

Crow Country

# LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

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## Legislative Branch

### Prvor:

#### Arrow Creek

Carlson Goes Ahead  
Lawrence De Crane  
Bryce Hugs

### Big Horn:

#### Valley of the Give Away

Vincent Crooked Arm  
Marlin D. Not Afraid  
Patrick Alden, Jr.  
Secretary of the House

### Dunmore:Black Lodge

Conrad J. Stewart  
V. Jeannie PrettyPaint  
H. Noel Two Leggins

### Reno:

#### Center Lodge

Oliver Half, Jr.  
Shawn Backbone, Sr.  
Kenneth G. Shane

### Lodge Grass:

Valley of the Chief  
Manuel Covers Up, Sr  
Speaker of the House  
R. Knute Old Crow, Sr  
Woodrow Plainfeather

### Wyola:

#### Mighty Few

Dana Wilson  
Gordon Real Bird, Jr.  
McKinley Tye Backbone

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Editor

Kenny Pretty On Top  
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Sergeant at Arms

## NOTICE OF VETO OVERRIDE

This is an Official Notice as authorized by Law, CLB06-08 and "An Act to Establish a Time Limit for Executive Veto, A Veto Override Process and Referendum Process."

The Crow Legislature in Regular Session on July 12, 2010 took the Following VETO OVERRIDE Action relative to JAR10-04 A JOINT ACTION RESOLUTION ENTITLED: "APPROVAL OF STANDARD OPERATING PROCEURES FOR THE CROW TRIBE DRUG TASK FORCE"

**BILL IS ATTACHED IN REFERENCE AND INCORPORATED BY REFERENCE HERETO.**

Done and Dated this, 12<sup>th</sup> day of July, 2010

\_\_\_\_\_  
Senator Manuel Covers Up, Sr.

Speaker of the House

\_\_\_\_\_  
Senator Pat Alden, Jr.

Secretary of the House

## CERTIFICATE OF SERVICE

Mr. William Watt, Attorney for the Executive Branch Legal Council was served from Legislative Branch Staff member, Jackie M. Blacksmith for the following:

1. NOTICE OF VETO OVERRIDE ACTION REGARDING JAR10-04  
"APPROVAL OF STANDARD OPERATING PROCEURES FOR THE CROW  
TRIBE DRUG TASK FORCE"

I,   
\_\_\_\_\_  
(Signature of recipient) received as stated above from Jackie M. Blacksmith

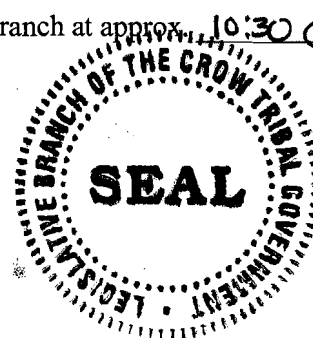
Done and Dated this 17<sup>th</sup> day of Aug., 2010

~TO BE COMPLETED BY LEGISLATIVE BRANCH STAFF MEMBER S ONLY~

I, the undersign Legislative Branch Staff member hand delivered the above to, William C. Watt  
\_\_\_\_\_  
or designee for the Executive Branch at approx. 10:30 a.m./p.m.

Done and Dated this 17<sup>th</sup> day of Aug., 2010.

Jackie M. Blacksmith  
Administrative Officer  
Crow Legislative Branch



**JOINT ACTION RESOLUTION ENTITLED: "APPROVAL OF STANDARD OPERATING  
PROCEDURES FOR THE CROW TRIBE DRUG TASK FORCE"**

**Bill or Resolution:** JAR10-04 **Introduced by:** Executive Branch **Date of Vote:** 7/12/2010  
**Number**

<u><b>Representative:</b></u>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
H. Two Leggins	<u>X</u>	<u>          </u>	<u>          </u>
V. Pretty Paint	<u>X</u>	<u>          </u>	<u>          </u>
C. J. Stewart	<u>X</u>	<u>          </u>	<u>          </u>
K. Shane	<u>X</u>	<u>          </u>	<u>          </u>
S. Backbone	<u>X</u>	<u>          </u>	<u>          </u>
O. Half, Jr.	<u>X</u>	<u>          </u>	<u>          </u>
W. Plainfeather	<u>          </u>	<u>          </u>	<u>X</u>
R. Old Crow, Sr.	<u>          </u>	<u>          </u>	<u>X</u>
M. Not Afraid	<u>X</u>	<u>          </u>	<u>          </u>
V. Crooked Arm	<u>X</u>	<u>          </u>	<u>          </u>
L. DeCrane	<u>          </u>	<u>          </u>	<u>          </u>
C. Goes Ahead	<u>          </u>	<u>          </u>	<u>          </u>
B. Hugs	<u>X</u>	<u>          </u>	<u>          </u>
G. Real Bird, Jr.	<u>X</u>	<u>          </u>	<u>          </u>
M. Backbone	<u>X</u>	<u>          </u>	<u>          </u>
D. Wilson	<u>          </u>	<u>X</u>	<u>          </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
<b>Totals:</b>	<u>13</u>	<u>1</u>	<u>2</u>

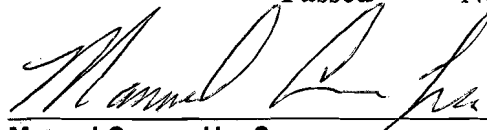
**Result of Vote:**

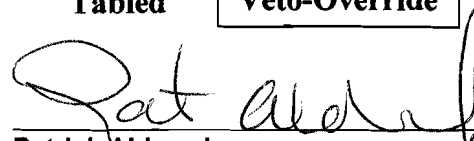
**Passed**

**Not Passed**

**Tabled**

**Veto-Override**

  
**Manuel Covers Up, Sr.**  
**Speaker of the House**  
 Date

  
**Patrick Alden, Jr.**  
**Secretary of the House**  
 Date

**APRIL 2010 CROW TRIBAL LEGISLATURE**

**JOINT ACTION RESOLUTION NO. JAR10-04**

**INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH**

**JOINT ACTION RESOLUTION OF THE CROW TRIBAL EXECUTIVE BRANCH AND  
CROW TRIBAL LEGISLATIVE BRANCH ENTITLED:**

**“APPROVAL OF STANDARD OPERATING PROCEDURES FOR THE CROW TRIBE  
DRUG TASK FORCE”**

**WHEREAS**, CLB 09-09, “An Act to Establish A Crow Tribe Drug Task Force”, was duly enacted after passage by the Crow Legislative Branch and signature by Chairman Cedric Black Eagle; and

**WHEREAS**, CLB 09-09 requires that the Crow Tribal Legislature review and approve policies and procedures for the Crow Tribe Drug Task Force before enforcing Crow Tribal laws pursuant to its statutorily granted authority; and

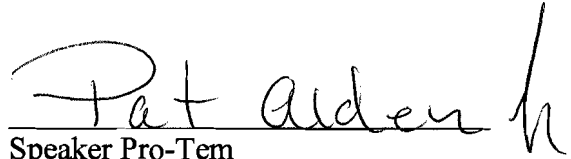
**WHEREAS**, the Judiciary Committee of the Crow Legislative Branch has reviewed policies submitted by the Director of Public Safety for the Crow Tribe to govern the conduct, policies, and procedures of the Crow Tribe Drug Task Force; and

**WHEREAS**, the Judiciary Committee of the Crow Legislative Branch is satisfied with the draft policies and procedures presented by the Director of Public Safety for the Crow Tribe to govern the newly formed Crow Tribe Drug Task Force;

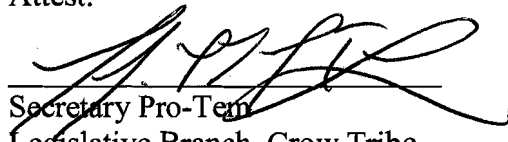
**NOW THEREFORE BE IT RESOLVED BY THE EXECUTIVE AND  
LEGISLATIVE BRANCHES** that the attached policies and procedures for the Crow Tribe Drug Task Force are approved as required by Crow Tribal Law and that the conduct of Crow Tribe Drug Task Force Members shall be governed by these policies and procedures.

### CERTIFICATION

I hereby certify that this Joint Action Resolution was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 19<sup>th</sup> day of April, 2010.

  
Speaker Pro-Tem  
Legislative Branch, Crow Tribe

Attest:


  
Secretary Pro-Tem  
Legislative Branch, Crow Tribe



### EXECUTIVE ACTION

I hereby X (approve), \_\_\_\_\_ (veto) this Joint Action Resolution pursuant to the Authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians.

Dated this 1<sup>st</sup> day of June, 2010.

