

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 form 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 visible 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.



Crow Country

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Kenneth G. Shane

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R. Knute Old Crow, Sr
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Wyola:

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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, 12th day of July, 2010

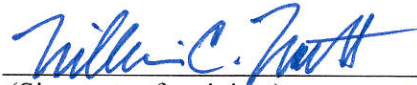
Senator Manuel Covers Up, Sr.
Speaker of the House

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

Done and Dated this 17th 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 17th day of Aug., 2010.

Jackie M. Blacksmith
Administrative Officer
Crow Legislative Branch


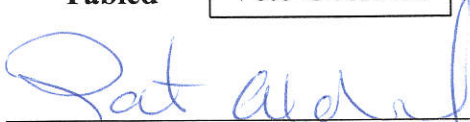


JOINT ACTION RESOLUTION ENTITLED: "APPROVAL OF STANDARD OPERATING PROCEDURES FOR THE CROW TRIBE DRUG TASK FORCE"

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

<u>Representative:</u>	Yes	No	Abstained
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>
Totals:	<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