

# Physical Protection Policy

## 807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance and requirements for department members, city personnel and private contractors/vendors who require physical access to police department facilities. In addition, this policy provides guidance for the physical, logical, and electronic protection of Criminal Justice Information Systems (CJIS) inside department facilities. This policy provides appropriate access control methods needed to protect the full lifecycle of Criminal Justice Information (CJI) from insider and external threats.

### 807.1.1 DEFINITIONS

**Contracting Department** - The city department responsible for initiating, overseeing, and managing the procurement of goods or services from a vendor or contractor. This department is accountable for ensuring compliance with all applicable policies, procedures, and regulations related to contracting and service delivery.

**Criminal Justice Information (CJI)** - Criminal Justice Information is the abstract term used to refer to all of the FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data.

**Criminal Justice Information Services (CJIS)** - The equipment and/or infrastructure that facilitates the collection, warehousing, and timely dissemination of relevant CJI to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

**Escort** - A member of the Department who accompanies a visitor at all times while within a physically secure locations to ensure the protection and integrity of the physically secure location and any CJIS therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

**Level 1 Security Area** - Areas that are within the secure perimeter of a police department facility containing critical infrastructure or sensitive equipment, such as uniforms, weapons, vehicles, locker rooms, ect., or CJI data that could be viewable, such as child pornography or criminal intelligence.

**Level 2 Security Area** - Areas that are within the secure perimeter of a police department facility that contain CJIS equipment or data, but the equipment is not readily accessible without proper log-in credentials or the data is not readily viewable without approved access to the secure area.

**Level 3 Security Area** - Areas within the secure perimeter of a police department facility that do not contain CJIS or other sensitive equipment or data, such as the break room.

**Level 4 Security Area** - Areas of a police facility that are open to the public, such as the Department's public lobby area and adjacent public spaces.

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**Police Facility** - Any property, building or location under the control of the Department or Office of the Chief.

**Physically Secure Location** - A facility or an area, room, or a group of rooms within a police facility with both the physical and personnel security controls sufficient to protect the FBI CJIS and associated information systems. The perimeter of the physically secure location should be prominently posted and separated from non-secure locations by physical controls. Security perimeters should be defined, controlled, and secured. Restricted non-public areas within the Department shall be identified with a sign at the entrance.

**Visitor** - Any person who is not a member of the Department and is currently authorized for unescorted access or is properly escorted by a Department member.

#### **807.2 POLICY**

This policy applies to all Fargo Police Department facilities and affects all personnel, visitors, contractors, vendors, and individuals conducting business with or visiting the Department. Each employee of the Department plays a key role in maintaining and protecting the physical security of police facilities, vehicles, and equipment.

This policy supports the requirements of the Federal Bureau of Investigation's (FBI) CJIS Security Policy, as well as the City of Fargo Information Services Security Policy.

The FBI CJIS Security Policy shall always be the minimum standard for physical security. Department and City policy may augment or increase the standards, but shall not detract from the core CJIS Security Policy standards.

#### **807.3 ENTRANCE SECURITY**

All doors to police facilities shall be closed and properly secured at all times. No doors shall be left unsecured while unattended. Overhead garage doors shall be immediately closed upon ingress or egress of authorized vehicles.

If any electronic or physical lock fails to work correctly or if any door cannot be secured, the Shift Commander and the City of Fargo Facilities Department shall be notified immediately. Steps should be taken to temporarily keep the entrance in question secure until it can be repaired.

#### **807.4 VISITOR ACCESS**

All visitors to a police facility shall comply with the following:

- (a) All visitors to the Fargo Police Headquarters shall check in at the front desk, with the exception of first responders who are entering the building to tend to an emergency situation. Visitors to other police facilities shall check in with and obtain approval from a member of the Department authorized to approve entry prior to accessing the facility.
- (b) All adult visitors shall show a state-issued photo identification card prior to entry unless they have already been issued a Fargo Police security badge. The police department member working the front desk shall confirm the identification and reason for access prior to allowing entry.

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- (c) Sworn law enforcement officers from other agencies shall show appropriate credentials to front-desk personnel.
- (d) All visitors shall sign in to the guest log and shall include their name, agency/company, purpose for their visit, date of visit, their time of arrival and departure, the person being visited, and the form of ID provided. If a guest log is not readily available, the attending department member shall make note of the required information.
- (e) Any visitor who does not have a City of Fargo security badge shall be given a temporary Fargo PD visitor badge. This badge shall be visible at all times while inside the facility.
- (f) If the visitor is not authorized for unescorted access, they must remain in a Level 4 security area of the facility until an authorized escort arrives to accompany them.
- (g) Visitors shall be allowed to use restroom facilities without close escort. However, the escorting member shall remain within close proximity of the restroom.

