

**ARTICLE 3****OPERATIONAL RULES**

***FOR MEMBERS COVERED BY COLLECTIVE BARGAINING AGREEMENTS,  
THIS ARTICLE IS SUPERSEDED BY THE CONTRACT IN AREAS OF CONFLICT.***

**SEMI-MILITARY ORGANIZATION**

Section 3.1 The Michigan State Police is a paramilitary organization within which the practice of select military courtesies and customs is essential to efficiency and discipline. All enforcement members shall conduct themselves in accordance with this concept.

**MILITARY COURTESY**

Section 3.2 Uniformed or non-uniformed enforcement members shall render the military hand salute to commissioned enforcement members on occasion of their first daily meeting within a department installation. Known non-uniformed commissioned enforcement members shall be accorded similar military courtesy. The salute shall be rendered whether either officer is covered or uncovered. Commissioned enforcement members shall render the salute to enforcement members of superior rank on similar occasions. Commissioned enforcement members shall return the salute as prescribed.

- A. Outside of department installations, the salute shall be rendered only by enforcement members in uniform to commissioned enforcement members in uniform, except in the case of the Governor of the state and the Director of the department, who shall receive this respect at all times.
- B. Enforcement members reporting to a commissioned officer in their office or before boards comprised of commissioned enforcement members shall render a salute after removing their headdress. The salute shall be returned by the senior commissioned officer. Saluting from a seated position by commissioned enforcement members is authorized.
- C. Saluting as prescribed may be omitted when enforcement members are in a motor vehicle, in a classroom training session, in the academy food service dining room, Headquarters canteen, when the nature of duties requires immediate attention, or in such situations where a salute would be impractical.
- D. Subordinate enforcement members shall address their superiors by rank in the conduct of department affairs.
- E. All uniformed enforcement members present in a room when a commissioned enforcement member enters shall render appropriate courtesies unless a commissioned enforcement member of the same or higher rank is already present. Ordering the group to stand is not required.

**COURTESIES RENDERED THE GOVERNOR**

Section 3.3 The Governor of the State of Michigan shall be rendered military courtesies in the same manner as the Director.

### PATRIOTIC COURTESIES

Section 3.4 Enforcement members in uniform, whether wearing a hat or not, shall render a military hand salute to the United States Flag when walking past it. Enforcement Members shall hold their salute from six paces before the flag to six paces beyond it

Section 3.4a Enforcement members in uniform, whether wearing a hat or not, shall come to the position of attention and render the military hand salute upon hearing the national anthem played. When doing so enforcement members shall face the United States Flag, or face in the direction of the music if the United States Flag cannot be seen.

- A. When in civilian clothes, enforcement members shall remove their hat if one is worn and hold it over their left breast with their right hand. Without a hat, they shall come to the position of attention and place their right hand over their left breast. When doing so enforcement members shall face the United States Flag, or face in the direction of the music if the United States Flag cannot be seen.
- B. Enforcement members shall render such honors until the music stops.

### USE OF DEPARTMENT TELEPHONES

Section 3.5 Department telephone lines shall be used to transmit official department business. Long distance telephone calls that are chargeable to the department shall be made in accordance with established policy.

Section 3.5a Department members answering telephones shall clearly identify the department installation and themselves by name and rank, if applicable. The only exception to this is at divisions that maintain a central switchboard. All telephone business shall be conducted in a courteous manner with every reasonable effort made to satisfy the party calling.

Section 3.5b Commanders shall ensure that communication lines (including telephone, fax, computer, etc.) at their installations are properly used. (Refer to Official Order No. 21 for further procedure.)

### RESPONSE TO POLICE CALLS

Section 3.6 Members of the department shall give immediate attention to citizens calling, in person or by telephone, for police assistance. Members assigned to desk duty shall promptly handle those matters requiring the assistance of police personnel.

### REFERRAL OF CALLS FOR POLICE ASSISTANCE

Section 3.7 Posts shall accept calls for police service received from outside their assigned area. The receiving post shall convey the information to the post where the service is to be performed.

### REFERRAL OF CALLS FOR POLICE ASSISTANCE TO ANOTHER AGENCY

Section 3.8 Generally, the department will not respond to complaints or calls for police assistance or services from within incorporated areas having police departments unless requested by the local department. An exception to this policy is where time is an overwhelming factor in urgent or emergency cases to assure safety and welfare of the public or an individual. Calls outside incorporated areas shall not be referred to local departments except as provided by policy established by the work site commander. This rule shall not apply to posts participating in 911/central dispatch operations with other police agencies.