  
Cedric Black Eagle, Chairman  
Executive Branch, Crow Tribe

Bill or Resolution: JAR10-04 Introduced by: Executive Branch Date of Vote: April 19, 2010  
Number

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
H. Two Leggins	<u>X</u>	<u>          </u>	<u>          </u>
V. Pretty Paint	<u>X</u>	<u>          </u>	<u>          </u>
C. J. Stewart	<u>X</u>	<u>          </u>	<u>          </u>
K. Shane	<u>X</u>	<u>          </u>	<u>          </u>
S. Backbone	<u>X</u>	<u>          </u>	<u>          </u>
O. Half, Jr.	<u>X</u>	<u>          </u>	<u>          </u>
W. Plainfeather	<u>X</u>	<u>          </u>	<u>          </u>
R. Old Crow, Sr.	<u>X</u>	<u>          </u>	<u>          </u>
M. Not Afraid	<u>X</u>	<u>          </u>	<u>          </u>
V. Crooked Arm	<u>X</u>	<u>          </u>	<u>          </u>
L. DeCrane	<u>X</u>	<u>          </u>	<u>          </u>
C. Goes Ahead	<u>X</u>	<u>          </u>	<u>          </u>
B. Hugs	<u>X</u>	<u>          </u>	<u>          </u>
G. Real Bird, Jr.	<u>X</u>	<u>          </u>	<u>          </u>
M. Backbone	<u>X</u>	<u>          </u>	<u>          </u>
D. Wilson	<u>          </u>	<u>          </u>	<u>          </u>
P. Alden, Jr.	<u>X</u>	<u>          </u>	<u>          </u>
<i>Secretary of the House</i>			
M. Covers Up, Sr.	<u>          </u>	<u>          </u>	<u>          </u>
<i>Speaker of the House</i>			
<b>Totals:</b>	<u>16</u>	<u>0</u>	<u>0</u>

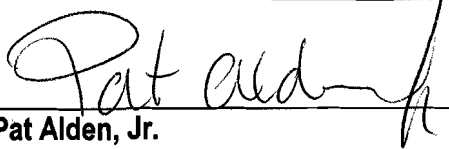
Result of Vote:

**Passed**

**Not Passed**

**Tabled**

**Veto-Override**

  
Pat Alden, Jr.  
Speaker Pro-Tem

Date

  
H. Noel Two Leggins  
Secretary Pro-Tem

Date

**APSAALOOKE NATION DRUG ENFORCEMENT  
DIVISION POLICY AND PROCEDURE MANUAL**

**SEPTEMBER 2009**

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# ***Mission Statement***

*The Apsaalooke Nation Drug Enforcement Division is committed to the suppression and interdiction of illegal drugs and narcotics. The Drug Enforcement Division, through the combined efforts of local, state and federal agencies, will actively pursue those groups or individuals, who manufacture, smuggle, distribute or sell illegal drugs within the exterior boundaries of the Apsaalooke Nation. It is the goal of the Apsaalooke Nation Drug Enforcement Division to do its part in making the Apsaalooke Nation and Big Horn County drug-free communities.*

## **PREFACE**

This manual shall be approved by the Director of Public Safety and will govern the conduct of the Apsaalooke Nation Drug Enforcement Division and all personnel assigned to it.

Investigators encountering situations not addressed in this manual shall follow their agency's procedural manual, if applicable; if not, the Director of Public Safety will resolve the matter. Personnel employed by the Apsaalooke Nation Drug Enforcement Division shall adhere to the policy manual.

Investigators assigned shall remain subject to the disciplinary procedures of the Apsaalooke Nation Drug Enforcement Division.

The policies and procedures in this manual are guidelines to the Apsaalooke Nation Drug Enforcement Division. It is understood that narcotics enforcement is one of the most challenging and ever changing arenas in which a police officer can operate. In all cases investigators shall operate within the bounds of the law and use common sense.

# **CHAPTER ONE**

## **INTRODUCTION**

This manual establishes the basic policies and regulations, which will govern the Apsaalooke Nation Drug Enforcement Division. It is intended to provide the Chairman of the Apsaalooke Nation, Director of Public Safety, Lead Investigator and other personnel with standardized operating procedures. Revisions and supplements will be issued as necessary.

Additional policies and/or amendments to this Joint Action Resolution may be developed by the Director of Public Safety, as necessary and reported to the Chairman of the Crow Tribe and Legal Department for review and pending final approval by the legislative branch of the Crow Tribe.

Supplemental policy will be implemented as division orders to take effect on the date specified in the order. All active division orders will be reviewed by the Director of Public Safety as needed. If an order supersedes a prior order or a provision of the manual, it will be incorporated into this manual as a manual revision.

All policy wording will be defined according to the context of Criminal Justice Law Enforcement definitions.

All approved forms shall be used by members of the Apsaalooke Nation Drug Enforcement Division for the purposes of uniformity, unless otherwise approved in writing by the Director of Public Safety.

## **CHAPTER 2**

### **ASSIGNMENT OF MANUAL**

Each member of the Apsaalooke Nation Drug Enforcement Division will be provided with a copy of the division manual.

Personnel assigned to the Apsaalooke Nation Drug Enforcement Division will be provided with an electronic copy of the manual and be required to read, understand and comply with the policies and procedures as set forth in the manual.

The Director of Public Safety, the Drug Enforcement Division Lead Investigator and the Administrative Support Specialist will also have hard copies of the Manual available for reviewing.

## **CHAPTER 3**

### **MANUAL COORDINATOR**

The Drug Enforcement Division Lead Investigator is the manual coordinator and is responsible for maintaining the division manual.

The Drug Enforcement Division Manual will be reviewed and updated yearly or as needed.

## **CHAPTER 4**

### **SUPERVISION OF THE DRUG ENFORCEMENT DIVISION**

Overall supervision of the unit's operations, including the setting of investigative priorities and general operating procedures, will be vested in the Director of Public Safety.

The powers and duties of the Director of Public Safety shall include:

- Administering the affairs of the Apsaalooke Nation Drug Enforcement Division as the chief administrative officer.
- Selecting a Drug Enforcement Division Lead Investigator.
- Approving the acceptance of persons recommended for assignment to the Apsaalooke Nation Drug Enforcement Division, recommending discipline, discharge, suspension, or transfer of the Apsaalooke Nation Drug Enforcement Division members assigned.
- Working with the Drug Enforcement Division Lead Investigator in the preparation and upkeep of division policy and procedure documents.

The Director of Public Safety will be the Financial Coordinator for the Apsaalooke Nation Drug Enforcement Division who would be responsible for:

- Reviewing Grants and returning said grants in a timely fashion with the assistance of the Administrative Support Specialist;
- Overseeing finances of the Apsaalooke Nation Drug Enforcement Division with the Drug Enforcement Division Lead Investigator and the Administrative Support Specialist.
- Assisting the Drug Enforcement Division Lead Investigator in liaison with the Director of Public Safety and reporting directly to the Chairman of the Apsaalooke Nation.

## **CHAPTER 5**

### **LEAD INVESTIGATOR**

Under the direction of the Director of Public Safety the Drug Enforcement Division Lead Investigator will:

- Direct the day-to-day activities of the Apsaalooke Nation Drug Enforcement Division, including:
- Assignment of investigations and other tasks.
- Scheduling of personnel
- Review and approval of investigative reports. All intelligence information and incident reports are to be reviewed by the Lead Investigator.

Supervision of personnel, to include those assigned on temporary basis from other jurisdictions and agencies.

Coordination and assignment of personnel to appropriate training. The Lead Investigator is responsible for the training of new Investigators and continuing training of existing Investigators.

Review Investigators' time sheet and Undercover Fund Activity Reports on a weekly basis.

Approve all leave requests for division members.

Be responsible for maintenance and upkeep of division property and equipment, including the unit's office premises.

Prepare bi-weekly activity reports for the Director of Public Safety, for review by the Chairman of the Apsaalooke Nation and the Chairman of the Judicial Committee, upon request.

Maintain up-to-date policy and procedure manuals for the Apsaalooke Nation Drug Enforcement Division operations

Maintain regular contact with the Director of Public Safety

Maintain regular contact with prosecutors

## **CHAPTER 6**

### **ADMINISTRATIVE SUPPORT SPECIALIST**

The division Administrative Support Specialist shall be subject to a thorough background investigation.

The division Administrative Support Specialist shall be assigned working hours, which will be consistent with the need for clerical services.

The division Administrative Support Specialist shall work under the immediate supervision of the Director of Public Safety and Lead Investigator.

The division Administrative Support Specialist shall be responsible for the preparation and maintenance of record and files. The division Administrative Support Specialist will assist in the preparation and maintenance of accounting records, case reports, statistical data retrieval and compilations, and will be responsible for the operation and maintenance of office machines.

## **CHAPTER 7**

### **OFFICE PROCEDURE**

The Office will be kept neat and portray a professional appearance.

The investigators and Administrative Support Specialist shall be responsible for the security of all investigative, intelligence, or evidentiary material contained within the office. Such material shall not be left out or unsecured in the Investigator's absence.