#### 807.4.1 PERSONAL PROPERTY AND WEAPONS

Weapons of any kind are strictly prohibited from any police facility except for those carried by sworn law enforcement personnel.

Visitors shall be encouraged to leave bags, packages, containers, etc. in their vehicles. Any packages, containers, or bags that need to be brought into the facility shall be subject to search to ensure no weapons or contraband are brought into the facility. The search shall be conducted in the least intrusive means as possible.

#### 807.4.2 FILMING AND RECORDING

The use of cameras, recording devices, cell phones or other electronic devices by any visitor to video record or take photos within any secure area of a police facility is strictly prohibited. Such items shall not be allowed inside the secured perimeter of any police facility unless authorized by a Shift Commander or higher authority.

#### 807.4.3 POLICE FACILITY TOURS

Before conducting group tours, the names of all participating adults as well as the total number of individuals in the group shall be provided to the front-desk personnel so that all visitors can be accounted for in the case of an emergency. The number shall be verified by the Department escort upon conclusion of the tour to ensure all participants are accounted for. The entire group shall be escorted at all times while in the facility.

Group tours shall not be brought to Level 1 or Level 2 security areas of the facility, including, but not limited to, Narcotics, Intelligence and Analysis, and Crimes Against Children unless notice has been provided to the unit supervisor in order to allow for any sensitive data or records to be secured from view or access.

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### **807.5 ACCESS TO SECURE AREAS**

Access requirements to the various secure areas of a policy facility shall be regulated by need, employment or contractor status, and frequency in order to ensure security of department CJI in compliance with FBI CJIS Division requirements and City of Fargo Information Services policy.

#### **807.5.1 BACKGROUND REQUIREMENTS FOR LEVEL 1 SECURITY ACCESS**

All police department members as well as non-police department City of Fargo employees and contractors or vendors who require frequent, weekly or less, physical access to Level 1 security areas of police facilities shall successfully pass a comprehensive criminal background check prior to allowing access.

The criminal background check shall include, but is not limited to, an FBI fingerprint background check and criminal history file, state and national arrest and fugitive file checks, review of criminal records for any felony conviction or any misdemeanor conviction constituting general disregard for the law, such as theft, narcotics, fraud, domestic violence, etc., along with interviews of present and former employers and personal references. In addition, police department members are required to pass additional background tasks, such as a polygraph and psychological exam prior to hire.

Suitability for said access shall be determined by the Chief of Police or designee.

#### **807.5.2 LEVEL 1 ACCESS FOR CITY OF FARGO EMPLOYEES**

Certain City of Fargo employees may require frequent unescorted physical or logical access to police facilities as part of their normal job function. Positions this may apply to include, but are not limited to, Information Services (IS), Central Garage, Facilities Management, and Communications.

The need for police department access shall be associated to specific hiring positions in the City of Fargo NeoGov application system positions are posted for application. Prior to making a personnel requisition request in NeoGov, the hiring department and City Human Resources Department (HRD), shall ensure the background requirements are included in the job description and job posting. The process shall proceed as follows:

- (a) Once an applicant has passed an initial interview and has been tentatively approved by the hiring manager, the applicant should be given a conditional offer of employment.
- (b) Once the conditional employment has been offered, Human Resources shall notify the Professional Standards Division (PSD) commander that a background investigation is necessary. The Professional Standards commander shall ensure the background check is assigned to an investigator who shall contact the applicant with further instructions.
- (c) As part of the background process, the applicant shall be instructed to come to the police department for fingerprinting or to submit fingerprints through another law enforcement agency.
- (d) The Department shall conduct a thorough background investigation and should complete said investigation within 15 work days of receipt of a Release of Information

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form. The background check shall include, at minimum, a nationwide criminal records check (aka Triple III) and submission of the applicant's fingerprints to the national fingerprint database. The background shall also include, but not limited to, a review of the following:

1. A thorough check of arrest history.
2. Any interactions with law enforcement.
3. Any membership to political extremist organizations (as defined by the FBI).
4. Any stated anti-law enforcement sentiment, etc.

Upon completion of the background investigation, the assigned investigator shall forward the results to the Chief of Police and the PSD commander. Access to police facilities shall not be granted until the Chief or designee reviews the information, makes an access determination, and forwards the written approval to the HRD.

If the Chief determines that granting access to police facilities would be in conflict with FBI CJIS requirements and/or not in the public interest, this shall be communicated in writing to the HRD.

Any of the following criteria shall result in denial of any unescorted access to police facilities:

- (a) Any felony conviction within the last 10 years.
- (b) Misdemeanor convictions relating to narcotics, theft, fraud, domestic violence or other violent acts.
- (c) Current outstanding arrest warrants or currently considered a fugitive from justice.
- (d) Currently on probation or parole for a criminal offense.

