



Sheridan Police Department
Policies and Procedures
28.15
Chapter 28 – Call Response
Section 15 – Civil Situations

Date: January 1, 2013
Revised: 06/17/2022

Signature:

The Sheridan Police Department will limit its involvement in civil situations to maintaining the peace. With the exception of assisting a victim in obtaining materials from a location to satisfy short term safety needs, all civil standbys will only be completed to satisfy a court order.

28.15.1 Civil Situations and General Civil Standby Procedures

- A. Officers should obtain information about the nature of the civil standby prior to responding to the call. If the officer suspects a situation cannot be resolved peacefully, the officer should try to calm the situation and suggest that the disputing parties seek legal remedies or contact local service agencies equipped to assist them.
- B. All parties should be advised as soon as possible that the police are only present to protect the peace. Officers are not able to force anyone involved to do something that they would not otherwise do.
- C. Officers will ensure that all parties involved understand the position of the department, and that any violent or unlawful act may prejudice future civil proceedings and result in enforcement action.
- D. Civil standbys are intended to be a short-term process and officers are not required to assist parties in moving all their belongings from one residence to another.
- E. Officers should ensure that what is occurring is legal. If the person requesting the civil standby has no legal right to be on the other person's property or to take the action they are taking, the officer has no legal authority to be involved. If the officer is legally on someone's property, however, is requested to leave, the officer should vacate the premises unless there exists some other reason for the officer to be present.
- F. People will, on occasion, ask officers to be present during property transfers so that an independent witness is available to testify. Officers are not required to respond in those instances, as our purpose is to prevent violence from occurring, not to provide a witness in an ongoing legal action. Officers may suggest parties exchange property in the safe exchange location on the south side of the police department building.

28.15.2 Disputes Over Ownership of Personal Property

- A. Disputes over the ownership of personal property arise in many different civil situations. These disputes are generally civil in nature. Different civil laws may apply depending upon the relationship of the parties.
- B. When parties disagree over the right to possession of personal property, they should be advised to seek civil remedy through the courts.

- C. Officers will attempt to prevent any party from committing a criminal offense when responding to these types of disputes. Frequently, one party insists a crime is taking place, usually theft, because the other party does not return property or is attempting to take property. It is usually difficult to immediately determine all the facts surrounding the property dispute between the parties. Therefore, any enforcement action requires careful consideration.
 - 1. The usual enforcement action contemplated by the officer is theft. Theft requires a person to take or deprive another person's property without lawful authority. It is rare that the officer will be able to spend the investigative time to determine all the facts in these private property disputes to know whether the potential suspect had lawful authority to have the property or to keep the property.
 - 2. An arrest or threatened arrest against one party for failure to return property will often expose the officer and the department to liability. Therefore, prior to taking any enforcement action, the officer and supervisor will evaluate the totality of the situation, taking into consideration:
 - a. Whether the location of the property is known and ownership can be clearly established;
 - b. The value of the property; and
 - c. The potential for the property to be moved or destroyed.

28.15.3 Accidental Damage

- A. Officers will not act as a collection agency for accidental damage caused by people, their children, acts of nature, or pets.
- B. Arrangements for restitution should be sought through civil courts.
- C. In circumstances of obvious accidental damage officers are not expected to conduct an investigation or complete an incident report.

28.15.4 Repossession of Property

- A. When a person buys an article on a time payment plan, the agency lending the money for purchase may retain a security interest in the article until the loan is fully repaid.
- B. If the purchaser does not make payment on the loan when due, the lending agency may have the right to take possession of the item based upon a contract.
- C. Along with the right to repossess property may come the right of the lending agency to enter the premises of the person owing the debt for the purpose of taking the property.
- D. If in the process of such repossession, a breach of the peace appears to be imminent or actually occurs (i.e. - fighting, challenging to fight, or similar actions), the officer should inform the agent of the lending company to seek a court order.

28.15.5 Bail Bonds

- A. Officers will not assist in bail bond revocations. Officers may arrest a Bailee if a valid arrest warrant has been issued by a court. The bail bond representative will not be allowed to participate in an arrest on warrant.
- B. Officers should not do civil standbys for bail bondsmen when they wish to revoke an individual's bond without a court order. The law does allow bail bondsman some latitude in revoking an individual's bail with just cause and permits them to turn the bailee over to the custody of the sheriff's department. This authority, however, does not extend to law enforcement personnel.