The last Investigator, or Administrative Support Specialist, to leave the office will ensure that all materials as previously described are secured. They will also ensure that all equipment not being used, to include heaters, fans and/or lights are shut off.

The last Investigator, or Administrative Support Specialist, to leave the office will ensure that all doors and windows are secured and locked. They will also ensure that all alarms are set and any access gates are locked.

Evidentiary material will be secured until such time as it can be transferred to the Evidence locker at the BIA/Crow Police Department.

## **CHAPTER 8**

### **CODE OF CONDUCT**

The success of the Apsaalooke Nation Drug Enforcement Division will be greatly influenced by the conduct, character, and demeanor of each division member. Personnel will adhere to the policies established in this manual.

In order to ensure conduct, which is appropriate to the goals and mission of the division, the following guidelines will be followed:

Investigator's appearing in court shall be punctual and shall appear in appropriate dress clothing, or as directed by the attorney prosecuting the case. Conduct in court matters shall always be of the highest standard of professionalism.

Investigator's meeting with prosecuting attorneys for the purpose of interviews with defense attorneys shall appear in appropriate dress clothing. Conduct in these meeting shall always be of the highest standard of professionalism.

Investigator's, including the Administrative Support Specialist and the Director of Public Safety, shall treat the official business of the Drug Enforcement Division as confidential, and shall not impart its business to anyone not having a need or right to know.

Investigator's shall not socialize with, or receive gifts or trade from, any criminal informant, criminal suspect, or other person known to be of ill repute. It is necessary that division members interact with these persons on a frequent basis, and all such interaction shall be carried out strictly at a professional level.

The use of drugs is strictly forbidden by all division members unless taken under the direction of a physician or in a life-threatening situation. The simulation of use of illegal drugs is a violation of division policies and procedures and will be strictly forbidden.

The division's effectiveness is dependent upon each member's willingness to conform to the goals, objectives, and procedures.

The provisions of this chapter shall not apply while the investigator is in an undercover and/or cultural capacity.

## **CHAPTER 9**

### **APPEARANCE / DRESS**

Investigators may look and dress as appropriate to the division goals and mission; however, each Investigator is expected to maintain a neat appearance when not immediately involved in a role-playing capacity.

Investigators shall have available to them, on short notice, a change of clothes appropriate for court, business meetings, or any other assignment for which his present dress is inappropriate.

The Administrative Support Specialist shall dress in a professional manner appropriate for meeting the public.

## **CHAPTER 10**

### **INVESTIGATIVE PROCEDURES**

No informant shall make a previously planned contact with a suspect in an undercover and/or buy capacity without the cover of at least two investigators.

When a drug purchase is made from a suspect, conversation should bring out the suspect's knowledge and intent, when possible. The Investigators shall make every effort to make two or more purchases on separate days. The conversation showing intent, coupled with multiple buys, will greatly assist the prosecutor's office in its preparation of the case and will be submitted in a written report to the Lead Investigator within 24 hours unless other wise approved by the Lead Investigator. Arrest reports will be finished and turned into the Administrative Support Specialist before going off shift.

An Investigator will be assigned as case officer in every investigation. The Lead Investigator shall designate an investigator to be case officer for each case.

Investigations out of the jurisdiction of the Apsaalooke Nation Drug Enforcement Division require notification to the agencies having jurisdiction. Investigators will request the participation of the agency having jurisdiction.

Non-participating agencies shall be given prior notice of any Apsaalooke Nation Drug Enforcement Division operation taking place within their jurisdiction.

Every attempt will be made to positively identify each suspect prior to:

Meeting with suspect(s) in an undercover capacity.

Making a purchase in an undercover capacity.

Arresting any suspect(s).

Conducting a search of any premises named in a search warrant.

## CHAPTER 11

### ARREST AND RAID PROCEDURE

No Investigator shall affect an arrest of a suspect alone, except in emergency circumstances where an arrest must be made for the protection of persons or property. In such circumstances, an investigator shall use sound judgement.

All buy-busts or search warrants shall be accomplished with the use of a **Operations Plan**. This operational format will be referred to as a “**Ops Plan**.” All efforts will be made to gather the necessary information to complete a **Operations Plan** in full. This plan shall, at a minimum, contain the following information:

Identity and photographs of the informant, if applicable.

Identity of suspects, co-conspirators and associates, uncovered during the investigation, who may be encountered during the execution of the Ops Plan. Photographs should be made available if possible.

Identity of suspect vehicles, co-conspirator vehicles and associate vehicles, uncovered during the investigation, which may be encountered during the execution of the Ops Plan. Photographs should be made available if possible.

The suspect, co-conspirators and associates potential for violence and/or access to weapons.

Any dangers that may be at the location to be searched

Any arrest or duress signals in the form of verbal or visual communications by law enforcement.

Location of the nearest medical assistance.

A contingency plan.

A Safety briefing shall precede all buy-busts or search warrants. The information in the operational briefing will be written or typed using the “Ops Plan” outline. Included in the raid plan outline will be the assignment of assisting personnel to specific duties upon the execution of the raid plan. During the operational briefing all participants will be introduced to one another. A copy of the Operations Plan will be placed in the case file upon completion of the plan. ALL PARTICIPATING PERSONNEL WILL ATTEND THE SAFETY BRIEFING.

The Lead Investigator will determine if an Emergency Response Team or SRT will be used to conduct the raid if circumstances indicated the probability of dangerous person(s)

or a biological hazard exists. If a biological hazard is found, the investigators will coordinate with the Crow Tribal Department of Emergency Services.

It is mandatory that the Prosecutor and the jail be notified when a large number of arrests are anticipated.

### Warrants

It is division policy that arrest(s) and search warrant(s) will be served at a location by a minimum of two division Investigators accompanied by uniformed officer(s) from the agency of jurisdiction. Exceptions to this procedure will require prior authorization by the Director of Public Safety

Investigators or other plain-clothes officers shall wear a shirt, jacket or coat, and badge, worn in plain view, which clearly represent them as members of the Apsaalooke Nation Drug Enforcement Division Investigator when serving arrest and/or search warrants. A cap with appropriate identification is also recommended. Exceptions to this procedure must receive prior approval from the Director of Public Safety. In all cases, the question of officer safety will be the prevailing issue, in conjunction with the mission and goals of the division.

The investigators will have identification identifying them as law enforcement officers.

Protective body armor shall be assigned to each Investigator and shall be worn beneath the arrest/raid shirt, jacket or vest.

When possible a prosecutor will review the affidavit.

When a search is conducted, the Lead Investigator, or Case Investigator will direct the activities of team members insofar as assigning search assignments, evidence finders and custodians, prisoner custody, etc. Some of these duties should be addressed and assigned in the safety briefing, prior to the execution of the warrant.

When practical, all searches should be followed up with a second search by a second Investigator.

All investigators will be equipped with the following equipment during any "raid-like" situation. Use of personal equipment will be approved by the Lead Investigator prior to use:

Raid shirt, jacket or vest identifying the Investigator as a law enforcement officer.

Body armor worn underneath the raid shirt, jacket or vest.

Duty weapon; should be weapon that the investigator is most familiar and proficient with.

Extra ammunition; As a general rule, a minimum of two reloads of ammunition should be available to the Investigator

Handcuffs.

Flashlight.

Available communication equipment.

# **CHAPTER 12**

## **FIREARMS**

### **&**

## **TACTICAL TRAINING**

Division personnel will adhere to the firearms policy and the use of deadly force as set forth by the Bureau of Indian Affairs Office of Justice Services handbook.

Each Investigator will maintain a weapon with which he/she is competent and which is approved for use by both the Director of Public Safety and the Lead Investigator. Each Investigator is required to qualify with the weapon(s) that have been authorized for use. Each Investigator shall be familiar with the operation of firearms used by other Drug Enforcement Division members.

Personnel will qualify with their weapons as scheduled through the department of public safety, semi-annually.

Any Investigator who discharges his/her weapon while on duty, whether intentional or by accident, will report same to the Lead Investigator immediately and shall file a written report of the incident as soon as possible and report it to the Director of Public Safety. The investigator will submit to a drug screen at the I.H.S. Emergency Room as soon as possible. Range practice and firearm qualifications do not apply.

Firearms discharges, except for training purposes will be investigated by the department of public safety and federal bureau of investigation.

All personnel assigned to the Drug Enforcement Division will attend Tactical Training scheduled by the Lead Investigator on a quarterly basis. This may be included with the firearm training. This training will include, raid, arrest and critical incident situations.

# **CHAPTER 13**

## **INTELLIGENCE FILES**

### **General**

Intelligence files shall be maintained for the duration of the Drug Enforcement Division. When the Drug Enforcement Division is disbanded, participating agencies will be provided the criminal information pertaining to their area of jurisdiction upon a request.

