

Below are the Rules and Regulations of the Jamestown Police Department. These rules were adopted November 8, 2004.

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Articles of Rules and Regulations

ARTICLE 1

TERMS

- 1.1 The term “Jamestown Police Department” shall mean the Police Department of the Town of Jamestown, Rhode Island as authorized by Chapter 73 of the Public Laws of Rhode Island, and established under Article IV, Section .417 of the Charter of the Town of Jamestown, Rhode Island.
- 1.2 The term “Chief of Police” shall mean the highest-ranking sworn member of the Jamestown Police Department, appointed under Chapter 73, Section 1 of the Public Laws of Rhode Island, and Article 9, Chapter 1, Section 3 of the Charter of the Town of Jamestown, Rhode Island.
- 1.3 The term “Commissioned Officer” shall include the following ranks: Chief of Police, Lieutenant, and Sergeant.
- 1.4 The term “Police Officer” shall include those sworn members of the department below the rank of Sergeant.
- 1.5 The term “Member” shall mean any person serving as a sworn law enforcement officer or a civilian employee of the Jamestown Police Department, with or without compensation, including, special officers and dispatchers.
- 1.6 The term “he” shall also mean “she”.
- 1.7 Enforcement of all Department Rules and Regulations, Policies and Procedures, General Orders, Directives, Special Orders, Memorandums, Manuals, Bulletins, Verbal Orders, and/or other rules that may be entitled, will be in accordance with the Law Enforcement Officers Bill of Rights for all Full-Time Sworn Police Officers.

ARTICLE 2

TERRITORY OF THE JAMESTOWN POLICE

2.0 Jamestown Police Department is to exercise police authority on all lands and waters within the territorial limits of the Town of Jamestown, Rhode Island, and in all places where there is concurrent jurisdiction between the State of Rhode Island and the United States.

2.1 The Jamestown Police Department may enter the State Parks to check for security of the facilities, and also to investigate any and all complaints.

ARTICLE 3

ORGANIZATION, CLASSIFICATION AND RESPONSIBILITIES

The Jamestown Police Department shall consist of the following Organization Classifications:

Chief of Police

Lieutenant

Sergeant

Detective

Officer

Dispatcher

3.0 Chief of Police

The Chief of Police shall be the superior sworn officer of the police department. He is the direct Commander of the police department, and as such, he will administer Rules and Regulations concerning the conduct for all members of the Jamestown Police Department. He shall act as the principal liaison between the Jamestown Police Department and all governmental agencies, authorities and offices of municipal authority in matters of department policy.

Duties and Responsibilities

- A. Promptly execute all lawful directives issued by the Town Administrator.
- B. Be directly responsible for all discipline, training and efficiency of the department.
- C. Enforce the Rules and Regulations and the Policies and Procedures governing the operation of the department.
- D. Be responsible for the administration and management of the department and shall ensure the effective and efficient execution of the Mission of the department.
- E. As needed, issue Special Orders, General Orders, Directives, Memorandums, Bulletins, and Verbal Orders in order to ensure the proper operation of the department.
- F. Rule on interpretations of Rules and Regulations and Policy and Procedures.
- G. Perform such other duties that the Town Administrator or the Town Council, through the office of the Town Administrator, may prescribe.

3.1 Lieutenant

A commissioned officer with the rank of Lieutenant shall be the Patrol Commander. He shall be responsible for all operational services under his command, and shall be accountable to the Chief of Police for all his official activities. He shall plan, direct, and coordinate the activities of all personnel under his command concerning patrol functions, prevention and protection of crime, the protection of life and property and preliminary

investigation when necessary. In the absence of the Chief of Police, he shall act as principle liaison between the Jamestown Police Department and all governmental agencies, authorities, and offices of municipal authority in matters of department policy.

Duties and Responsibilities

- A. Enforce discipline.
- B. Respond to the scene of all unusually and important crimes and incidents and acquaint himself with the location and conditions so he may take any action required.
- C. To verify that all members under his command are efficiently performing their duties. He shall take adequate steps to correct any violations of laws, rules, orders, or dereliction of duty he observe or have brought to his attention.
- D. Personally bring to the attention the Chief of Police the details of any event of grave importance or of unusual character.
- E. Investigate, or cause to be investigated, all complaints relative to the conduct of the men and women under his command, keeping in mind the rights of an officer under the Law Enforcement Officers' Bill of Rights. Well-founded complainants of actions of commission or omission shall be submitted to the Chief of Police. He shall make written report with conclusion and recommendations to the Chief of Police on all complaints.
- F. Perform such other duties in addition to those herein prescribed, as the Chief of Police may order him to do so.
- G. Keep and maintain all town property and equipment under his control in good repair clean, sanitary, and available for efficient use at all times. He shall when necessary instruct a member to clean, repair, or replace unfit uniforms and/or equipment. He shall be responsible when a member of the department is suspended or severs his connections with the department for the return of all equipment issued by or paid for by the town, and will issue a receipt for all returned equipment.
- H. Upon assuming initial command of his shift he shall check with the shift supervisors regarding operations and/or matters of importance to the department.

- I. Keep himself fully and accurately informed as to meetings and gatherings likely to attract large numbers of persons at particular places in the community and shall take steps that may be necessary to insure proper police services at such assemblages.
- J. He shall be responsible for instruction of and proper enforcement of Rules and Regulations and Orders of the Jamestown Police Department. He shall be responsible to review the Rules and Regulations with all members of the Jamestown Police to insure understanding and compliance.
- K. Carefully examine books, records, and reports to be kept concerning his watch and shall be kept in conformity with Rules and Regulations, administrative orders, and customs of the Jamestown Police Department and the Town.
- L. He shall request through the office of the Chief of Police, all supplies and equipment necessary for the proper operation of the department.
- M. All civilian employees working under his command shall be under his direct supervision and it shall be his responsibility to see that his work is properly performed and that their attendance records are properly kept.
- N. Keep himself aware of current policy and shall promptly request from the Chief of Police clarification of all matters pertaining thereto.
- O. Hold Sergeants and Police Officers under his command to the strict performance of their duties. In this respect he should insist upon these officers taking proper action as required.

3.1 Sergeant

A sergeant will be the patrol supervisor. He shall be the commander of all operations on his shift.

Duties and Responsibilities

- A. Be responsible for the prevention, and detection of crime, the protection of life and property and the apprehension of violators of the law during his shift.

- B. Keep himself fully and accurately informed as to meetings likely to attract large numbers of persons and vehicles at particular places in the community and shall take steps that maybe necessary to insure proper police services at such assemblages.
- C. See that all necessary reports are transmitted to the Lieutenant properly and promptly. He shall bring to the attention of the Lieutenant of any event of grave importance or of unusual character. In the event the Lieutenant is unavailable, he shall communicate his concerns directly to the Chief of Police.
- D. Maintain a strict and constant scrutiny of all members of his watch serving their probationary period with a view to ascertaining their fitness for the position they occupy. He shall report to the Lieutenant any incident of poor job performance by probationary officers in his duties.
- E. Make a report to the Lieutenant of any compliance or intelligence concerning gaming and vice operations.
- F. Set and example for all subordinates in sobriety, dignity, skill, courtesy, discretion, diligence, and the observance of proper discipline, and shall, at all times, appear neatly attired and clean in person and equipment.
- G. Assist and instruct the members under his supervision in the proper discharge of their duties; and shall be held strictly responsible for their efficiency, discipline and general good conduct and appearance.
- H. Make himself thoroughly acquainted with the capabilities of the members under his supervision and impartially report in writing to the Lieutenant every case of misconduct, in competency, neglect of duty or any violation of the Rules and Regulations of this department. These reports will contain his conclusion and recommendations.
- I. Constantly scrutinize and follow-up the activities of members of his watch with a view of ascertaining whether Police duties, orders and instructions are promptly and efficiently performed.
- J. Make inspections of all portions of the patrol area at irregular hours for the purpose of observing conditions and the manner in which patrols are performed.
- K. Instruct patrols in general and specific assignments prior to starting each shift.
- L. Inspect patrols to ensure that proper support equipment is functioning properly, that personnel are properly attired and that operational procedures

are performed in accordance with Department Orders. He shall record and report any discrepancies noted.