### LOCATION OF DEPARTMENT CARS AND MEMBERS ON DUTY

Section 3.9 Enforcement members assigned to radio-equipped vehicles shall maintain contact with their station in accordance with established department procedure. It is the responsibility of the commander or shift supervisor to know at all times the general locations of all cars under their command, the names of the members in each car, and the nature and progress of the assignments being performed. (Refer to Official Order No. 73 for further procedure.)

### DUTY STATUS

Section 3.10 Enlisted members shall be considered on duty status whenever they are working during hours assigned by a commander, or when emergency conditions and their responsibilities as police officers require them to act. When not so engaged, they shall be considered off duty. Nothing in this section shall be construed to relieve enlisted members of their responsibility to respond, as a police officer, when particular conditions or the law requires such response.

Section 3.10a Civilian members shall be considered on duty whenever they are working during hours assigned by a commander or supervisor.

Section 3.10b Enlisted members who are notified by the Michigan Commission on Law Enforcement Standards (MCOLES) that their police officer certification has been revoked shall immediately notify their worksite commander. The enlisted member shall not be permitted to perform any enforcement duties until their certification has been reinstated.

### AVAILABILITY OF PERSONNEL

Section 3.11 Members whose duties may require them to respond to an after-hours incident shall keep their employer reasonably informed of their whereabouts when on pass or off duty and are away from their normal place of residence.

Section 3.11a Members whose duties may require them to respond to an after-hours incident shall maintain adequate facilities to permit ready contact (i.e. telephone, cellular telephone, or pager).

Section 3.11b Enlisted members and other specified members, while on vacation, shall provide their commanders with outlines of their vacation plans, addresses, or other available methods through which they can be contacted within a reasonable time.

Section 3.11c In order to provide for the ready contact of enforcement members and a standard format for collecting and making available the contact information of enforcement members, the Human Resources Management Network (HRMN), MI HR Self Service Emergency Contact, and Additional Contact Numbers information shall be completed by enforcement members. Enforcement members are required to enter all applicable information, including their MSP call (radio) sign, cell phone numbers, pager numbers, work phone number, and voice mail number. Reports generated by this system will be provided and used as the department's source of emergency contact information. Work site and section commanders shall ensure compliance with this section.

### CONFORMATION TO FCC REGULATIONS

Section 3.12 All messages transmitted by radio and LEIN/NCIC shall conform to the rules and regulations of the Federal Communications Commission, and established department procedure. Only official department business shall be transmitted on such systems, and all communications shall be

properly recorded. The use of the car-to-car radio frequency shall be restricted to official business only. Shift supervisors shall ensure compliance with this section.

### TRAVEL

Section 3.13 Enforcement members on duty traveling to Headquarters shall notify their respective district headquarters and Operations. Upon arrival at Headquarters, they shall check in and out with Operations in person or by telephone. Headquarters members leaving to go to a district shall check out with Operations, which shall notify the district involved.

Section 3.13a Members shall not leave the State of Michigan in the performance of duty without prior district or division approval. Requests for out-of-state travel shall be made through channels. In the case of an emergency, requests shall be made directly to Operations. Enlisted members assigned to posts located near state lines may travel out-of-state on routine daily work after notifying their district headquarters. If expenses for such routine work are encountered, the travel shall be reported through channels after the fact.

### CARE AND USE OF PROPERTY

Section 3.14 Members are individually responsible for the proper care and use of department property and equipment and are accountable for items issued to or being used by them. Other than vehicles, personally used items shall be charged to the inventory of the individual using the equipment. Department supplies, materials, or equipment shall not be used for any non-duty or non-department purpose. A member may be held personally liable for any damage to, or loss of, department property or equipment resulting from carelessness or negligence. This includes property of another department or governmental unit, e.g. multi-jurisdictional teams. Except as directed in Official Orders No. 23 and 71, members shall report to their district/division commander through channels any damage to, or loss of, department property via department memorandum, UD40. Commanders shall endorse this correspondence and implement appropriate corrective measures if department rules, regulations, or procedures have been violated or if carelessness or negligence was involved. Department motor vehicle accidents do not have to be reported by the involved member beyond the requirements specified in Official Order No. 10. Members shall inspect vehicles and equipment prior to use and report any damage noted to their supervisor.

Section 3.14a Department vehicles, boats, aircraft, and other equipment shall be operated in a safe, courteous, and cautious manner in obedience to the law and established procedures consistent with the department function in which they are used. Department vehicles, boats, aircraft, or other equipment shall not be used for any non-duty or non-department purpose. Unattended department vehicles shall be locked, except when an emergency would make such action impractical. Ignition keys shall not be left in unattended vehicles.

Section 3.14b Department vehicles, boats, aircraft, and other equipment shall be operated only by members of the department regularly or specifically authorized to do so. Non-members may be authorized to operate department transportation equipment for the purpose of carrying out an official function of the department in case of necessity.