Material stored in the narcotics intelligence file should be restricted to documents of criminal intelligence. Examples of excluded material are religious, political, or sexual information which does not relate to criminal conduct and associations with individuals which may not be of a criminal nature.

### **File Description**

The Lead Investigator or designee shall be the Intelligence Coordinator/Analyst and is responsible for the maintaining and securing the intelligence files. Intelligence files consist of, but are not limited to:

Files on businesses, corporations, locations, and/or persons involved in narcotics criminal activity.

Cross-index files pertaining to various vehicles used in narcotics transportation (marine, air, and land).

### **Intelligence File Defined**

Individuals suspected of:

Being involved in the planning, organizing, financing, or commission of drug-related crimes or having threatened, attempted, planned or performed those crimes.

Having an established association with known or suspected traffickers.

Organizations and businesses suspected of:

Being operated, controlled, financed, infiltrated, or illegally used by crime figures.

### **Accuracy of Narcotics Intelligence Files**

To ensure that accurate data is maintained within the narcotics files, the following procedures shall be strictly adhered to:

Before the date is entered into the file, the Intelligence Coordinator/Analyst shall check it for accuracy. In addition to the file criteria, the following shall be taken into consideration:

The source of information.

Date

Evaluation of validity and/or reliability of the information.

Consistency of data contained within the file or card

The information shall be placed in a file as warranted by the file criteria.

Information stored in any intelligence file that is discovered to be inaccurate shall be updated or destroyed by the Intelligence Coordinator/Analyst.

If destruction is necessary, the Intelligence Coordinator/Analyst shall make that recommendation to the Director of Public Safety as outlined in Method of Destruction.

Final destruction shall meet prior approval of the Director of Public Safety.

### **File Criteria**

Information, which relates that an individual, organization, business, location, or group has been involved, is involved, or suspected of being involved in drug trafficking.

In addition to falling within the confines of narcotics activities, the vehicle and/or subject to be entered into the permanent file should be identifiable-distinguished by a unique identifying characteristic (e.g., date of birth, criminal identification number, driver's license number). Identification at the time of file input is necessary so to distinguish the subject from any similars in the file or any others that may be entered at a later time.

### **Computerized Narcotics Intelligence Files, Computerized Purging**

Intelligence Coordinator/Analyst will check to see if intelligence to be purged has no nexus to other intelligence file within the system. If a nexus exists, the intelligence file to be purged will be integrated into the file with the nexus.

The Director of Public Safety concurrence shall be obtained prior to purging any file and shall complete the purging.

Material considered of extreme importance shall be referred to the tribal prosecutor for possible criminal charges.

### **Method of Destruction**

All source document intelligence copy files approved for destruction by the Directory of Public shall be destroyed by shredding.

### **Intelligence Files Purging Procedures**

Any file in which subject, business, location, etc. is not fully identified shall be purged in six (6) months; unless said file has been updated or activated to an active enforcement case. (Each update begins another six (6) month period.)

Any file in which a subject, business, etc. is fully identified shall be purged in one (1) year; unless said file has been updated or activated into an enforcement case. (Each update begins another year.)

Any criminal intelligence material incorporated into an enforcement file shall be purged from the criminal intelligence file.

## **CHAPTER 14**

### **INFORMANT MANAGEMENT PROCEDURE**

#### **Introduction**

The purchase of drugs, property, information and the employment of operators are essential elements on the function of the Apsaalooke Nation Drug Enforcement Division. The utilization of informants to accomplish division goals is essential. Informants will be utilized only to the extent that their assistance is necessary to accomplish division goals.

#### **Definitions**

**Confidential Informants:** A confidential informant is a person who provides information and/or services to members of the Drug Enforcement Division with or without expectation of compensation in the form of money, or other considerations made under the direction of the Drug Enforcement Division, the tribal prosecutor's office, or any other branch of the criminal justice system and remains confidential.

**Informant:** An informant is a person who voluntarily assists the task force or is compensated for information and services, cases worked and is willing to testify.

**Defendant Informant:** As above, but subject to arrest and prosecution for a tribal, state or federal offense; or a defendant in a pending tribal, federal or state case who expects compensation for assistance in either the form of judicial or prosecutive consideration.

**Source of Information:** A person or organization, not under the direction of a specific Investigator, who provides information without becoming a part to the investigation itself (i.e., a business firm furnishing information from its records; an employee of an organization who, through routine activities, obtains information of value to the Drug Enforcement Division; or a concerned citizen who witnesses an event of interest to the Drug Enforcement Division). The title "informant" does not apply to a "source of information", unless the source seeks financial compensation or becomes a continuing active part of the investigative process.

#### **Informant Criteria**

There are four criteria that must be met to establish a person as a Drug Enforcement Division Informant:

- 1) The person is in a position to measurably assist the Drug Enforcement Division in a present or future investigation.
- 2) The person shall not compromise Drug Enforcement Division interests and activities.

- 3) The person shall accept the measure of direction necessary for effective utilization of their services.
- 4) Approval of the Lead Investigator: To obtain approval, the requesting Investigator will submit the following items together as one packet. These forms will be completed to the fullest as possible. This will be referred to as an "Informant Packet."

Informant Contract Agreement: Each rule of conduct is to be initialed by the potential informant. The form is to be signed by the potential informant, Investigator and Lead Investigator.

Personal History/Data Sheet: To be completed in full. A photograph of the potential informant is to be affixed to this sheet. Any pending criminal cases are to be noted on this form. The prosecutor's approval will be sought prior to utilizing a potential informant who has pending criminal charges. The approving prosecutor's name will be listed on the form.

Photograph: To be taken and affixed to data sheet.

Criminal History: A check through NCIC shall be completed to ensure informants do not have any outstanding warrants for arrest on file. All potential informants shall be processed through the State Identification Section and the Western States Information Network (WSIN) and FBI Identification files.

Fingerprint Card: To be obtained if potential informant's identity cannot be verified.

The potential informant may be utilized on a provisional basis.

### **Defendant Informants**

The following guidelines are intended to ensure that defendant informants provide information or render services in a manner that recognizes their status as individuals subject to legal sanction for criminal violations. The use of defendant informants shall be governed by the following:

The approval of the appropriate prosecutor (i.e. federal, state, or tribal) shall be obtained prior to seeking the cooperation of a defendant.

A defendant may be advised that cooperation will be brought to the attention of the appropriate prosecutor. No further representations or assurances shall be given without approval of the prosecutor. The appropriate prosecutor shall have sole authority to decide whether or not to prosecute a case against a defendant informant.

The appropriate prosecutor shall be advised of the nature and scope of the defendant informant's cooperation throughout the period of the investigation(s). The prosecutor shall set the procedures and frequency of this reporting.

Prior to formally seeking the dismissal of any criminal charge against a defendant informant, the Investigator must obtain the approval of the Lead Investigator.

Use of defendant informants shall be reviewed in the manner prescribed for other informants. Their use may be continued only if they are found to meet the standards set forth therein.

No monetary payments will be made to any defendant informant without approval of the Director of Public Safety and Lead Investigator.

In general the amount of cases that a defendant informant must do to avoid prosecution is three (3) or more cases with three (3) or more buys per case.

Note: A defendant informant may still be required to plead to a charge, and may/may not serve jail time as long as the agreement has been met. The Director of Public Safety and Lead Investigator's approval must be sought for any changes in this agreement.

#### **Utilization of Informants**

Informants are assets of the Apsaalooke Nation Drug Enforcement Division, not specific Investigator or agencies.

Contacts between Investigator and informants shall be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.

Contacts with informants shall minimize their access to knowledge of Drug Enforcement Division facilities, operations, activities, and personnel.

Two Drug Enforcement Division Investigators shall be present at all contacts with all informants.

All significant contacts with the informant and all information obtained at these contacts shall be documented in incident reports

Investigators shall obtain a signed statement admonishment advising the Informant of his/her responsibilities while working with the Apsaalooke Nation Drug Enforcement Division. This will protect Investigators in many situations where the informant's conduct becomes unfavorable.

The prosecutor shall be advised of any assurances and/or compensation provided an informant or defendant informant in advance of any judicial proceeding.

When informants participate in undercover purchases involving official funds, controlled substances, or items of potential evidentiary value, the buy will require a minimum of two investigators for surveillance purposes. Each buy will be controlled in the following manner:

A confidential informant shall be searched prior to reliability buys or buys made preliminary to a search warrant. In all cases, informants will be searched prior to making a purchase.

Investigators will secure any personal monies belonging to the informant. These monies will be counted in the presence of two Investigators and agreed upon by the informant. The informant will be given official Apsaalooke Nation Drug Enforcement Division funds, which have been recorded by serial number, for the purchase of any contraband. The informant shall not purchase any contraband with personal funds. The informant shall not purchase any contraband with funds provided by the investigators for expenses (i.e. gasoline, beverages, and food).