M. Supervise traffic and criminal investigations involving members assigned to his shift.

N. Supervise the investigation of cases promulgated by officers assigned to his shift and shall, when necessary, assist in the preparation of reports that ensue.

O. Ensure that all relevant information obtained by patrols is properly channeled.

P. Perform such other duties as the Chief of Police, or Lieutenant may prescribe.

3.3 Detective

The position of detective shall be appointed by the Chief of Police. The detective will be responsible for the further investigation and prosecution of all misdemeanors, felonies, thefts, frauds, burglaries, check cases, assaults, arson, and other such misdemeanors as may be assigned by the Chief of Police. The detective is directly responsible to the Chief of Police. The degree of proficiency required in any performance of the specific sanctions of duties, which shall follow, shall be determined by the Chief of Police. Hours of the detective shall be determined by the Chief.

Duties and Responsibilities

A. Investigate promptly and diligently all assignments utilizing all available resources upon receipt of case, immediately interview the complainant, victim, and/or witnesses. When any person is interviewed or interrogated, identify himself properly before asking any questions.

B. Keep the Chief of Police and/or the senior officer of the unit informed of the progress of his investigations and request additional instructions when further progress appears impossible. Also, communicate to the Chief of Police any information uncovered which relates criminal activity beyond the scope of his immediate investigation.

- C. Submit a written report of his activities regarding assigned cases to the Chief of Police, as requested. Furnish such other daily or monthly reports as required.
- D. Follow up all cases until there is a final disposition or the case is declared inactive by the Chief of Police.
- E. Contact the complainant of victim periodically to apprise him/her of the situation of the investigation and/or the prosecution of the case. Within the first two weeks following a crime, personally contact the complainant or victim for these purposes unless special reasons not to do so exists.
- F. Be familiar with the legal and departmental procedures and policies surrounding the handling of suspect and crime scene control, the care of evidence, prisoners, and the presentation of evidence in court.
- G. Prepare cases for court, carefully preparing the presentation of facts.
- H. Be familiar with known criminals and their associates. Know their general behavior patterns, their hangouts, and their modus operandi. Be alert for sources of information and cultivate them.
- I. Safeguard all property recovered; tag all lost, stolen, or found property that comes into your possession and submit such property to the evidence custodian along with a written report.
- J. Report during the tour of duty, at such intervals as the Chief of Police may designate.
- K. See that any assigned motor vehicle is well maintained mechanically and that it is kept clean inside and out. Immediately report all defects and damage sustained to the vehicle to the Chief of Police and complete all reports and forms required for such by current procedures. Use your call number assigned when contacting the department. Operate the radio in line with FCC regulations and current departmental procedures.
- L. Communicate to the Patrol Commander, all information received or known that may affect the safety of other members of the department in the execution of his or her duties. For example, the identity of person's known to be carrying weapons.
- M. Be available by telephone, radio, or pager twenty-four hours a day seven days a week.
- N. Cooperate fully with other units within the department and with departments and agencies in other jurisdictions. Make investigations for them

and provide criminal records and other information to them, where such action does not conflict with any investigation being conducted by this department. In addition, be prepared to aid as a liaison officer between this department and all similar bureaus or units in other police departments and law enforcement agencies.

- O. Certain expenses incurred while on duty in and out of the Town on assignments must be pre-approved by the Chief of Police before presenting such for reimbursement.
- P. Coordinate his police work with other members of the department to ensure a harmonious relationship between divisions.
- Q. Cooperate with other police departments and agencies in the investigation of auto larcenies and the recovery of stolen motor vehicles.
- R. Review all complaints are received by this department so a determination may be made on how best the matter may be investigated.
- S. Duties will involve other various phases of detective work, including, but not limited to, surveillance, undercover operations, drug enforcement, arson investigation, and any other duties as may be assigned by the Chief of Police.
- T. Attire will be the attire, which will be necessary in accordance with an assignment at the direction of the Chief of Police. Attendance at court for arraignments, pretrial, and trials will require a suit and tie.

3.4 Police Officer

A Police Officer will be assigned to the uniformed division. He may further be assigned on a temporary basis to Detective Duties or any other duty or assignment as the Chief of Police may prescribe.

Duties and Responsibilities

- A. In carrying out the functions of the Jamestown Police Department, he will constantly direct his best efforts to accomplish that end and shall hold

himself in readiness at all times to answer calls and obey orders of his superiors.

B. When assigned to patrol, faithfully, diligently and continually patrol every part thereof. He shall not conceal himself, except when the situation requires it. He shall be constantly alert, observing everything that takes place within his sight of hearing and keep a diligent watch for offenses against persons, property and the public peace.

C. When on patrol, travel at a normal rate of speed, except when responding to an emergency or a violation. Unnecessary use of sirens or horns by members of the Jamestown Police Department is strictly forbidden.

D. Carefully note the conduct of all suspicious persons and persons of known bad character and make such observations as will enable recognition of them at any time. He shall particularly note their movements, habits, associations and the premises they enter or frequent. He shall learn their names, vehicles, residences and occupations, keep record of same and report to his immediate supervisor such information he may obtain. He shall constantly report his observations to his superior.

E. Make note of all known or suspected gambling houses, house of ill fame, disorderly houses, resorts or persons of bad character, and all places of questionable conduct and report same promptly to his immediate supervisor. He shall constantly report his observations to his superior.

F. On patrol, note all highway obstructions or defects from which accidents may occur and report them to the station so that necessary steps may be taken to remedy or remove them.

G. Familiarize himself with the location of all highway and directional signs as well as traffic control devices and if they have been misplaced or tampered with in any manner or are not in proper operation, he shall notify the station so that the same may be corrected by the proper authority.

H. While on patrol during the time that places are closed, exercise the greatest vigilance; he shall pay particular attention to residences in the Town which are temporarily closed and report the status of these residences to his immediate supervisor for the information of other members in the department.

I. It is necessary that a Police Officer make himself perfectly acquainted with all parts of the Town and his patrol area. He must know the quickest way from one point to another in the Town. He shall familiarize himself with all public buildings and areas, hospitals, transportation offices and depots, prominent offices and residences and such other knowledge as will enable him to render intelligent and helpful information and assistance.

- J. Be responsible to accurately and promptly submit, in full, all written reports required for him.
- K. Perform such other duties as his superior officers may prescribe.
- L. Be alert to any and all streetlights that are not working and make a report on them so they can be repaired.
- M. Be alert to new construction that is being done without a building permit. He shall report to the Building Inspector any and all violations.
- N. Be alert to any new business that does not have the necessary permits to be conducted said business.

Assignments and Responsibilities

3.5 Firearms instructor

Be assigned to the position by the Chief of Police and be responsible to the Chief of Police for all duties in that position.

- A. Be responsible for the purchase and issuance of all ammunition used for training and target practice.
- B. Be responsible to qualify each member of the department, permitted to carry a firearm, at least once a year, in accordance with terms of Rhode Island General Laws 11-47-17.1 as amended. He will report his findings, in writing, to the Chief of Police no later than 14 days following said qualifications.
- C. Be responsible for the proper firearms training, handling and qualifications of all department personnel who are authorized use of said prescribed weapons while on or off duty.
- D. Perform such other duties as the Chief of Police may prescribe.
- E. Provide for the maintenance and periodic inspection of all department-issued firearms.

3.6 Training Officer

A member of the Jamestown Police Department will be assigned as the Training Officer. He shall be responsible to the Chief of Police for all duties in that status.

