficient information shall be obtained to initiate an investigation. Each caller will be asked to provide the following information:

(a) Report identification.

(i) Area.

(ii) Agency.

(iii) Date of report.

(b) Child's identifying information.

(i) Name.

LAW ENFORCEMENT  
Child Abuse and Neglect Reporting Hotline

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- (ii) Date of birth.
- (iii) Sex.
- (iv) Indian or non-Indian.
- (v) Parent/guardian's name.
- (vi) Other siblings.
- (vii) Address.
- (viii) Finding directions.
- (ix) Telephone.
- (x) County of residence.
- (c) Source of allegation.
  - (i) Complainant's name.
  - (ii) Telephone number.
- (d) Incident identification/description of the incident.
  - (i) Date/time of the incident.
  - (ii) Observable indicators.
  - (iii) Behavioral.
  - (iv) Physical (site, size, description).
- (e) Suspect's information.
  - (i) Name.
  - (ii) Address.
  - (iii) Employment.
  - (iv) Indian or non-Indian.
  - (v) Suspect's report of how problem occurred.
- (f) Child report on how problem occurred.

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- interaction.
- (g) Observations regarding suspect/child
  - (h) Witness information.
    - (i) Names, addresses, phone numbers of anyone who may have information or have observed the same problems.
    - (ii) Names and addresses of schools the child may have or is presently attending.
    - (iii) Names and addresses of any medical providers who may have treated the child in the past.
    - (iv) Names of any neighbors or friends who may have recently been in the home.
    - (v) Any information regarding the parent(s) general whereabouts or place of work.
  - (i) Documenting information.
    - (i) Receipt of report.
    - (ii) Date/time of phone report.
    - (iii) Name of person accepting phone report.
  - (j) Referral of report.
    - (i) Date/time of phone report.
    - (ii) Name/location/phone number of person accepting phone report.

12.4 Methods of Questioning. The Hotline operator shall ask questions which will indicate the location of the incident in jurisdictional terms. The operator shall try to obtain any information which will give a clear indication of where the incident occurred to expedite the referral to local law enforcement. Specifically, question such as the following shall be asked. Examples are:

A. Nearest Bureau Agency. Where is the nearest Bureau Agency?

B. Occurrence On or Off Reservation. Did the incident occur on or off reservation?



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C. Bureau or Tribally Operated Facility. Did the incident occur in a Bureau or Tribally operated facility?

D. Nearest Community. Where is the nearest community?

E. County Name. What is the name of the county in which the incident occurred?

12.5 Assurance to Caller. The operator shall assure the caller that the operator will refer the call to the proper local authorities.

12.6 Referral to Local Authorities. The operator shall immediately contact the local law enforcement office and provide that office with the substance of the information received. The Hotline operator shall document the following information upon contacting local authorities.

A. Agency and Officer Contacted. Name of the Agency and officer contacted.

B. Agency Phone Number. Agency phone number.

C. Time and Date of Contact. Time and date of the contact.

D. Information Provided to the Hotline Operator. Any information provided by the receiving official to the Hotline operator.

12.7 Special Referrals. If circumstances require that the local law enforcement office should not be contacted, the Hotline operator shall call the Area Special Officer or the Branch of Criminal Investigation in accordance with 68 BIAM Supp. 1, section 4.15. Circumstances, include, but are not limited to:

A. Cover-Up. Allegation of local Bureau or tribal cover-up;

B. Allegation Against Key Bureau or Tribal Personnel. Allegation against key Bureau or tribal personnel such as law enforcement officers, tribal council members, or tribal court judges, or;

C. Failed Local Investigation. Allegation that the local law enforcement office was previously notified and failed to investigate.

12.8 Information Calls. Calls for information about the Hotline or its operations are to be referred to the Chief. The inquirer's name and telephone number is to be reported to the Chief to facilitate call back. In the event information is sought by the News Media, the Chief shall refer all questions to the Bureau's Public Affairs Officer for initial comment and guidance.

12.9 Use of Answering Machine. The following or similar message shall be used on the Hotline answering machine to greet incoming calls:

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"You have reached the Bureau of Indian Affairs Child Protection Hotline and Law Enforcement Reporting System. If it is between the hours of 8:00 a.m. and Midnight, Eastern Standard Time, a Hotline operator officer is on duty and is taking another Hotline call. If your call concerns suspected child abuse or neglect, the officer shall return your call promptly, if you leave your name and telephone number when you hear the beep tone. If you do not wish to leave your name and number, please call back. All Law Enforcement personnel should proceed to leave information at the sound of the tone."