When possible, constant surveillance will be conducted on the informant after the search and until the informant meets with surveilling Investigators.

The informant shall then be thoroughly searched as listed in step a. All evidence and official Drug Enforcement Division funds, except for expense monies issued, will be retrieved from the informant. The informant's personal monies will be returned. Two Investigators will re-count the informant's personal monies prior to returning the personal funds.

The informant shall be thoroughly de-briefed and an incident report written. The statement shall include a complete description of the suspect, a detailed account of all circumstances and conversation involved in the transaction, and any other facts, which may be important.

Informant Payment: No money shall be paid to any informant unless the following conditions are satisfied:

A receipt for informant payment is signed by the informant and filed in the informant's file

A receipt is required for all evidence with a case number on each receipt that has been filled out and signed by the case Investigators. The case Investigator will have a second Investigator present as a witness to any payment to the informant.

Prior approval has been obtained from the Director of Public Safety and Lead Investigator in instances that fall outside the normal payment schedule in regards to the Informant Contract Agreement.

Monies shall not be paid to any informant prior to the completion of his/her services unless other arrangements were made at the start of the investigation. It shall be the general rule that all payment shall be made in full at that time. Investigators are discouraged from promising an informant a fixed sum of money. Payments will first be discussed with the Lead Investigator. Informants will be paid in amounts appropriate to the following criteria:

Nature and complexity of the investigation.

Impact of the investigation / arrest on the community.

Past reliability and work record of informant.

Informant's willingness to testify in court.

In general, this means \$50.00 per buy or \$250.00 per case. A case consists of two controlled buys, a minimum of three wired buys, and testifying in court as deemed necessary. Any payment schedule different from these listed will require prior approval by the Director of Public Safety and Lead Investigator.

Information obtained from informants will be evaluated and tested (where possible) before police action is initiated.

Informants shall not be given Investigators home addresses or home telephone numbers. A business telephone number will be given to all informants where the Investigators can be reached.

Although it is sometimes necessary to exchange consideration in pending cases for defendant informant services, this practice will require careful scrutiny. The approval of the prosecutor shall be obtained, when necessary, prior to seeking the cooperation of a defendant.

Relocation funds MAY be available to any type of informant providing that prior written approval has been obtained from the Director of Public Safety and the Chairman of the Apsaalooke Nation.

### **Informant Control**

Each informant will be given an identification number.

The Lead Investigator shall maintain a log of informant identification numbers in sequential order.

Each informant identification number shall have seven (7) characters, designed as follows:

(1)	(2)	(3)	(4)	(5)	(6)	(7)						
C	--	I	--	0	--	4	--	0	--	0	--	1

(1) and (2) – Represents the letters “C” for Confidential and “I” for Informant.

(3) and (4) – Represents the last two digits of the fiscal year.

(5), (6), and (7) – Represents a sequential three-digit number.

### **Informant Files**

A separate file jacket shall be established for each informant. These files shall be stored in a secure location, segregated from any other files, and under the control of the Lead Investigator.

In instances of extreme sensitivity, files of informants for whom a waiver of established procedures was granted may be stored separately from other informant files. Access shall be limited to the Lead Investigator and Drug Enforcement Division personnel designated to control the informant’s utilization. Upon deactivating such informants, the Lead Investigator shall determine whether the file should be integrated into the regular informant files.

Informant files shall be maintained in identification number sequence under two headings: active informants and deactivated informants.

A log will be maintained in the Informant’s file listing the date, suspect, and/or case number that the Informant worked or gave information on. This will be referred to as the “Informant Case Log.”

### **Problem Informant**

In the event an informant becomes unreliable, the unreliable informant the informant will be immediately deactivated and attempts to finish the case will be made.

### **Deactivation of Informants**

Deactivation shall occur when:

- The informant no longer has the potential to furnish information or services, which could lead to a significant prosecution or interception of drugs.
- The informant is no longer willing to cooperate.
- The informant’s cooperation has been determined to be unsatisfactory.

Informants shall be deactivated by the decision or with the approval of the level of supervision, which approved the establishment.

A deactivation report shall be included in the informant file indicating the circumstances surrounding the deactivation.

**Confidential Informant Files**

Control numbers and files will also be established on all Confidential Informants as outlined above for Informants. Included in the Confidential Informant file will be a log of the date, suspect and/or case that Confidential Informant gave the Apsaalooke Nation Drug Enforcement Division.

## **CHAPTER 15**

### **ELECTRONIC SURVEILLANCE**

#### **Definitions**

**Investigator in Charge:** is the Investigator who immediately supervises and oversees the interception and recording of the interceptions.

**Electronic Investigative Equipment:** is an intercept or monitoring of a conversation that is accomplished by natural means or through the use of electronic, mechanical, or other devices with the prior consent of at least one of the parties participating in the conversation.

#### **Procurement and Maintenance of Monitoring Equipment**

It is the policy of the Apsaalooke Nation Drug Enforcement Division to procure and maintain only a reasonable and necessary number of monitoring devices for use in participant monitoring of conversations for investigative purposes.

#### **Access to Technical Investigative Equipment**

All technical investigative equipment (e.g. electronic tracking devices, and officer protection devices), not assigned to a specific Investigator, shall be stored in a secured location at the Drug Enforcement Division Office.

All technical investigative equipment (e.g. electronic tracking devices, and officer protection devices), assigned to a specific Investigator, shall be stored in the Investigator's locked vehicle when not in use. Care will be taken so that equipment will not be stolen or misplaced.

Any equipment lost through negligence, will be required to replace the lost item.

The Lead Investigator shall designate an Investigator as custodian for all non-assigned technical equipment that is stored at the Drug Enforcement Division Office.

All technical investigative equipment that is assigned to a specific investigator is the responsibility of the Investigator assigned such equipment. It is the Investigator's responsibility for general upkeep, maintenance and security of any technical investigative equipment in his/her care. The assigned Investigator is responsible for notifying the Drug Enforcement Division technical investigative equipment custodian in the event any repairs are needed for such equipment.

Other surveillance equipment, including radios and photographic equipment shall be secured at a specified location under the responsibility of the assigned Investigator /custodian.

The Investigator /custodian designated should either be thoroughly trained or have shown an aptitude for training in the technical aspects and practical use of such equipment.

An inventory shall be maintained on a current basis at each location where the equipment is stored. All equipment shall be accounted for at all time.

All equipment shall be returned to storage and/or properly secured when not in actual use; unless returning the equipment would interfere with its proper utilization.

### **Maintenance of Technical Investigative Equipment**

#### **General**

Each Investigator shall be responsible for the proper and timely maintenance of all electronic surveillance equipment.

Clean and follow maintenance instructions for all equipment permitting field maintenance, such as tape recording heads, camera lens, etc.

Send equipment out for professional maintenance in accordance with manufacturer's instructions.

Conduct yearly inventory of all capital electronic equipment.

Plug in rechargeable equipment periodically to maintain charge.

Maintain file of operating and maintenance instructions.

#### **Storage of Equipment**

#### **All Investigators shall:**

Check equipment for damage or missing parts.

Record condition of equipment on equipment card.

Equipment repair requests shall be forwarded to the Lead Investigator.

Remove batteries prior to storage.

Reorder expendable supplies such as batteries, film, etc.

## Recordkeeping, Retention of Records, Transcripts, and Recordings

For consensual voice intercepts, the general policy is that where technically feasible, every effort should be made to both monitor and record all potentially incriminating conversations involving the subject of the investigation.

Results obtained from monitored intercepts shall be included in appropriate reports.

Any recording that has been obtained for use as evidence shall have the record tabs removed from the tape. The Investigator performing such task shall write on the outside jacket of the cassette case and/or compact disc, flash drive, SD card:

Case number

Date

Item number of that specific tape (At times, more than one Investigator is responsible for recording communications.)

Investigator name (Investigator who made recording)

Any suspects involved in the recording

An evidence form is to be completed on all tapes containing intercepts. This form is to accompany the tapes upon placement into the case file.

All digital recordings made by the Investigator will be downloaded into a wave file for that significant case in the report file and also be saved on a CD-R disc and placed in the case file.

Recordings shall be transcribed at the request of the Prosecuting Attorney or the Lead Investigator.

All recordings of consensual intercepts, whether audible or inaudible, including those inaudible because of equipment malfunction shall be retained and stored in the Drug Enforcement Division case file.

All transcripts of consensual intercepts shall be retained in the specific case file.

All recordings of communications or conversations made pursuant to an investigation shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

### **Disclosure of Intercepted Information**

Information contained in records and reports pertaining to intercepted conversations shall be divulged to law enforcement personnel or prosecutorial personnel only when essential to operations, and only on a need-to-know basis.

### **Tracking Equipment (Vehicles, Boats, Aircraft)**

Prior authority from the Director of Public Safety is required when placing a beacon transmitter on vehicles, boats, or aircraft.