Duties and Responsibilities

- A. Be responsible for the training of all members of the department.
- B. Be responsible for obtaining handouts, books, films and all other related materials needed to conduct an in-service training program for all members.
- C. Keep inventory of all issued and stocked training material and will know at all times what material is issued to members.
- D. Be responsible for investigating new training aids and sites where training is offered with the intent of assigning personnel to these sites.
- E. Inquire of all members receiving training material or attending schools as to the relevancy of the material or schools. He shall bring to the attention of the Chief of Police, in writing, the status of this training.
- F. Be in contact with the Rhode Island Municipal Training Academy as to offered recruit and in-service training projects.
- G. Perform such other duties as the Chief of Police may prescribe.

3.7 Traffic Officer

An officer of the department shall be assigned by the Chief of Police as the traffic officer. He shall be responsible to the Lieutenant and the Chief of Police.

Duties and Responsibilities

- A. Be responsible for all traffic accident reports, Rhode Island Traffic Tribunal (RITT) complaints and citations, and preparation and scheduling of all RITT hearings and trials. He shall maintain files for each item and will insure that officers submit reports and forms correctly and promptly.
- B. Conduct investigations in problem areas within the community as to accidents, traffic flow, parking and road repair and make recommendations to the Chief of Police as to how the department should respond.
- C. Be the liaison officer between the Department of Transportation and the Jamestown Police Department.
- D. Be responsible for compiling periodic statistical summaries to guide the Chief of Police in planning and evaluating the department's traffic program.
- E. Perform such other duties, as the Chief of Police shall prescribe.

3.8 Public Information Officer (PIO)

A member of the department shall be known as the Public Information Officer. He will be assigned by and be directly responsible to the Chief of Police.

Duties and Responsibilities

- A. Serve as the central source of information for release by the department and respond to requests for information by the news media and the community under the Access to Public Records Act (R. I. G. L. 38-2-2).
- B. Assist news media in covering routine news stories, and at the scenes of incidents.
- C. Prepare and distribute news releases.
- D. Arrange for and assist at news conferences.
- E. Coordinate and authorize the release of information about victims, witnesses and suspects.
- F. Assist in crisis situations within the agency.

- G. Deliver public addresses on police matters to public, private and civic groups as assigned by the Chief of Police.

3.9 Crime Prevention Officer

A member or members of the police department shall be known as Crime Prevention Officers. They will be assigned by and be directly responsible to the Chief of Police.

Duties and Responsibilities

- A. When requested, address public and private school children in specific topics.
- B. Act as liaison between the Department and school and recreation department authorities in public relation and crime prevention matters.
- C. Conduct or cause to be conducted tours of the Jamestown Police Station.
- D. Set up and manage a viable crime prevention program addressing the needs of the community, including but not limited to the special needs of the elderly, handicapped, and the business community.
- E. Act as liaison between the Department and all governmental and private agencies involved in crime prevention.
- F. Conduct surveys of private and public establishments in order to give security suggestions to minimize the opportunity for crime.
- G. Keep himself informed on all new programs initiated by other agencies that could be developed by the Department.
- H. Coordinate with the Detective to assign all community service hours as may be designated by the court.
- I. Be responsible for all civilian interns that may be assigned to the Jamestown Police Department. He will assign intern duties and account for all hours worked. He will report the intern's progress to the institution in which the intern is enrolled.

J. Perform such other related duties as may be prescribed by the Chief of Police.

3.10 Special Police Officer

The Department may from time to time employ persons known as Special Police Officers. Prior to appointment as a Special Officer, he will be required to pass psychological examinations as required by State Law and all other such qualifying tests as may be required by the Chief of Police. In addition, he must qualify with the department issued weapon and shall serve at the pleasure of the Chief of Police.

Duties and Responsibilities

- A. Assigned duties as required by the Department.
- B. His duties and responsibilities are enumerated in Rule 3.4, Duties of Patrolman, Section A through D.
- C. Will not have seniority rights as to duties and assignments. All permanent sworn officers shall be senior to him in authority.
- D. Be held responsible for obeying Rules and Regulations, Policy and Procedures, and any general or special orders governing the department.

3.11 Dispatcher

There shall be, within the Department, the position of Dispatcher, whose primary responsibilities are to maintain and run the dispatchers office and communication system in an effective and efficient manner.

Duties and Responsibilities

- A. Receive all incoming telephone complaints, and when necessary, make a record thereof in the dispatch log and assign the appropriate incident numbers.
- B. Be accurate and exact in the performance of their duties, shall use tact and good judgment and shall keep their Shift Supervisor fully informed of all complaints, accidents, or unusual requests for police service. When in doubt about any procedure to be followed or action to be taken on any request for police service, they shall forthwith consult the Officer in Charge.
- C. In the performance of their duty exercise civility and courtesy and extend maximum consideration, understanding, and cooperation to the public and all members of the police department.
- D. Dispatch immediately without waiting for specific instructions such as police officers, ambulances, fire apparatus, and/or rescue equipment as may be needed to handle all such complaints and requests for police assistance, which ordinarily require such action.
- E. Acquire thorough knowledge of the location of all streets, buildings, parks, or other information regarding the Town and shall, when necessary, disregard patrol boundaries in dispatching police vehicles to incidents requiring the immediate attention of the police. When in doubt in handling a call, they shall consult the officer in charge.
- F. Log the status of all in service/out of service units and ensure that a sufficient number of units remain in service for the adequate patrol and protection of the patrol areas. If unable to contact an in service unit, immediately notify the officer in charge.
- G. Alert field personnel being dispatched on hazardous calls with such information relating to the nature of the call as will enable them to take suitable precautions and shall so advise responding officers when such information is not available. When reported conditions indicate the need, dispatch two or more units to the scene.
- H. Be calm, articulate, and concise when transmitting on the communications system. Be courteous in manner; do not use profanity or vulgarity and refrain from using any angry or impatient tone of voice. Do not indulge in any conversations that do not pertain strictly to police matters.
- I. Acknowledge all radio messages transmitted from mobile and portable units and take appropriate action.
- J. Ascertain that the recording device monitoring telephone calls is in proper and constant operating condition.

- K. Remain at the desk at all times while on duty unless relieved by a competent person and do not allow any person to use department equipment and supplies unless authorized by the department.
- L. Be familiar with and activate all emergency procedures of the department relating to hold ups, alarms, fires, medical aid, and other matters requiring police attention.
- M. Carry out all paperwork assignments required, including but not limited to, IMC computer and NCIC/RILETS terminal, records, tow logs, and parking tickets.
- N. Perform such other duties as their superior officers may prescribe.
- O. Keep an accurate dispatch log.
- P. Keep an accurate attendance, assignment, and gas log.
- Q. Answer the telephone and identify himself using his surname.
- R. Read over complaints and reports so that in the event someone calls regarding the complaint he will be able to provide assistance.
- S. When a complaint is registered, obtain all necessary information needed to fill out the complaint report, including directions to the complainant. If a complaint is of a sensitive nature, direct the officer on duty to call the station with information regarding the complaint. Be familiar with proper radio procedures and the operation of all department radios on all frequencies.
- T. Be familiar with the operation of the NCIC/RILETS terminal. The NCIC/RILETS terminal is to be checked regularly for proper operation and for any incoming messages of importance to this department. In case of an NCIC/RILETS breakdown, call for repairs.
- U. Obtain NCIC, registration and license data checks for the officers on patrol. Upon receipt of the requested information contact the police officer and advise him.
- V. Assist the officer on duty in obtaining a wrecker, fire apparatus, ambulance, etc. Notify the officers when the requested assistance has been obtained.
- W. Assist the public in obtaining information regarding directions.

X. Assist arresting officers in completing various tasks including but not limited to completion of fingerprint cards, arrest and arraignment paperwork, and court complaints. Assist the officers on duty by taking statements from persons involved in a complaint. Return all completed reports to the arresting officer.