12.10 Reporting Responsibilities.

- A. Mailing Copy of the Call Report. The Hotline operator is responsible for mailing a copy of the call report to the local law enforcement agency prior to the end of the operator's shift.
- B. Providing Chief with Copies of Call Reports. The Hotline operator is responsible for providing the Chief with copies of all reports received at the end of each shift.
- C. Chief's Monthly Summary Report. The Chief is responsible for producing a monthly summary of Hotline activities. The report is to summarize all data categories covered by the standard questions. The report is to be provided to the Deputy to the Assistant Secretary - Indian Affairs (Tribal Services) for subsequent distribution to the Assistant Secretary - Indian Affairs.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

AUG 20 1990

68 BIAM Supp. 1  
Release 15

Memorandum

To: Holders of 68 BIAM

From: Deputy to the Assistant Secretary - Indian Affairs  
(Operations)

Subject: Law Enforcement, Special Emergency Response Team

This transmittal notice revises 68 BIAM Supplement 1 by adding a new section concerning the establishment and guidelines for the operation of a Special Emergency Response Team which will respond to certain kinds of child abuse cases.

This Manual Supplement will be the operating procedure until the revised version of the 68 BIAM is issued.

*Walter R. Mills*

Deputy to the Assistant Secretary -  
Indian Affairs (Operations)

Filing Instructions:

- (a) Remove superseded material:  
None (0 sheets)
- (b) Insert new material transmitted:  
68 BIAM Supp. 1, Table of Contents Rel. 15 (dated 8/20/90) (1 sheet)  
68 BIAM Supp. 1, 13.1 - 13.9B Rel. 15 (dated 8/20/90) (2 sheets)
- (c) Pen-and-ink changes:  
None

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Response Team

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## 13. SPECIAL EMERGENCY RESPONSE TEAM.

13.1 Purpose.

A. This chapter details procedures for establishing and implementing a Special Emergency Response Team (SERT) to respond to cases of child abuse involving: multiple victims; high profile issues; and sensitive or highly unique cases. The purpose of a SERT is to minimize trauma to the children and the community affected by the occurrence of child abuse by providing supportive services e.g., medical, social, and counseling services, to victims, their families, coworkers, and other members of the community.

B. These provisions apply to employees in sensitive positions which require regular contact with or control over children; supervisors of those employees, and program managers with responsibility for providing services to Indian children; and senior Bureau of Indian Affairs (BIA) officials.

13.2 Policy.

A. The BIA shall be committed to eliminating child abuse, including but not limited to, all forms of neglect and other physical, emotional, psychological and sexual abuse. In this regard, the BIA shall be committed to providing special responsive services to those children who become victims of abuse despite preventive efforts, including the formation of SERT units to administer special services. Such services shall be provided to local area and field offices to assure an effective, timely response to instances of child abuse.

B. SERT is not intended to usurp local resources. SERT shall complement local resources, assist and coordinate local, area and national resources.

13.3 Responsibilities.

A. All Employees. All BIA employees are required to report suspected incidents of child abuse to either local law enforcement or to the Child Abuse and Neglect Reporting Hotline.

B. Program Managers. All BIA program managers at the central, area and agency levels who have responsibility for providing services to children, including, but not limited to, child welfare, education programs and services, and law enforcement, shall comply with the provisions of this chapter for the purpose of staffing, mobilization, operation, and support of SERT units.

C. Child Protection Coordinator. The BIA Child Protection Coordinator (coordinator), appointed by the Deputy to the Assistant

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Secretary - Indian Affairs (Tribal Services), is responsible for the implementation of these provisions and the daily oversight of SERT operations when a SERT is in the field.

D. Child Protection Teams. (See 66 BIAM 10.25, Child Protection Teams.)

13.4 General Procedures.

A. Staffing. Staffing of a SERT shall vary from case to case and may include any of the following categories of BIA employees: teachers, counselors, child protection/social workers, law enforcement officials, medical workers, judicial services officials, personnel officials, and other Federal or private personnel who may be appropriate for a given case.

B. Child Protection Coordinator.

(1) The coordinator shall develop and maintain a list of BIA employees who are potential SERT members, as designated by their area director or central office manager, to serve as SERT members.