A beacon transmitter may be placed on a vehicle or boat with the operator's consent or may be attached to outside of a vehicle or boat parked or docked in a public place, or in the driveway, open dock, or open land of the owner without a court order. However, a court order is required when placing a device inside a vehicle, aircraft, or boat (this includes making any connection to the power supply of the vehicle, aircraft or boat).

### **Photographic, Optical, and Electro-Optical Equipment**

There are no legal restrictions concerning the use of binoculars, cameras, night viewing devices, and closed-captioned television video systems, either for viewing, taking photographs, or recording evidence on video tape or motion picture film, providing there is no violation of the individual's Fourth Amendment rights.

Motion picture films and videotapes will be handled and processed the same as intercept tapes. These are considered nondrug evidence.

Photographs will be handled as nondrug evidence. Any photographs taken will be placed into the specific case file the pictures pertain to.

# **CHAPTER 16**

## **DRUG EVIDENCE**

### **Drug Evidence**

Drug evidence includes all evidence seized or taken by a Drug Enforcement Division Investigator. This material shall be collected, maintained, and disposed of in the manner set forth in this section. All evidence will be secured at the appropriate evidence facility as soon as possible after it was collected.

### **Responsibility for Evidence**

The Investigator who acquires or is assigned responsibility for drug evidence shall maintain custody of the evidence until it is transferred to the Montana Crime Laboratory or the Drug Enforcement Administration Western Laboratory, evidence custodian, or a court. The number of Investigators involved in actual handling of exhibits shall be restricted to minimize the number of Investigators who must subsequently testify in court. The Investigator responsible for evidence shall process and complete the appropriate laboratory request form prior to placing the evidence into the evidence locker.

### **Collection**

Strict adherence to the following procedures and precautionary measures is essential.

Investigators shall:

- Not attempt to identify a substance by taste or odor.
- Not permit suspects to retrieve or handle evidence during a search.
- Photograph suspected drug evidence in its original location prior to collection during a search.
- Collect and handle evidence acquired from different locations as separate exhibits.
- Collect and handle separate unpackaged quantities of suspected drug evidence as separate exhibits.
- Collect and handle empty container or paraphernalia with evidence of suspected drug residue as drug evidence.
- Exercise care to avoid contamination of evidence and loss by spillage.

- Use noncontaminated containers when it is necessary to place evidence in a substitute container.
- Ensure that the substitute container will fully contain and safely preserve the substance during handling and shipping.
- Do not use the plastic evidence envelope as a substitute container for powder substance.
- Package and identify substances recovered after inadvertent spillage as a separate exhibit.

Drug evidence collected or purchased during a delivery will be placed into a plastic evidence bag and the following information will be noted on the evidence bag.

Date of incident

Complaint number

Item number

Description of item (may state where item was found)

Suspect(s) name(s)

Investigator Badge # with signature

### **Field Tests**

Field tests shall be conducted as necessary to determine the identity of the drug and immediate investigative strategy to be employed. All Investigators shall be trained in the proper procedures.

Report the performance and results of the field test (positive or negative), include the name of the Investigator conducting the test and witnessing Investigator, in the Investigative report.

Under no circumstances shall a Investigator destroy or otherwise dispose of suspected drug evidence, which does not react positively to a field test. Destruction of such evidence is only authorized after obtaining a Destruction Order signed by a judge of the crow tribal court authorizing such destruction.

### **Reporting Drug Acquisitions**

All drug acquisitions shall be documented on the Evidence Property Report

A request for laboratory examination shall be prepared for all drug evidence submitted to the Montana Crime Laboratory or the DEA Western Laboratory for analysis.

Seized Drug Enforcement Division funds will be placed into evidence, until the case is adjudicated.

### **Seized Money**

#### **Procedures When Funds are Discovered:**

Seizures of funds shall be carefully handled to avoid discrepancies in counting the funds and to avoid accusations of theft or misappropriation of a defendant's funds.

Whenever funds are discovered on a defendant or in the premises being searched, the finding Investigator shall summon a witnessing Investigator immediately. The defendant or person claiming ownership of the funds may be taken to the location where the funds were found if not found on the defendant's person. The funds shall be counted in the presence of two Investigators. Seized funds will be included on the "Notice of Seizure", property sheet, Search Warrant Return and receipt of evidence.

#### **Authority to Seize Funds**

Funds may be seized as evidence, which means that they are previously recorded and expended advance funds. Funds may be seized for comparison with lists of advance funds previously expended provided there is reason to believe the funds may contain bills from previous expenditures.

Funds may be seized for safekeeping subject to return to the lawful owner.

All monies seized by the Apsaalooke Nation Drug Enforcement Division shall be proceeded against as an administrative forfeiture. Money that is not traceable could be subject to a jeopardy tax assessment from the Internal Revenue Service.

#### **Processing Seized Funds**

The total amount of the seized funds shall be listed on an Evidence Property Report form. The currency serial number of each bill need not be listed. If the funds consist of recovered advanced funds, a notation shall be placed on a copy of the original money list next to the serial number of each recovered bill, which identified that particular bill as being recovered.

Separate Evidence Property Report forms shall be used for recovered advanced funds and other funds seized which are not identified as previously expended advanced funds.

The funds shall be segregated, as the disposition of funds may be different for each type seized.

The funds shall be identified by assigning exhibit designations in numerical sequence. Funds seized from different locations shall be assigned separate exhibit designations.

A separate exhibit designation shall be assigned to recover advanced funds expended for different drug exhibits, even if they were recovered at the same time and place.

All of the funds accounted for on a particular Evidence Property Report form shall be placed in one evidence envelope.

The funds shall be counted by two Investigators, and serial numbers checked against the original money list. The funds shall then be placed in the evidence envelope with the original money list bearing the notation as to which bills were recovered. The two Investigators who counted the funds shall witness the sealing of the funds in the evidence envelope by signing the Evidence Property Report form. A copy of the original money list shall be stapled to the outside of the evidence envelope.

The case Investigator shall take custody of the funds and acknowledge receipt on an Evidence Property Report form, identifying the funds by exhibit designation and the assigned case number. The funds shall be placed in the property/evidence room of the BIA/Crow Police department.

The investigative file shall contain a copy of the Evidence Property Report form and any other receipts which establish the chain of custody for the funds from the time the Investigator seized them and turned them over to another authorized individual.

At no time shall a Investigator turn seized money over to another person without determining that the person is entitled to the funds and obtaining a proper receipt for the funds.

The details of the seizure shall be included in the Investigative Report documenting the operation.

### **Identified Advanced Funds in Hand of Innocent Third Parties**

Under certain conditions, it may be important to an investigation to recover, as evidence, identified advanced funds that have been transferred to an innocent third party (i.e. bar, business establishment, etc.). Investigators shall be cautious not to jeopardize the investigation while taking action to recover the funds. In these circumstances, recovery of funds shall be considered only when it is important to the investigation. It shall be clearly established that the person from whom the funds are recovered is, in fact, an innocent third party.

## **Handling of Weapons**

Caution must be utilized when weapons (particularly firearms) are seized. Firearms shall be unloaded immediately upon seizure by the Investigator most familiar with the weapon, except where the firearm could be evidence in a shooting.

In situations where the apparent owner of a weapon is not present, a copy of the warrant noting the seizure or a copy of the Property report form shall be left at the premises where the weapon was seized.

Upon the seizure of any weapon within the jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms (ATF), the seizing Investigator shall notify the nearest ATF Office of the seizure.

When ATF indicates interest in adopting a Drug Enforcement Division-seized weapon for prosecution, the seizing Investigator shall surrender the weapon to ATF at the earliest possible time.

To properly transfer the weapon, a Property Disposal Form or an Evidence Property Report form shall be completed and signed by the seizing Investigator and Lead Investigator, the receiving ATF official, and a witness.

When a firearm (or other weapon) is secured solely for Investigator safety while conducting a search, it shall be removed from the premises when the Investigators leaves the premises.

The securing Investigator shall provide the owner of the firearm with a Receipt and advise the owner of the location where the firearm shall be taken and held.

The firearm shall be properly sealed and turned over to the appropriate Property Custodian. An Evidence Property Report form shall be completed and the proper signature shall be obtained.

Investigators securing firearms for safety purposes shall immediately conduct a thorough investigation to determine if the owner is legally entitled to possess the firearm. Such an investigation should include, but not be limited to:

- Confirming with ATF, with NCIC, and local authorities the legality of the possession of the firearm.
- Determining any state or local licensing requirement with respect to only firearms involved.
- Determining from federal and local authorities whether a ballistics examination is desired.

- Determining through NCIC whether the firearm had been reported stolen.

Firearms which have been secured at the property/evidence room at the Apsaalooke Nation Drug Enforcement Division for safety reasons and are found to be legally possessed by the owner shall be surrendered in an unloaded condition to the owner as soon as such a determination has been made.