Y. Dispatchers will perform such other duties as their superior officers or the Chief of Police may prescribe.

ARTICLE 4

ARREST: GENERAL CONSIDERATIONS AND GUIDELINES

As the power to arrest deprives a person of liberty and freedom, it is one of the most serious responsibilities of a police officer and whenever possible, an arrest should be made with a valid warrant.

An arrest is defined as the taking of a person into custody for the purpose of answering to a charge of a crime, to prevent any person from harming himself or others or depriving a person of their freedom of movement. The arresting officer must have lawful authority to make the arrest and must exercise that authority in a lawful manner.

In addition to having lawful authority, an officer must also have probable cause to make an arrest. "Probable cause" means that the information within the officers knowledge is sufficient for a reasonable and prudent person to believe that a crime is occurring or has occurred, and that the person being arrested is committing or has committed the crime for which the arrest is being made.

It should always be recognized that there is no such thing as a "routine" arrest. Because of the unpredictability of human behavior, there is a potential element of danger in every arrest and all officers must guard against this possibility. Life threatening struggles have resulted from what appeared to be a simple misdemeanor arrest.

All constitutional and statutory rights must be afforded to all arrested persons at the time of arrest and immediately thereafter.

1. ARREST WITH A WARRANT:

An arrest warrant is a process, issued in the name of a legal authority and directed to officers authorized to serve criminal process, commanding them to take an individual into custody.

Before issuing the warrant, the authorized official must have probable cause to believe that an offense has been committed and that the person sought to be arrested committed said offense.

The name, or a sufficient description of the person to be arrested must appear in the arrest warrant. Therefore, so-called "John Doe" warrants, without such descriptions are illegal and void. The substance of the charge should appear in the warrant, and a copy of the complaint attached, if possible. Service of the arrest warrant should be made promptly to prevent possible dismissal of a complaint or indictment.

2. ARREST WITHOUT A WARRANT:

This aspect of arrest merits more detailed study because of the subjective factors involved. Objection to an arrest will more likely be made by defense counsel when the arrest is without a warrant. It should also be noted that in general if an unlawful arrest is made, any search made incidental to the arrest will be found unlawful and any evidence seized declared inadmissible.

Arrest without a warrant is constitutionally valid when probable cause exists for that arrest. Probable cause requires more than mere suspicion but does not require evidence that would justify a conviction.

Whether or not the arrest is based on probable cause will depend on a variety of factors, and unless the offense is committed in the officer's presence, usually no single fact alone is controlling.

Of great importance, therefore, is the totality of the circumstances surrounding the arrest. Each officer should be aware of the type of circumstances that have been looked into establishing probable cause:

1. Direct observations of the police officers;
2. Knowledge of the prior criminal record or bad reputation of the person arrested;
3. Flight;
4. Evasive answers and/or conflicting stories;
5. Time of day or night;
6. Experience of the officer;
7. Reliable hearsay

Hearsay statements often present additional problems. Usually, they are derived from three principle sources:

1. Statements from the victims and/or witnesses;
2. Statements from other police officers;

3. Statements from informants

It is this latter source that is closely scrutinized when used to establish probable cause. The officer relying on the hearsay statement of the informant must show:

1. The circumstances establishing the reliability of the informant;
2. The circumstances establishing the reliability of the informant's information (the sources of his knowledge or a sufficiently detailed description of the accused person's criminal activity)
3. The freshness of the information

When probable cause exists, police officers may arrest without a warrant any person they reasonably believe has committed or is committing a felony, or when the person to be arrested has, in fact, committed or is committing a felony.

Procedures:

1. An arrest should never be made to show authority or to vent personal feelings.
 - A. Verbal abuse is never sufficient justification for an arrest.
 - B. Arrest should never be a substitute for resolving a problem when less severe methods are available.
2. Whenever possible, arrests should be made with a warrant.
 - A. The officer must fill out a complaint and affidavit.

- B. The warrant must be obtained from the proper authority.
- C. The warrant must name the person(s) to be arrested and/or shall contain a sufficient description thereof.
- D. The warrant should contain the substance of the charge against the person(s) to be arrested.

3. Arrest without warrant shall only be made when the arrest is lawful and:

A. The arresting officer has probable cause and the arrest is for:

1. A felony just committed in the officer's presence or on a reasonable and justifiable belief that a felony has been or is being committed; or
2. A misdemeanor amounting to a breach of the peace committed in the officer's presence; or
3. A misdemeanor not amounting to a breach of the peace committed in the officer's presence and the arrest is authorized by statute.

B. All officers should be able to point to specific factors that justify the arrest without warrant. Examples of such factors are:

1. Did they see the crime being committed?
2. Did they see the suspect run away?
3. Did they receive prompt and direct replies to questions, or was the suspect vague and confused?
4. Have they had experience in similar situations?
5. Did they receive information from other persons, and if so, were they certain of the reliability of such persons and the information received?

4. At the time of arrest, unnecessary conversation should be avoided and any orders or directions to the person(s) arrested should be clear and brief. However;

A. Arresting officers must identify themselves as police officers.

B. Whenever possible, the person(s) being placed under arrest must be expressly informed of the facts.

C. An officer must state the reason for the arrest and allow examination of the arrest warrant, if any, by the persons arrested or other person acting on their behalf. These procedures are not binding when the officer is met with resistance.

5. Arresting officers should not act in a careless or routine manner but take all necessary steps to ensure the safety of themselves and other persons. Such steps include but are not limited to:

A. Obtaining assistance when necessary whether before or after the arrest; this is particularly advisable when:

1. There is more than one person to be arrested;
2. A dangerous crime is involved, usually a felony or of a serious nature;
3. Prior experience has shown the need for assistance in particular situations.

B. Searching for and seizing any instruments capable of inflicting serious bodily injury or causing death;

- C. Making a search of the area within the immediate reach and control of the person(s) arrested;
 - D. Keeping the person(s) arrested in front of the officer at all times. If more than one officer is present, the additional officer shall never pass or stand between the arresting officer and the person arrested.
6. Force should only be used when there is resistance or reasonable certainty of resistance. The amount of force shall be restricted to that which is reasonable, necessary, and proper for the safe custody of the prisoner, or for overcoming any resistance that may be offered. All uses of force shall be in compliance with the Jamestown Police Department's Use of Force Policy.
7. Once an arrest is made, it is the responsibility of the arresting officer or officers to ensure that prisoners do not injure themselves or others, and that they do not escape or dispose of evidence.
8. Persons arrested shall be given the Miranda Warnings prior to interrogation regarding guilt.
- A. The warnings are as follows:
 - 1. That they have the right to remain silent;
 - 2. That anything they say may and will be used as evidence against them in court;
 - 3. That they have a right to the presence of a lawyer and to talk to a lawyer before and during any questioning;
 - 4. That if they cannot afford a lawyer, the State will provide one at the State's expense;
 - 5. That they understand each of the rights explained to them

6. Have person read “rights form” and have him sign form to prove the fact that his rights were given to him.

B. The warning should be read from a card or other permanent record to ensure that none are omitted. This procedure is beneficial for other reasons:

1. The card itself can later be introduced as evidence.
2. Officers have tangible proof that they have not relied solely on memory.
3. The suspect can also be allowed to read the card. Each officer giving the warning shall ask and verify that the person arrested has heard and understood the warnings given.

C. No questioning of arrested persons shall take place until the warnings have been given. However, officers must note that the Miranda Warnings are aimed at “custodial interrogation”. Therefore, if suspects freely choose to divulge information without questioning, there is no violation of rights simply because they were not given these warnings. There is no requirement that officers prevent suspects from continuing to talk and whenever statements are made voluntarily and with no compulsion such statements shall be noted. However, if an officer wishes to gain more information through questioning, the warnings shall be given before questioning begins.

9. The person(s) arrested shall be promptly and safely transported to the police station in accordance with the following:

A. If the arresting officer is without assistance, the arrested person shall be handcuffed and placed in the rear seat of the cruiser and restrained with the safety belt.