Any of the following criteria may result in preliminary denial of access and may require further examination before making a final determination:

- (a) Felony convictions older than 10 years.
- (b) Other misdemeanor convictions depending on the nature and severity of the offense.
- (c) Recent history of arrests without conviction.
- (d) Evidence of recent anti-law enforcement or extremist political views.
- (e) Any offense against government or government employees (e.g., resisting arrest, interfering with an arrest, false information to a police officer, etc.).
- (f) A pending criminal charge.

A central list of authorized City of Fargo employees shall be maintained at the HRD as well as in the Department's Records Unit.

Prior to a current City of Fargo employee promoting into or assuming duties which require logical or physical access to a Level 1 area of any police facility, the hiring authority shall notify the HRD, who shall notify the PSD commander about the need for a criminal history background check in conformity with this section.

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Criminal background checks for current employees who require secure access to police facilities shall be conducted annually. Employees being considered for a transfer, detail or promotion, who have successfully completed a criminal background check, shall not be required to complete a second criminal background check if one has been completed in the last year.

At the time of the required review, the HRD shall notify the PSD commander who shall ensure that a criminal history (Triple III) check is conducted on those individuals. Fingerprinting and additional background should not be required. The PSD commander shall notify the Chief about any negative results in the check. The Chief shall determine if continued authorization for access to police facilities is appropriate and notify the HRD of the determination.

#### 807.5.3 LEVEL 1 ACCESS FOR CONTRACTORS OR VENDORS

The Fargo Police Department recognizes that some vendors or contractors who provide regular service to the Department may require unescorted access to Level 1 security areas to maintain efficiency. These contractors, vendors or their employees shall be required to successfully pass a comprehensive criminal background check in order to have unescorted physical or logical access to Level 1 security areas.

To comply with FBI CJIS requirements, all contractors and vendors who require this level of access must submit to a security background check that shall include, at minimum, state and national arrest and fugitive file checks, review of criminal records for any felony conviction or any misdemeanor conviction constituting general disregard for the law, such as theft, narcotics, fraud, domestic violence, etc., and interviews with present and former employers and personal references.

The following process shall be followed to determine contractor/vendor suitability for Level 1 security access:

- (a) Prior to entering into a contract with a vendor or contractor, the company and appropriate employee(s) shall be informed by the contracting department that a criminal background check shall be required before services can be accepted. The employee(s) who will be providing the service shall sign a release of information for the background check as well as a Confidentiality and Non-disclosure Agreement. The release should allow for recurring background checks on a regular basis if hired.
- (b) The contracting department shall notify the PSD commander about the impending contract and the need for a criminal background check. The PSD commander shall ensure the background check is assigned to an investigator who shall contact the applicant with further instructions.
- (c) As part of the background process, the applicant shall be instructed to come to the police department for fingerprinting or to submit fingerprints through another law enforcement agency.
- (d) A member of the police department shall conduct a thorough background investigation and should complete said investigation within 15 work days of receipt of the Release of Information form. The background check shall include, at minimum, a nationwide criminal records check (aka Triple III) and submission of the applicant's

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fingerprints to the national fingerprint database. The background shall also include, but not be limited to, a review of the following:

1. A thorough check of arrest history.
2. Any stated anti-law enforcement sentiment, etc.
3. Any membership to political extremist organizations (as defined by the FBI).
4. Any interactions with law enforcement.

Upon completion of the background investigation, the results shall be forwarded by the background investigator to the Chief of Police and the PSD commander. Access to police facilities shall not be granted until the Chief or designee reviews and gives written approval.. The results and recommendation shall be forwarded to the contracting department. If the Chief determines that access to the facility by the individual would not be in compliance with FBI CJIS requirements and/or in the public interest, the Chief shall notify the contracting department in writing.

The following criteria shall result in denial of any unescorted access to police facilities:

- (a) Any felony convictions within the last 10 years.
- (b) Misdemeanor convictions relating to narcotics, theft, fraud, domestic violence or other violent acts.
- (c) Current outstanding arrest warrants or currently considered a fugitive from justice.
- (d) Currently on probation or parole for an offense relating to narcotics, theft, fraud, domestic violence or other violent acts.

The following criteria may result in denial of access but may require further examination before making a final determination:

- (a) Felony convictions older than 10 years.
- (b) Other misdemeanor convictions depending on the nature and severity of the offense.
- (c) Extensive or recent history of arrests without conviction.
- (d) Evidence of recent anti-law enforcement or extremist political views
- (e) Any offense against government or government employees (e.g., resisting arrest, interfering with an arrest, false information to a police officer, etc.)
- (f) A pending criminal charge.
- (g) On probation or parole for other offenses not listed above.

A central list of authorized vendors/contractors shall be maintained by the Fargo Police Department Records Unit and the contracting department.