The surrender by the Evidence Custodian of such firearms to the owner shall be witnessed by at least one other investigator or officer.

The Evidence Custodian shall forward one copy of the Property Disposal Form to the investigator.

Firearms seized and held as evidence shall be disposed of in accordance with agency policies when no longer required as evidence and a Property Disposal Form is completed.

The details of the seizure shall be included in the Investigative Report documenting the operation.

The appropriate Property Custodian shall dispose of weapons other than firearms and explosive devices when no longer required as evidence. Any means of disposition chosen by the appropriate Property Custodian shall ensure such weapons are rendered unusable. A Property Disposal Form shall be completed and properly filed.

### **Report of Nondrug Property Collected, Purchased, or Seized**

An Evidence Property Report Form shall be prepared on any occasion that nondrug evidence is collected, purchased, or seized.

An Evidence Property Report Form shall be prepared prior to the submission of nondrug evidence to the Property Custodian.

Only nondrug exhibits of the same case may be reported on the same Evidence Property Report Form

Nondrug exhibits of the same case, which were obtained on different occasions, shall be reported on separate Evidence Property Report Forms.

Nondrug exhibits of the same case, which were obtained from different locations, shall be reported on separate Evidence Property Report Forms.

Nondrug exhibits obtained from different suspects or different defendants of the same case shall be reported on separate Evidence Property Report Forms.

An Investigative Report shall be prepared for any nondrug evidence released to other federal, state, or local authorities for examination or prosecution.

The investigator who seizes, collects, or purchases nondrug evidence shall prepare the proper reports.

If the Evidence Property Report Form documents the seizure of money, the investigator delivering the money to the Property Custodian, shall be responsible for the Evidence Property Report Form, the Receipt, the Investigative Report, and the Property Disposal Form.

The Property Custodian shall maintain the evidence separate from all other funds in secured property.

### **Custody of Evidence**

#### **Documenting Transfer of Evidence**

Transfer of evidence exhibits with different case numbers shall be documented on separate Evidence Property Report Forms.

Transfer of multiple exhibits of both drug and/or nondrug evidence with the same case number to the same person may be documented on a single Evidence Property Report Form.

The initial transfer of nondrug evidence to the Property Custodian shall be receipted on an Evidence Property Report Form.

#### **Production of Evidence in Court;**

##### **Investigator's Presentation of Evidence**

When evidence is withdrawn for any purpose from the property room, approval shall be based upon:

- Identification of the requestor
- Reason for the request
- Whenever possible, the investigator responsible for the initial collection of the evidence shall transport it to court.
- The Investigator and the Property Custodian shall sign an Evidence Property Report Form showing transfer of evidence.
- The evidence shall remain in the Investigator's immediate custody until presented to the court to be marked as evidence.

- The signature of the court official shall be obtained on an Evidence Property Report Form.

If the court decides to retain evidence brought before it, a Disposition Report, either drug or nondrug, shall be signed by the court official receiving the evidence. The court official shall also sign a Receipt or Property Disposal Form if not previously signed.

The judge may direct the Investigator to retain the evidence throughout the court proceedings.

If secure storage is available which permits any single access, the Investigator may store the evidence until required.

If secure storage is not available, the evidence shall remain in the Investigator's immediate possession until returned to the Property Custodian or the Crime Laboratory.

#### Return of Evidence to the Appropriate Property Custodian

In jurisdictions where evidence is returned to the Drug Enforcement Division after the trial or appeal process, the Investigator in charge of the case will normally be responsible for returning the evidence to the appropriate Property Custodian.

If the seal has been broken on any exhibit returned to the Drug Enforcement Division by a court, the following action shall be taken:

The Investigator in charge shall reseal the exhibit immediately upon receipt from the returning court official.

When a plastic evidence envelope has been used, the Investigator in charge shall inventory the contents of the unsealed container to ensure that all subdivisions of the exhibit are present. The Investigator shall acquire the signature of the court official on an Evidence Property Report Form on which the unsealed exhibits are listed and provide a copy to the court official. A copy of the Evidence/Property Report shall be filed in the case file. Promptly upon return to the office, the investigator who accepted custody shall reseal the exhibit in the presence of a witnessing Investigator, and the two shall jointly verify the gross weight of the exhibit.

In jurisdictions where the court assumes responsibility for final disposition of evidence at the conclusion of the judicial process, the Investigator in charge shall document such disposition on a Disposition Report, either drug or nondrug. A copy of this form(s) shall be forwarded to the appropriate Property Custodian.

## **Evidence Requiring Special Processing or Reporting:**

### **Clandestine Laboratory Evidence**

When a clandestine laboratory seizure is anticipated arrangements will be made to have the Clandestine Laboratory Response Team respond to the location.

The Investigator in charge of a clandestine laboratory investigation shall supply the assigned Clandestine Laboratory Response Team with all known information available about the clandestine laboratory. If a debriefing of an informant involved in the investigation by the Clandestine Laboratory Response Team personnel would be useful, the Investigator in charge shall arrange one.

When responding to known clandestine laboratory locations, the local fire department and medical personnel, responsible for that area of coverage, will be summoned to stand by at the location. This is to give any assistance in the event of fires, explosions, or injury.

The Drug Enforcement Administration will be notified.

When children or uninvolved disabled person(s) are present, the Crow Tribal and Bureau of Indian Affairs Social Services will be called and current protocol will be followed.

### **Handling Clandestine Laboratory Evidence**

It is the policy of the Apsaalooke Nation Drug Enforcement Division to set forth guidelines for members in situations where those members are dealing with clandestine laboratories and/or hazardous material associated with clandestine laboratories. Members of the Apsaalooke Nation Drug Enforcement Division will minimize their exposure to clandestine laboratories and/or hazardous materials at all times.

Clandestine laboratory site, location and/or structure is considered a "Crime Scene" only until such time as all occupants and others are taken into custody or moved to a safe location.

Once the site, location, and/or structure has been cleared of people, it will be considered a "Hazardous Materials" site.

Smoking, eating, and drinking are prohibited inside and in close proximity to the clandestine laboratory site.

No member of the Apsaalooke Nation Drug Enforcement Division will knowingly enter a hazardous material site without prior approval from the Director of Public Safety.

No member of the Apsaalooke Nation Drug Enforcement Division will touch or move; or cause any other person to touch or move any hazardous material, item or substance discovered at a clandestine laboratory site, location or structure.

The Investigator in charge shall summon the accompanying Clandestine Laboratory Response Team personnel, who shall inspect the premises and make recommendations for the collection of evidence by trained personnel.

When Clandestine Laboratory Response Team personnel are not at the laboratory site during seizure, Investigator will secure the site. A perimeter, large enough to eliminate the possibility of exposure to citizens and department personnel, will be established around the site. No person(s) will be allowed to enter the site except for clandestine laboratory trained personnel. Security of the site will be maintained until the clandestine laboratory has been processed fully by the Clandestine Laboratory Response Team personnel or other qualified personnel.

The Clandestine Laboratory Response Team personnel shall inspect the laboratory to determine the degree of hazard and sequence of manufacturing.

The Clandestine Response Team Laboratory personnel shall be responsible for the closedown of the apparatus after determining the degree of hazard and manufacturing sequence.

Prior to any dismantling of equipment or the handling of chemicals, the case Investigator will request the Clandestine Laboratory Response Team personnel photograph the crime scene. The photographs should show all aspects of the operation.

The Clandestine Laboratory Response Team personnel shall complete an inventory of all items found within the clandestine laboratory.

The Clandestine Laboratory Response Team personnel, assisted by the Investigator in charge, shall determine what items are to be seized as evidence and what items are subject to civil seizure.

Hazardous catalysts, reagents, and solvents identified by the Clandestine Laboratory Response Team personnel shall not be seized by the Drug Enforcement Division. The Clandestine Laboratory Response Team personnel may seize and detain small samples when identification is essential to prosecution. The Clandestine Laboratory Response Team personnel and Environmental Protection Administration personnel will be responsible for the removal of all hazardous chemicals or contaminated materials from the clandestine laboratory site.

## **Handling of Bulk Drug Evidence**

### **General**

Requirements as to the quantity of seized evidence to be submitted vary among the courts; therefore, standard procedures cannot be prescribed for Drug Enforcement Division use.

The Investigator in charge shall determine, in consultation with the prosecutor and the Lead Investigator, the precise bulk evidence requirements.

The sampling and photographic procedures prescribed in this section shall be employed, unless directed otherwise by the prosecutor.

### **Collection of Bulk Drug Evidence**

In situations where it is impracticable to forward the entire seizure to a Crime Laboratory, the seizure shall be secured and the prosecutor consulted to determine the precise sampling, photographic, and destruction techniques to be employed.