10. Juvenile Arrest:

A. Delinquent: The term applied to a juvenile who has committed any offense, which, if committed by an adult, would constitute a felony.

B. Wayward (2 types):

1. Misdemeanor Offender: The term applied to a juvenile who has committed any act which, if committed by an adult, would constitute a misdemeanor offense.

2. Status Offender: The term applied to a juvenile who has committed any offense, which, if committed by an adult would not be a misdemeanor or felony violation (in essence, an age-related offense). According to Rhode Island Law, status offenses under the wayward classification would include:
 - a. Truancy from school (under age 16),
 - b. Runaway from home,
 - c. Disobedience.

Note: A juvenile accused of possession or consumption of alcohol (in a case that would not be a criminal offense if the juvenile were an adult) should be considered and handled as a status offender.

Notify parents/guardian:

The arresting officer will make all reasonable efforts to contact parents/guardian of the accused juvenile during the period between arrest and the presentation of the juvenile to any detention facility.

Non-Secure Detention:

While awaiting the arrival of a contacted parent or guardian, the juvenile will be detained in a non-secure area of the police station. A non-secure area would be an unlock, multipurpose area (lobby, office, interview room or conference room). It may not be an area which is set aside or used as a secure detention area, and the juvenile may not physically secured to any stationary part of the non-secure hold area.

Secure Detention:

The officer that takes a juvenile into custody for committing an offense that if committed by an adult would constitute a criminal offense (either a felony or misdemeanor), may hold the accused juvenile in secure detention for up to six hours before release to parents, or transfer to RITS or to DCF. The six-hour time limit starts when the juvenile has been placed into a secure room or cell, not at the start of questioning/booking procedures. Once the juvenile has been placed into secure detention, his/her transfer or release must be made within the six-hour time limit, regardless if at any point in time the juvenile is temporarily removed from the secure detention setting.

Prior to formal questioning, the arresting officer or other officer that is administering the rights, should have the juvenile, in addition to parent or guardian, if available, physically sign or initial each Miranda right on a written form that details each Constitutional right for purposes of preserving the juvenile's Constitutional rights, insuring that admissibility of any statements made by the juvenile and alleviating any question of whether the juvenile understands those rights.

ARTICLE 5

GENERAL RULES

5.1 All members of the Jamestown Police Department are required to familiarize themselves with the Rules and Regulations, Policies and Procedures, General Orders, Directives and all other Orders and Directives, verbal or written, issued by the Chief of Police or by his order. Ignorance or alleged ignorance of the terms and provisions of any such Rule, Policy, Order, or Directive issued will not be recognized and shall not be pleaded nor offered by any member of the department in excuse for, or extenuation of or from, any disregard or violation of such Rules or Orders.

5.2 All members of the department including Dispatchers, Animal Control Officer and Harbormaster shall be required to observe all Rules and Regulations, Polices, Procedures, General Orders or Directives. Any member of the department violating any of the provisions of any Rule or Rules may be disciplined as provided under the Rhode Island Law Enforcement Officers' Bill of Rights and Article 6 of the Rules and Regulations of the Jamestown Police Department.

5.3 Any member of the department, including Dispatchers, Animal Control Officer and Harbormaster found in violation after the trial of any of the provisions of these Rules MAY be subject to dismissal or any lesser punishment as provided under the Law Enforcement Officers' Bill of Rights.

5.4 No person shall procure his enlistment in the department by means of willful misrepresentation or misstatement as to his qualifications, character, reputation or physical disability.

5.5 Members of the department shall be held responsible for the proper performance of duties assigned to them and for strict adherence on their part to the Rules adopted from time to time for the department; and it shall not be received as an excuse or justification for anything that they may omit to do, that they followed the advice or suggestion of any other person, whether that person be connected with the department or not, except when an officer or higher rank may take upon himself the responsibility of issuing direct and positive orders.

5.6 Notwithstanding the assignment of specific duties and responsibilities to members of the department by the provisions of the Rules of the department, all members shall perform all such duties as may be required of them by a Superior, Officer in Charge or designee of the Chief of Police.

5.7 Members of the department shall promptly obey any lawful order emanating from any superior officer. Should any such order conflict with a previous order from any other superior officer, with any General or Special Order or any provision of the Rules, the member to whom such order is given shall respectfully call attention to such conflict in orders, and if the officer giving the last order does not change his order so as to obviate such conflict, his order shall stand and the responsibility shall be his, and the person obeying the same shall not be held in any way responsible for disobedience of any orders

theretofore issued. If any unlawful order is given to any member of the department, such member shall promptly report such a fact to the Chief of Police.

5.8 No member of the department shall absent himself from duty without proper leave.

5.9 All members of the department are on duty of subject to call twenty-four (24) hours a day and may be recalled from leave or vacation when necessity demands. On hearing of a major emergency affecting the Town of Jamestown, such as a nuclear attack, tornado, hurricane, hazardous waste incident or any other extraordinary event, all members of the department on vacation or time off shall call the station to ascertain if they are needed for duty.

5.10 A member of the department shall report in writing any change in his place of residence or telephone number immediately upon completion or said change.

5.11 Members of the department shall report in writing any change of status with reference to marriage, divorce, death of a wife or husband or birth of children.

5.12 No member of the department shall associate himself with any publishing house or any other organization having as its purpose the obtaining of the Jamestown Police news or information, or permit any person to solicit advertising, donations, contributions subscriptions, or any other funds in the name of the Jamestown Police. The intent of this provision is to protect the Jamestown Police Department against promiscuous dissemination of information or commercialization and is not intended to prevent distribution of legitimate news to the media through proper channels.

5.13 A member of the department shall not permit the use of a photograph of himself in uniform in connection with any testimonial or advertisement or any commodity or commercial enterprise; nor shall he use his official title, rank or membership in the department in connection with any such testimonial or advertisement.

5.14 Members of the department shall not deliver addresses at public meetings of behalf of the department concerning the work of the department, nor shall they under any circumstances make statements for publication concerning the plans, policies, affairs of administration of the department, or on behalf of the department, unless duly authorized to do so by the Chief of Police.

5.15 Members of the department shall not directly or indirectly seek publicity through the use of their office.

5.16 No member of the department shall attempt or threaten to strike or assault any other member of the department.

5.17 No member of the department shall willfully disobey any lawful command of a superior officer of the department.

5.18 No member of the department shall use threatening or insulting language or behave in any insubordinate or disrespectful manner toward any member of the department.

5.19 No member of the department shall act or behave in an official capacity in such a manner as to dishonor or disgrace himself as a member of the department, or shall engage in any conduct unbecoming a Police Officer.

5.20 Members of the Jamestown Police Department are encouraged to take college course under the Municipal Police Incentive Pay, R.I.G.L. 42-48.4 et. Seq. All work and preparation of these courses must be done during OFF-DUTY HOURS.

5.21 The use of harsh, coarse, profane, insolent, indecent, suggestive, sarcastic, or insulting language is positively prohibited, and care must be taken to meet the public with every decent courtesy and consideration. When asked a question, it must be answered with all possible attention and courtesy. Conversation must be conducted in a dignified and proper manner, avoiding the use of slang and facetious expressions.

5.22 Except as otherwise provided, a member of the department shall not leave the State on police business except by authority of the Chief of Police, or in his absence, his designee.

5.23 Any member of the department summoned to the prosecutor's office in any jurisdiction or before any magistrate or administrative board concerning a matter, in which he or any other member of the department becomes the defendant, must at once report the facts in writing to the Chief of Police.

5.24 Members of the department must be particularly careful not to interfere idly or unnecessarily in the affairs or conduct of citizens, except in cases of a breach of the peace. When required to act in the performance of duty, they shall proceed with energy and unfaltering resolution; and in the proper exercise of their authority, they will have the complete support of their superior officers.

5.25 Every member of the department must at all times be quiet, civil and orderly; and in the performance of his duties he must maintain decorum, command of temper, patience and discretion.