Criminal history background checks for existing vendors/contractor who need secure access to police facilities shall be conducted annually. The PSD commander shall review the list of authorized individuals on an annual basis and shall ensure that a criminal history (Triple III) check is completed. Fingerprinting and additional back ground should not be required beyond the criminal history check (Triple III).

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#### 807.5.4 BACKGROUND CHECKS FOR LEVEL 2 AND 3 SECURITY AREA ACCESS

The Fargo Police Department occasionally needs to solicit services from outside contractors or vendors to perform a variety of work on a temporary basis. To ensure the security of police facilities and CJJ while the work is conducted, contractors, vendors or their employees shall be subject to a criminal history background check prior to working inside a Level 2 or Level 3 security area within a police facility.

Per City of Fargo policy, all requests for temporary or infrequent services from contractors or vendors should include language making the contractor aware of the background check process required to perform work in police facilities. Subsequent contracts between the city of Fargo and the contractor should contain language to ensure the contractor or vendor understands the background check requirements and access policy.

Contractors and vendors may conduct work once the background process has been successfully completed. Temporary Contractors or vendors shall be escorted by an authorized member of the contracting department or the Fargo Police Department while conducting their work despite having completed a criminal background check.

Any contractors or vendors who need temporary access to police facilities shall be subject to the following guidelines:

- (a) The city department arranging the contract shall notify the vendor/contractor that a criminal history check is required for access to police facilities. The contracting department shall also notify the PSD commander about the potential vendor/contractor access to police facilities including the nature and duration of the access. The PSD commander shall ensure the appropriate police personnel are notified about the project and likely presence of outside workers.
- (b) The contracting department shall notify the vendor/contractor employee(s) that they should go to the Fargo Police Department at least 14 days before project start (if possible) for fingerprinting and a Triple III criminal history check. The employee shall also be required to sign a Confidentiality and Non-disclosure Agreement. They should be informed that fingerprinting results can take 5-7 business days to receive back.
- (c) Once the criminal history and fingerprint results have been received, the results shall be forward to the PSD commander for review. The PSD commander shall notify the Chief of Police about the results and shall provide a signed copy of the non-disclosure agreement to the Chief for his signature along with a recommendation for access to the facility. Upon Chief's approval, the PSD commander shall notify the contracting department.
- (d) If negative information is found in the criminal history check, the Chief of Police shall make the final determination about suitability for access.
- (e) For emergency service and repairs or employees from frequent vendors or contractors who are filling in for an authorized person and are not on the authorization list, an accelerated process will be used to expedite the work. The contractor/vendor employee shall still be subject to a Triple III criminal history check. The on-duty Neighborhood Services Division Shift Commander shall be notified about the need



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for access to the facility. The Shift Commander shall ensure that a Triple III check is completed and shall review the results prior to work being done.

1. The Shift Commander shall contact the contracting department with the results of the check. If negative information is found in the criminal history check, the Shift Commander shall make the final determination in conformity with this policy and weighing the potential risk to facility security versus the need to provide the service in an expedient manner.
2. The Shift Commander shall ensure the contractor/vendor employee completes the Confidentiality and Non-Disclosure form. The form shall be returned to the PSD commander.

Any vendor/contractor must remain escorted the entire time while inside Level 1, Level 2 or Level 3 areas of a police facility. If it's not feasible for a representative from the contracting department to be with the contractor/vendor, alternate arrangements shall be coordinated with the PSD commander or their designee.

#### **807.5.5 LEVEL 4 ACCESS**

Because Level 4 security areas are open to the public, a criminal background check is not required, and an escort is not needed to access these areas.

#### **807.5.6 DEPARTMENT WORKOUT AREAS**

The Department has established workout and gym areas for use by department members within Level 3 security access areas. The Chief shall designate a department member to oversee the enforcement of reasonable rules for these areas to ensure unfettered use by our members, along with safety and cleanliness of those areas.

#### **807.5.7 SECURITY AUTHORIZATION VIOLATIONS**

Anyone who violates the established rules and procedures for their level of authorized access to police facilities, or who enters secure areas without appropriate authorization, or who presents an imminent threat to facility security is subject to immediate removal from the facility and/or loss of access authorization.

### **807.6 MEMBER RESPONSIBILITIES**

All Department members have a responsibility to help in keeping all police facilities secure. The following requirements shall be followed:

- (a) Ensure all visitors, both civilian and sworn, go through the main entrance of the facility.
- (b) Challenge anyone who is in a secure area without the proper authorization or escort.
- (c) Promptly escort unauthorized individuals to an area suitable for their level of access.
- (d) Ensure that all security doors remain locked and secure when unattended.
- (e) Immediately report any violations, suspicious activity, or suspicious packages to a supervisor

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**807.7 REVISION DATE 12/17/2024**