Section 3.14c Members shall not use personal vehicles for any purpose or business connected with the department unless authorized by their bureau, division, district, post, or section commander.

### SERVICE, MAINTENANCE, AND REPAIR OF STATE-OWNED PROPERTY

Section 3.15 Property and equipment shall be properly serviced, repaired, and returned to the customary place of storage after use to be ready for immediate reuse. Likewise, property and equipment,

including motor vehicles, shall be checked prior to use to assure proper condition. Property and equipment requiring maintenance or repair that cannot be cared for by a member shall be immediately reported to the appropriate commander or caused to be maintained or repaired in accordance with the commander's directives and so noted.

#### ALTERATION OF PROPERTY

Section 3.16 Members shall not cause or permit any property or equipment to be added to, altered, or substituted, except in accordance with approved maintenance and repair standards, as provided by Official Orders, or as approved by the bureau commander.

#### PROPERTY BEING HELD ON INCIDENTS

Section 3.17 Property being held as evidence or found property shall be secured, protected, and disposed of in accordance with Official Orders. Property in department custody shall not be improperly converted to any use.

#### POWER OF ARREST

Section 3.18 Enforcement members shall use their powers of arrest strictly in accordance with the law and with due regard for the rights of citizens.

Section 3.18a Enforcement members shall use sound discretion when handcuffing individuals being investigated for traffic misdemeanors (i.e. driving without a license in their possession). Enforcement members are not to place such persons into handcuffs merely to show consistency in their approach to these types of investigations.

#### REPORTING THE ARREST OF OFFICIALS

Section 3.19 Operations shall be notified immediately, through channels, when any high level state official, state legislator or a legislator's family member, or other prominent public official is arrested. When lower level state employees are arrested for job-related crimes, Operations shall also be advised. If such information is to remain confidential, Operations shall be notified.

#### CONTROL AND TREATMENT OF PRISONERS

Section 3.20 Enforcement members are responsible for the treatment of prisoners in their custody or any other person they come in contact with as a result of their official duties. Visible cuts and bruises or other apparent injuries, suffered by any person as the result of the action of an officer shall be brought to the attention of the enforcement member's supervisor on duty for determination of whether further investigation is necessary. The incident shall also be reported in detail within a department incident report. The report shall detail the injury incurred, the action which caused the injury, and the enforcement member's justification for such action.

Section 3.20a Enforcement members shall exert only such force as may be reasonably necessary to overcome resistance to a lawful arrest and to maintain proper custody of a prisoner. Arresting enforcement members shall be responsible for maintaining custody of their prisoners until they are placed into the custody of custodial officials.

#### SEARCH AND SEIZURE

Section 3.23 Enforcement members shall abide by the laws of search and seizure in the performance of their duty.

Section 3.23a Although the courts have recognized the consent exception to the search warrant requirement, enforcement members shall remain objective when there appears to be no articulable reason for requesting consent to search. Enforcement members shall not conduct a consent search except when their observations and investigation indicate a need to do so based on an articulable reason.

Section 3.23b Department members are prohibited from bringing third parties (i.e. a recruit, intern, chaplain, media, or ride-along) into private places during the execution of a warrant unless one of the following conditions apply.

- A. Third parties may be allowed to enter into private places when their presence is necessary to assist the police in the execution of a warrant.
- B. Third parties may enter into a private place under an emergency to assist an enlisted member who requests assistance.
- C. Third parties may enter into private places if written consent is obtained from the owner or person who may authorize the search.
- D. A photographer or videographer (including the media) may accompany enforcement members to film an area for documentary or evidentiary purposes. However, the film or video shall be turned over to the department once the scene has been documented to avoid the implication that the filming was done for private purposes.
- E. An enlisted member who seeks a search warrant and knows at the time of the warrant request that the presence of a third party is necessary shall include this information in the warrant request.

Section 3.23c Enforcement members shall leave a copy of the search warrant affidavit with the person or place that the search was conducted unless doing so would inhibit the investigation or pose a safety threat to another individual.

#### DAMAGE TO PROPERTY OF CITIZENS

Section 3.24 The department recognizes that occasionally it will be necessary that enforcement members take action that will damage the property of citizens. Enforcement members are professionally responsible for the treatment of property that they come into contact with as a result of their official duties. If it becomes necessary to use force that damages the property of a citizen, the amount of damage should be minimized when practical. However, the primary concern of enforcement members shall be their own safety.

Section 3.24a Damage to any property as a result of a member's action shall be reported in detail within a department incident report. The report shall detail the damage incurred, the action which caused the damage, and reason for such action.