5.26 No member of the department or his agent shall publicly ridicule any official action of any member of the department.

5.27 Every member of the department must conduct himself at all times, whether on duty or off, within or outside departmental jurisdiction, in such manner as to set a good example for all others with whom he may come in contact with.

5.28 It shall be the duty of all members of the department, individually and collectively, to cultivate and maintain the good opinion of the law abiding public by prompt obedience of all commands, by a steady and impartial line of conduct in the discharge of its duties, by clean, sober and orderly habits and by a respectful bearing to all persons.

5.29 Members of the department shall not smoke in uniform while in view of the public, nor shall they smoke in any police vehicle.

5.30 Every member of the department shall immediately give his name, department and badge number to any person requesting this information.

5.31 All members of the department shall treat as confidential the business of the department. They shall not impart information regarding departmental business to anyone except those for whom it is intended, or as may be directed by the Chief of Police. Members of the department or their agent (s) shall not talk for publications, nor be interviewed, nor make public speeches on police business, except by permission of the Chief of Police.

5.32 All members of the department shall keep themselves physically fit and subject to duty at all times, except when on sick leave.

5.33 Members of the department must transact all their official business through the established Chain of Command. If any member, after bringing a matter to a superior officer, feels that justice has not been done, he may apply through his supervisor to meet with the next superior. Any request for an interview with the Chief of Police on police matters must go through the established Chain of Command.

5.34 Members of the department shall communicate promptly to their respective superior officers all crimes, suicides, attempted suicides, fires, accidents, and all important happenings, complaints, and information which the department takes cognizance, that may come to their attention. Any member withholding "tips" or information with a view to personal achievement or for any other reason shall be subject to charges.

5.35 If any member of the department shall bring civil action for damages for personal injuries incurred while in the performance of his duties, he shall immediately notify the Chief of Police through channels in writing. A copy of his allegations must be filed with the Chief of Police.

5.36 A member of the department shall apply for a complaint for an assault on himself when existing conditions so warrant. He shall not compound any offense committed against his person or property or withdraw any complaint without the consent of the Chief of Police.

5.37 Every member of the department must at all times appear and be neat and clean; he must keep his clothing and equipment in proper repair. Whenever he appears before the public he must be properly shaven, hair properly groomed, and clean as to his person and clothing. When necessity causes any unseemliness or lack of neatness, he must avail himself of the first opportunity to remedy this situation.

5.38 No member of the department is permitted to receive or seek any gift or anything of pecuniary value for services in any instance incident to his duties as a member of the department other than his compensation from the Town.

5.39 No member of the department shall directly or indirectly be concerned with making any arrangements, agreements or compromises between a criminal and the person or persons who have suffered from his criminal act, so as to allow the criminal to escape punishment as provided by the law. Any member of the department having knowledge of any such arrangements must report the same to the Chief of Police without delay.

5.40 Members of the department shall not recommend or suggest to anyone the employment or name of any attorney, firm, counsel or bondsman; nor shall they give any advice or information to any person arrested as to the defense or prosecution against him. Further, members shall not recommend or suggest to anyone the employment or name of any real estate agent, café, restaurant, towing firm, undertaker, or other tradesman, or inform such tradesman of any situation wherein their services might be sought.

5.41 Members shall not remove office equipment, furniture, files or other fixtures, furnishings or equipment which has been officially assigned to the use of members in the police building, except with the express knowledge and consent of the Chief of Police.

5.42 No member of the department shall malingering, feign illness or attempt to shirk his duties.

5.43 Members shall not establish patterns of absenteeism. Establishing a pattern of absenteeism is a violation of official standards regardless of whether any part of the absenteeism within the patterns has been approved or disapproved by management.

5.44 Members of the department shall not sleep while on duty.

5.45 Failure on the part of any member of the department to report and take proper action in any situation requiring police attention, within a reasonable time after arriving on the scene, will be considered neglect of duty.

5.46 Coolness and firmness are required of every member of the department in times of extreme peril. Concerted action and mutual protection are imperative in the restoration of order and no member of the department shall shirk danger, avoid responsibility or manifest cowardice.

5.47 No member of the department shall, under any circumstance whatsoever, manufacture, withhold, or destroy any evidence of any kind.

5.48 No member of the department shall, under any circumstance, make any false official statement of intentional misrepresentation of facts.

5.49 No member of the department shall make false official reports, or knowingly enter or cause to be entered in any department books or records, any inaccurate, false or improper entries or registration of police information or matter.

5.50 No member of the department shall knowingly enter or cause to be entered any false, inaccurate or improper material in the RILETS system. No information will be extracted from the RILETS system for personal use or the use of any unauthorized person not a member of the law enforcement agency.

5.51 Entries in the IMC Dispatch log shall be made without unnecessary delay, accurately and concisely, in chronological order by the member designated for such duty.

5.52 A member of the department assigned to a patrol or post shall not leave the patrol or post except for police necessity. If required to leave his post or patrol, he shall, prior to leaving, notify his superior officer of the fact that he wishes to leave his patrol or post and the reasons thereof.

5.53 A member of the department shall not transmit lengthy descriptions, details, or other lengthy information over the police radio system unless circumstances prevent the member from communicating necessary information in any other way. Transmissions of nonsense or imprudence are strictly forbidden.

5.54 No member of the department shall use any department issued equipment for purposes other than those for which they were intended or issued.

5.55 Department stationery or letterhead shall not be used for personal correspondence.

5.56 All members of the department on duty will carry either the issued service pistol or some other weapon approved by the Chief of Police. While off duty it is the option of the member to carry either the issued pistol or some other weapon he/she has qualified with.

5.57 No member of the department shall allow another member of the department or any other person to use his badge or any other means of identification.

5.58 No member of the department shall appear on duty under the influence of alcoholic beverages or drugs, or unfit for duty because of any use of alcohol or drugs.

5.59 No member of the department shall become drunk or disorderly in a public place at any time, whether on or off duty.

5.60 No member of the department shall bring alcoholic beverages into any part of the station or other quarters officially occupied by department members, nor shall he transport alcoholic beverages in department vehicles, except as evidence in a current case.

5.61 All alcoholic beverages seized as a result of a case must be properly tagged, marked, and dated, with names of defendants and also the officer's name, then secured in the evidence locker until it has been entered into evidence in a court trial at which time it shall be destroyed as the court requires.

5.62 All other alcoholic beverages seized and held for evidence in criminal cases, but not subject to confiscation, shall be returned to the owner after the final disposition if the case.

5.63 No member of the department shall operate a department vehicle after consuming drugs, alcoholic beverages, or prescription drugs that would render them incapable of operating a motor vehicle. While on duty, no member of the department shall partake of drugs, alcoholic beverages or such prescription drugs. No member in civilian clothing, while on duty, shall partake of alcoholic beverages except when on special assignment and when instructed by a superior officer to do so in connection with obtaining evidence in a criminal case.

5.64 No member of the department, while in uniform, shall enter any place, tavern or otherwise, where alcoholic beverages are sold except in proper performance of his duty, or to partake of his meal break.

5.65 No member of the department shall attempt to create, originate, excite, cause or join in any mutinous, rebellious or reactionary movement within the department.

5.66 Any member of the department, who being present or having cognizance of any mutinous, rebellious or reactionary movement within the department, shall report such activity to his superior officer.

5.67 All members of the department are prohibited from affiliating with any organization or body, the provision or whose constitution or charter would in any way exact prior consideration and prevent him from performing his duty as a member of the department.

5.68 Members of the department are forbidden to have or to use personal cards describing their police business or giving a police address or phone number, except by permission of the Chief of Police.

5.69 No member shall release to the public the restricted or unlisted telephone number of any other member of the department without authorization of said member or his immediate superior officer.