### **Identify separate exhibits.**

The initial photographing of evidence shall be accomplished at the site of seizure. When practicable, the extraction of samples and the photographic record shall be accomplished where the evidence is stored.

The prosecutor shall be encouraged to be present during the seizure.

When evidence is discovered in vehicles, aircraft, or boats, the conveyance may be moved to an area where cargo handling equipment is available or moved to a more convenient area for unloading and processing.

### **Photographing and Extracting Samples of Bulk Drug Evidence**

Two separate sets of photographs are required; one set shall be identified and filed in the case file, and one set shall be identified as photographic evidence.

Each photograph taken shall be self-documenting. A sign shall be prepared and positioned so that the following information is clearly readable in each:

Case number

Names of seizing investigators

Exhibit number

Date and time of the seizure

Geographic location of the seizure

For the second series of photographs to be used as evidence, a clearly visible unit of measure—such as a ruler or yardstick—shall be included to indicate the size of the seizure.

As an example, in the case of a large marijuana seizure, the evidence shall be assembled and photographed as follows.

First, the bulk exhibit in the original position and location in which it was discovered.

Next, the unloaded, assembled, stacked, or piled evidence such that samples may be extracted or sampled locations marked; if the substance is enclosed in containers or wrappings that obscure the substance contained, openings shall be made in several of the containers to reveal the substance contained.

After assembling the evidence, extract from location either one kilogram or one brick of the substance. Place a clearly readable marker bearing the letter “A” on the sample location. Next, extract samples of approximately five grams each of the substance from ten dispersed locations. As each sample is extracted, consecutively mark each location with the letters “B” through “K”.

Photograph the entire seizure. Ensure that both the descriptive sign and all of the lettering on the sample markers are clearly displayed.

### **Weight, Count, and Examination of Bulk Evidence**

Accountability of bulk seizures shall be maintained in terms of weight, the number and type of containers, and the count of items, depending on the form of the drug substance. In most instances, the ultimate destruction of the evidence will be accomplished and certified through Drug Enforcement Division destruction procedures, which will include filing a “Property Disposal Form”. The weight and count information on the report will clearly document the destruction of the total seizure submitted to the laboratory for analysis.

The seizing Investigators shall visibly examine the contents of each package to verify the uniformity of the seizure and determine if other types of contraband are present.

The gross weight of the bulk seizure exhibit shall be determined either by actual weighing of the entire seizure in original packaging or by weighing representative containers and computing the weight by multiplication of that weight by the number of like containers. In either case, the gross weight of the entire exhibit shall be entered on the inventory form.

The net weight of the entire bulk seizure shall be estimated by weighing a representative empty container or original wrapping and computing by multiplication the weight of all such container. The container weight shall then be subtracted from the gross weight. The net weight shall be entered on the inventory form.

The number and type of containers shall be entered on a Drug Evidence Seizure Report and contained on another form, if necessary. If the substance is in brick form, the number of bricks shall be entered.

Should a sample of bulk evidence be removed for emergency analysis by a local law enforcement laboratory, such removal and analysis shall be considered a field test. The field test must be followed and confirmed by a Montana Crime or DEA Western Laboratory analysis.

### **Storage of Bulk Drug Evidence**

Bulk drug evidence shall be stored in such a place as to assure its safekeeping until the receipt of the Montana Crime or DEA Western Laboratory analysis.

After receipt of the Montana Crime or DEA Western Laboratory analysis, bulk evidence shall either be destroyed in accordance with Drug Enforcement Division procedures or the entire seizure shall be preserved for submission as evidence depending on the requirements of the particular court jurisdiction.

## **CHAPTER 17**

### **SECURITY**

#### **Facilities**

##### **Responsibilities**

The Lead Investigator has primary responsibility for establishing and maintaining overall physical and operational security.

The Lead Investigator is responsible for maintaining and supervising security on a daily basis.

Each member of the Drug Enforcement Division is responsible for enforcing security conditions and requirements, for making on-the-spot corrections when necessary, and for providing constructive recommendations to improve security conditions.

##### **Visitors**

The number of visitors having access to the facility in which classified material is stored or intelligence analysis and collation is conducted shall be held to a minimum.

Positive identification is required for all visitors.

All visitors shall be escorted by the person who the visitor is contacting.

##### **Information**

##### **Shredding**

Working papers, notes and draft reports

All working papers, notes, and draft reports not needed shall be destroyed by shredding.

Tear up or shred any sensitive material to be placed in the wastebasket.

## **CHAPTER 18**

### **VEHICLES**

All vehicles will be insured by the crow tribe, for purposes of this Drug Enforcement Division.

Any division member who is involved in an accident involving their assigned vehicle will summon the law enforcement agency having traffic investigation responsibility for that area. The Investigator involved shall consult with the Lead Investigator as soon as possible. The Lead Investigator shall be responsible for compliance with the participating agency's accident report requirement.

No division member shall operate his/her assigned vehicle for purposes other than the conduct of his/her official duties or travel to and from said duties.

Major repairs of division vehicles costing in excess of \$500.00 require authorization from the Director of Public Safety and Lead Investigator. Normal, routine maintenance needs no pre-authorization.

Vehicles shall be properly maintained, equipped, and ready for use at all times. If any repairs are needed the investigator will advise the Lead Investigator. The Lead Investigator does not need to be notified for normal, routine maintenance.

Division personnel assigned a division vehicle, will be responsible for properly maintaining the vehicle. This is to ensure the vehicle is ready for use at all times.

Law enforcement personnel shall be the only ones to operate unit vehicles. Informants shall not operate Drug Enforcement Division vehicles except in absolutely necessary incidents, which shall be cleared in advance by the Director of Public Safety and Lead Investigator.

All investigators will be required to call in starting mileage at the beginning of the shift and ending mileage at the end of the shift.

## **CHAPTER 19**

### **OVERTIME PROCEDURE**

In order to accomplish division objectives, it will be necessary to flex and rearrange hours on a regular basis. Each workday will consist of no less than eight- (8) hours total.

Overtime will be paid at overtime rate or compensation rate.

The Lead Investigator will attempt to schedule and manage Investigator's hours in such a manner as to accomplish division goals and provide the least disruption to Investigator's regular work hours. Investigators are required to follow individual agency overtime procedures, and the Lead Investigator will follow those guidelines.

Members will keep accurate records of all time worked and all time taken off by completing a crew tribal time sheet. These records will always be available to each member agency upon request. These records will be kept on file and not destroyed.

All Drug Enforcement Division Investigators assigned to or employed by the Apsaalooke Nation Drug Enforcement Division will keep the Administrative Support Specialist advised of their schedule as often as necessary to enable the Investigators to be contacted if necessary.

## **CHAPTER 20**

### **UNDERCOVER FUND ACTIVITY REPORTS,**

#### **UNDERCOVER FUNDS AND TRAVEL**

Each Investigator of the Drug Enforcement Division will be given undercover funds with which to purchase evidence and information and pay informants when appropriate.

It is the responsibility of each Investigator to keep a record of the amount and type of expenditure in which undercover funds were used and to turn in an Undercover Fund Activity Report to the Lead Investigator on a weekly basis. The Lead Investigator will count each investigator's undercover funds on a weekly basis. The Lead Investigator will ensure that the amount on hand is equal to the balance showing on each Investigator's Undercover Fund Activity Report. The Lead Investigator will place his/her initials next to the ending balance to verify the amount is accurate. The Director of Public Safety or Administrative Support Specialist will be responsible for counting and verifying the Lead Investigator money.

A receipt is required for every expense listed on the Undercover Fund Activity Report. Any payments to informants for cases and/or information will be accomplished by a receipt signed by that informant receiving those funds. A receipt for funds spent include the Investigator's signature, the complaint number, type and amount of evidence purchased.

Undercover Funds are to be used for the purchase of evidence and information and for payment to informants. Any other expenses are to be charged to the Drug Enforcement Division and paid by voucher. If a Drug Enforcement Division Investigator is unable to charge any expense, but is required to pay cash for the expense, the Investigator should get pre-authorization from the Lead Investigator.

Drug Enforcement Division Investigator may use undercover funds for travel expenses only if said travel expenses are incurred as the result of an undercover operation or case investigation and using any other means to pay expenses would jeopardize the investigation. These transactions are to be recorded on the Undercover Fund Activity Report. Investigator will keep all receipts for undercover funds spent in this manner and attach them to the activity report. Investigator will keep all receipts for monies spent in this manner. Each Investigator responsible for the use of monies in this manner will sign the back of each receipt. The Investigator will also sign the date and the purpose for each expenditure on the receipt.

## **CHAPTER 21**

### **PRESS RELEASES**

No Press releases will be made by the Drug Enforcement Division without prior approval from the Chairman of the Apsaalooke Nation.

## **CHAPTER 22**

### **SEIZURE AND FORFEITURE**

Seizure and forfeiture procedures will be enacted after the Crow Tribal Law and Order code is amended.