(2) The coordinator shall serve as liaison with the Indian Health Service (IHS), other health organizations, tribes, and other agencies, for the inclusion of medical and other professionals as SERT members.

(3) The coordinator shall establish a list of potential consultants (Federal and private) who may be recruited for service as SERT members on an as-needed basis. Procurement of private consultants shall be planned annually between the coordinator and area procurement officers with the objective of procuring experts from within the geographic area administered by the area office. Those consulting services which may be available through another Federal agency should be acquired under annual memoranda of agreement.

(4) The coordinator shall, in consultation with personnel officials, develop a training program to ensure that all potential SERT members are properly trained to respond to child abuse matters, including proper response protocols, interviewing techniques, public relations, analysis of data, counseling, and related matters.

(5) The coordinator shall develop and maintain a standing set of travel authorizations for use by the coordinator and SERT members upon mobilization of a SERT.

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13.5 Mobilization of a Special Emergency Response Team.

A. Convening Members. Members of a SERT will be convened, on an as-needed basis, at the discretion of the Deputy to the Assistant Secretary - Indian Affairs (Tribal Services); or after approval of an area director's request for SERT services.

B. Mobilization Criteria. Mobilization should occur only if one or more of the following criteria are met:

- (1) An incident involves multiple victims.
- (2) There is a high degree of negative publicity.
- (3) Special political considerations are involved.
- (4) Circumstances make the case especially unique or sensitive.

C. Designation of Team Members and Team Leader. The coordinator shall designate team members and a team leader, following consultation with the local and area child protection teams and local law enforcement officials.

D. Initial Coverage. The coordinator shall ensure that at least one team member, preferably the team leader, arrives on local site promptly after the coordinator has consulted with the local child protection team and local law enforcement officials. The coordinator shall also ensure that other SERT members are on site as quickly after their designation as transportation schedules will allow. The duration for the provision of SERT services shall not exceed 10 calendar days.

E. SERT Contacts. SERT members shall immediately establish contacts with local and area resources to coordinate efforts and to assure that SERT activities do not hinder case investigations, prosecution or other ongoing activities.

13.6 Local Base of Operations and Command.

A. Base. The team leader, in conjunction with the agency superintendent, shall establish a local base of operations, preferably in the immediate office of the superintendent within whose jurisdiction the abuse is known to have occurred.

B. Command. Provision of SERT services shall be at the exclusive direction of the team leader. The team leader is to apprise local BIA officials on the status of SERT operations on a daily basis.

13.7 Reporting. After the team leader has been on site for 48 hours, the team leader will inform the Assistant Secretary - Indian Affairs of the SERT's proposed course of action, time frames, and target departure date. The

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team leader will also advise senior local officials of the proposed schedule of action. SERT members are to consider all case information developed by local law enforcement or child protection/social services officials.

13.8 Services to be Provided. SERT services may include any one or combination of the following services, depending upon the circumstances of the case at issue:

A. Social Services. SERT may provide or identify resources to provide victim and community counseling, placement, treatment, intervention, or other social services.

B. Education. SERT may provide or identify resources to provide victim and community counseling, placement, treatment, training, special classes, or other education.

C. Law Enforcement. SERT may provide or identify resources to provide case development assistance, advice for victims, community and local law enforcement officials, counseling, interviewing, intervention, or other law enforcement services.

D. Personnel Services. SERT may advise local officials on personnel actions to be taken relative to the accused, coworkers, and supervisors.

E. Medical. SERT medical personnel may perform examinations and analysis, as well as provide or identify resources to provide counseling, advice, treatment, placement, etc. for victims, families and members of the community affected by the occurrence of abuse.

F. Other Services. Within the discretion of the team leader, SERT will provide other services as needed.

13.9 Treatment and Safeguard of Case Information.

A. Privacy Act. All privileged information regarding a SERT case will be handled in strict compliance with the provisions of the Privacy Act. Any team member who violates this provision shall be subject to immediate removal from present and future SERT activities and may be subject to additional adverse action.

B. The Media. All media contacts are to be processed through the BIA Public Affairs Officer. All SERT members and other personnel with access to child abuse information are expressly prohibited from releasing any information to or discussing the case with any members of the media. It is strongly recommended that the Public Affairs Officer consult with the Department of Justice and Department of the Interior case attorney relative to the kinds of case information which may be litigation-sensitive.