5.70 The right of every member of the department to entertain political and anti-partisan ideas and to express them when expressions will not concern the immediate discharge of his duties is declared sacred and inviolate, as is his right of franchise. However, no member of the department, while on duty, will be permitted to be a delegate or representative or take active part in any movement for the nomination or election of candidates for political office.

5.71 No member of the department shall, under any circumstance, use his position as a member of the department for any political purpose whatsoever.

5.72 No member of the department shall act as a clerk or judge of any board of registry or elections or a clerk or judge of a primary election.

5.73 Members of the department shall not engage in political or religious discussions to the detriment of discipline. No member shall speak slightingly of the race, color, creed, ancestry, nationality, sex or sexual persuasion of any person.

5.74 No member of the department shall cause any person, not his superior in the department, to intervene for the purpose of making representations in his behalf to his superiors or any other person or body.

5.75 Members of the department shall not request the aid of any person outside the department to have them transferred to any assignment from which they have been removed by order of a superior officer, or to have them promoted to a higher rank in service; nor shall they knowingly permit any petition to be presented by citizens in their behalf requesting such transfer, restoration or promotion.

5.76 When the nature of their assignment requires, members of the department may wear civilian clothing. When civilian clothing is worn on duty, the members shall be attired in business dress unless specific instructions to the contrary are issued by a superior officer.

5.77 It shall be the duty of all members of the department to treat the station, cruisers, furniture, toilet facilities and all equipment with care and respect.

5.78 Any member of the department who is absent because of illness or family illness shall notify the station, no later than four hours prior to their shift, and cause same to be logged in the dispatch log.

5.79 No member of the department shall associate with known criminals, professional gamblers, and persons of low moral character or known or identified organized crime figures.

5.80 All members of the department who are in charge of or assigned to a motor vehicle and/ or equipment shall be responsible for its proper maintenance and upkeep. Willful, wanton, reckless, or careless handling of department equipment resulting in damage, loss or destruction of same or any part thereof, shall be cause for disciplinary action. The Town of Jamestown may hold the member or members of the department financially responsible for the repairs, restoration, or replacement of such equipment.

5.81 No member, as a representative of the Jamestown Police Department, shall under any circumstance solicit subscriptions, sell tickets or collect donations for any purpose whatsoever except with permission of the Chief of Police.

5.82 Members of the department must be punctual in attendance to all calls, requirements of duty, court appointments, training, and other situations where time is specified.

5.83 Any member of the department under suspension must turn in his badge, ID cards, and weapons before leaving the station. He shall be deprived of all police powers and privileges and must not represent himself as a member of the department. In case of lengthy suspensions, the Chief of Police may require the member to turn in all equipment of police nature.

5.84 Whenever there is a doubt as to the meaning of a rule or regulation, initial inquiry must be made through the Chain of Command to the Chief of Police for an explanation.

5.85 Members of the department must be scrupulously careful of their conduct with members of the opposite sex within the department or in the course of duty, and in such relations they are required to conduct themselves with strict regard to rules of propriety and the department policy on sexual harassment.

5.86 A member of the department using a weapon of any kind, except under direct order or permission of a superior officer in the lawful performance of his duty shall make a true report, in writing, as soon as possible thereafter to his superior officer. The superior officer will, in turn and through channels, make a written report of the circumstances to the Chief of Police.

A member of the department using a weapon in the lawful performance of his duty shall report to his immediate supervisor the circumstances of the use of this weapon. He shall in turn notify the Lieutenant or his advisor. In the case where a firearm is fired, the immediate supervisor shall immediately contact the Chief of Police and a shooting investigation will be immediately conducted.

5.87 Members of the department assigned to any division or to any special assignment shall fully cooperate with all other members of the department.

5.88 It shall be the duty of every member of the department to study and familiarize himself with the laws, rules and regulations, policy and procedures and all other material governing or relating to the organization and operation of the department.

5.89 Members shall not remove any reports or material from any police files, or tamper with or alter any reports or material in or from any police department file. Members shall not remove department records or reports from the police station unless it is necessary in the performance of police duties. No department record shall be destroyed or permanently removed from its file except on the order of the Chief of Police.

5.90 Every person arrested for any cause, except in the case of the issuance of traffic summonses for motor vehicle offenses, shall be transported to the police station for proper booking. Any out of state operators arrested for District Court traffic offenses may be transported to the station for a special arraignment.

5.91 Officers not in uniform shall not stop traffic violators on sight except when the violation constitutes a criminal offense and is of such flagrant or dangerous nature that the officer is required to take the violator into custody.

5.92 Whenever an arrested person is brought into the station, an officer shall examine him/her for cuts, bruises, and/or other injures and if he shall find any, make a written report of his findings. If such injures require medical attention, the subject should be examined by rescue personnel. If wounds or injures appear to have been inflicted by the arresting officer, any officer or dispatcher shall record this fact and immediately contact the Chief of Police.

5.93 Any officer who is injured while on duty shall immediately make out or have made out for him/her, a report of the nature of the injures and the manner in which it was sustained. Such report shall be forwarded to the Chief of Police within twenty-four hours.

5.94 Members shall use care in handling department equipment and property and shall report via IMC email immediately, any that is lost, damaged or in bad order. Any member who willfully or negligently loses or destroys department property shall be held responsible for the cost, repair or replacement.

5.95 Members shall be held responsible for damage resulting from an accident where the evidence shows willful, wanton, or reckless carelessness. Each member shall examine his vehicle at the start of his tour of duty for dents, broken glass, or other readily visible damage, and shall submit an email of such damage to his commanding officer at that time. Failure to report such damage shall be considered "Prima Facie" evidence that the damage occurred while the vehicle was in his possession and he shall be held responsible for said damages.

5.96 A member of the department shall not appropriate for his own use any lost, found, or stolen property; no convert to his own use any property of the Town of Jamestown or property held by the department for evidence.

5.97 A member of the department shall not mark, alter, mar or deface any printed or written notice, memorandum, general order, or directive relating to police business. A member or employee shall not mark, alter, mar or deface any notice posted on any bulletin board or marker board maintained by the department. All notices of a personal nature and/or a derogatory character regarding any member of the department are strictly forbidden.

5.98 All requests for leaves of absence must be in writing to the Chief of Police and shall set forth the purpose for which the leave is requested.

5.99 Any member of the department desiring to engage in outside employment must submit to the Chief of Police a formal written application which will state the name of the employer, address, telephone number, hours and type of employment. No employment will be permitted until final approval by the Chief of Police, and such personnel shall be ready and available for duty at all times, as their first obligation is their sworn duty as members of the Jamestown Police Department.

No member shall engage in private or special police work for any café, club, dancehall, or similar type establishment unless they have received specific permission to do so from the Chief of Police or commanding officer.

5.100 Any member of the department having knowledge that another member has been guilty of any of the offenses set out in the Rules and Regulations has the sworn duty to and shall make written notifications to the commanding officer of the member accused or to the Chief of Police. If the complaint is made by an officer of superior rank to the accused, it need not be verified by affidavit. In all other cases such complaint shall be verified by affidavit.

ARTICLE 6

DISCIPLINE

6.0 The Chief of Police and Commanding Officers of all subdivisions and units may, without formal trial, administer official reprimands for minor violations of the regulations, orders, or instructions where the good of the department and/or the individual appear to be best served. Official reprimands shall be entered into the records of the department and a signed copy shall be given to the person receiving the reprimand.

6.1 The Chief of Police may suspend without pay any member of the police force for any cause for a period not to exceed ten calendar days. All disciplinary proceedings shall be in accordance with the Rhode Island Law Enforcement Officer's Bill of Rights.

6.2 Charges and Specifications

- A. The Chief of Police shall prepare, in writing, the charges and specifications against any member of the department after proper investigation of a complaint has been conducted.

- B. A charge is an accusation of a violation of any rule or regulation, policy or procedure, general order, or directive, governing the Jamestown Police Department.
- C. A specification is a detailed description of the action or lack thereof that constitutes the violation.

