Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Fargo Police Department is hereby established and shall be referred to as the Policy Manual. The policy manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this policy manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Fargo Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Fargo Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Department Directives, which shall modify those provisions of the manual to which they pertain. Department Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older (N.D.C.C. § 14-10-02).

BCI - Bureau of Criminal Investigation.

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Policy Manual

City - The City of Fargo.

CFR - Code of Federal Regulations.

Civilian - Employees and volunteers who are not licensed peace officers.

CJIS - North Dakota Criminal Justice Information Sharing.

Department/FPD - The Fargo Police Department.

Employee - Any person employed by the Department.

Manual - The Fargo Police Department Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Fargo Police Department, including:

- Full or part-time employees
- Licensed peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

NDDOT - North Dakota Department of Transportation.

NDHP - North Dakota Highway Patrol.

Officer - Those employees, regardless of rank, who are licensed peace officers of the Fargo Police Department.

On-duty - A member's status during the period when the member is actually engaged in the performance of the member's assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer or law enforcement officer - A sheriff, sheriff's deputy, coroner, marshal, or police officer of a township, city or any state, or federal law enforcement officer authorized to enforce the law and to conduct or engage in investigations or prosecutions (N.D.C.C. § 12-63-01; N.D.C.C. § 12.1-01-04; N.D.C.C. § 29-05-10).

Rank - The title of the classification held by an officer.

N.D.C.C. - North Dakota Century Code.

N.D.A.C. - North Dakota Administrative Code.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

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Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department members, directing the work of other members, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or an authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the Chief of Police as appropriate.

103.8 REVISION DATE 06/21/2023

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