6.3 While under suspension, a member of the police force shall not wear the uniform or insignia of his rank, except during attendance at hearings, and shall surrender all police department property to the Chief of Police on demand.

6.4 A member of the police department under charges or suspension shall not cause or procure any person to intercede or to interfere, either personally or by communication with the Town Council, Town Administrator, or any member of the police force, or with any person who may be a witness against him.

6.5 No charges of an unreasonable or frivolous nature shall be lodged against a member of the department unless there is sufficient reason to believe that the accusations can be proved by presentation of factual evidence. The Chief of Police shall have final determination of such complaints.

ARTICLE 7

MILITARY COURTESIES

All members of the Jamestown Police Department shall be governed by the following policies in regard to military courtesies. The Department is a paramilitary organization and as such, military courtesies in public instill confidence and displays discipline to the public.

7.1 Members of the Department will, while in public or when the public is in attendance, address superior officers by their titles.

7.2 A member of the department while on duty, shall upon seeing a superior officer for the first time of the day tender a proper military salute to said superior officer. All members of the department will tender a proper military salute to all superior officers of this department when in public, and to all known superior officers of any other police department, whether that officer is on or off duty.

7.3 Unless performing police duty requiring immediate attention, members of the department in uniform shall salute the national flag as it passes on all public occasions, ceremonies, parades or when it is carried into any building, room or other place where they are present. When a member is indoors and uncovered, he shall come to attention but not tender a salute.

7.4 Unless performing police duty requiring immediate attention, members of the department shall, upon hearing the National Anthem, face the flag or in absence of the flag, face the music, come to attention and at the first note render a hand salute, holding same until the last note has been played. Members in civilian clothes will face the flag or music at attention and place their right hand over the left breast until the last note has been played.

7.5 At parades, ceremonies, or other public events where two or more members are present, the senior/superior officer will take command and see that all military courtesies are carried out, including but not limited to, military formation of those present.

7.6 At parades, ceremonies, funerals, or other public events attended by the Jamestown Honor Guard, members shall take commands from the Captain of the Guard.

ARTICLE 8

UNIFORMS AND EQUIPMENT

8.1 Such uniforms and equipment shall be issued or authorized for purchase to each member of the Department as may be prescribed by the Chief of Police.

8.2 No uniform of any nature shall be worn by any member of the department other than that prescribed by orders of the Chief of Police.

8.3 When a uniform has been damaged, lost or destroyed while in use on duty, another uniform or necessary part therefore will be issued or purchased by the member, with proper authorization of the Chief of Police. When a uniform is damaged, lost, or destroyed by negligence or misuse by a member of the department to whom it was furnished, he will be obliged to replace it at his own expense. This rule shall apply to all other equipment or property issued, bought, or otherwise furnished by the department.

8.4 All uniforms and equipment issued, furnished or authorized for purchase remains the property of the department and must be returned to the department upon suspension, retirement, discharge or resignation from the department. All members shall give an accounting of all uniforms and equipment upon request of the Chief of Police.

8.5 Uniform service caps shall be worn by all members when outside the confines of the building or cruiser.

8.6 Members of the department, while in uniform and appearing in public in numbers of two or more, shall be dressed alike in the seasonal "uniform of the day".

8.7 When members of the department of any number are assembled for police duty or such other duty, the officer who issues the order for such assemblage shall prescribe the uniform to be worn.

ARTICLE 9

TRANSPORTATION

9.1 No motor vehicle the property of the department shall be operated at an excessive speed unless in the case of an emergency. When operated in an emergency situation, police vehicles will be operated in accordance with Department Policy on High Speed Driving or Pursuits.

9.2 All members of the department, while operating department vehicles, shall operate them at all times in a cautious manner. In the event of a police emergency the operator thereof shall obey all traffic rules and regulations of the State of Rhode Island and Department Policy.

9.3 Before any motor vehicle shall be secured at the end of its use by a member, it shall be checked for gasoline, filled if it is at a half tank or less, and left in complete readiness for any immediate use.

9.4 Private persons shall not be permitted to sit or ride in a department motor vehicle unless the presence of such person is necessary in the furtherance of police work, or permission is given by the ranking officer on duty at the time.

9.5 When providing a transport for a private person, the officer will call the dispatcher with the reason for the transportation, the time and cruiser mileage. Immediately upon dropping off the person, he will again call, stating that the person is at their destination noting again the time and mileage. This information will be placed in the dispatch log.

9.6 Cruiser lights will be used at all times, day and night, when responding to an emergency call or when stopping a motor vehicle. In cases where an emergency exists

and lights and siren will jeopardize the successful conclusion of the call, no lights or siren need be used.

9.7 No additional accessories shall be put on departmental vehicles without approval of the Chief of Police, including but not limited to bumper stickers.

9.8 In all cases where departmental vehicles are involved in an accident or otherwise damaged, the operator will cause an immediate investigation by his superior on duty at the time. If it is proven that the member is at fault, the member may be subject to disciplinary action. If any member or any other person is injured in the accident, the Chief of Police will be notified immediately.

ARTICLE 10

SPECIAL ORDERS, GENERAL ORDERS, DIRECTIVES

10.1 It shall be the policy of the Jamestown Police Department to issue, from time to time, Special Orders, General Orders, and Directives. These orders shall be issued under the authority of the Chief of Police and shall have the same effect as a Rule of the Department and shall be considered Rules of the Department.

A. The term "Special Order" shall mean written orders issued from time to time by the Chief of Police applicable to one or more members, but less than the entire personnel of the department.

B. The term "General Order" shall mean written orders issued from time to time by the Chief of Police applicable to all Department Personnel. These shall include but not be limited to the announcement of assignments, transfers, discharge, retirement and orders affecting the

efficient and effective operation of the Police Department not covered by Rules and Regulations and Policy and Procedures.

C. The term "Directive" shall mean written communications issued from time to time by the Chief of Police applicable to all or any part of the entire departmental personnel indicating the direction the department will take in specific limited commitments. A directive may be issued for a limited time period or may be of an unlimited time period.

10.2 All Special Orders, General Orders, and Directives shall be issued by the Chief of Police and will be written communication containing:

- A. The date of the order;
- B. The number of the order;
- C. The signature of the Chief of Police.

10.3 Each of the above will be distributed to every member of the police department. It shall be the responsibility of each shift commander to ensure that all personnel under his command are made aware of all orders and directives affecting them. It shall not be a defense of the member that he was unaware of any of the above.

Any of the above directly concerning an individual member shall be make part of his personal jacket.

ARTICLE 11

PROFESSIONAL GROOMING

15.1 All members of the department shall be clean-shaven with the exception of mustaches, which shall be kept neatly trimmed. In no case may a mustache come down further than the corners of the mouth. So-called “handlebar” mustaches are prohibited.

15.2 No police officer while in uniform and on duty, may wear any type of earring or other facial jewelry. Exceptions to this regulation may be made for officers assigned to special duties.

15.3 All members of the department shall keep their hair neatly trimmed. Male members hair shall not hang below the top of the ears, nor extend past the top of the uniform shirt collar. Female members with long hair shall put their hair up neatly.

15.4 Court Appearance: Whenever a member has to appear in court, he shall wear the department uniform of the day or a jacket and tie. Female members shall be properly dressed in uniform or proper business attire.

ARTICLE 12

AMERICANS WITH DISABILITIES ACT

12.1 The Americans with Disabilities Act was passed by Congress and signed into Law by the President to protect the right of the disabled to equal access to public services and equal employment opportunities. A person qualifying as disabled under this Act is any person who has a disability that impairs one or more of their life functions or one who is perceived as having such a disability. This department will make every effort to comply with the provisions of this Act.

ARTICLE 13

ANNUAL REVIEW

17.1 These Articles of Rules and Regulations shall be reviewed annually by the Chief of Police, and if it is found that changes need to be made, the revisions shall be made and submitted to the Town Council for adoption at any regularly scheduled meeting.