

<b>S.F.D.R C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.1 Mission, Values, and Written Directive System</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.04	

## I. POLICY

Law enforcement agencies provide essential services to foster safe communities through crime reduction and deterrence. Administrators of these law enforcement agencies are obligated to train, supervise, and guide personnel in performing the variety of tasks which create safe communities, which in this case focuses on safe schools and facilities. At the same time, these administrators seek to improve employees' confidence and competence in performing tasks while reducing risk of liability. To meet these obligations, agencies must manage themselves according to written directives. A manual of policies and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency. To that end, this manual furnishes a blueprint for the performance of this agency's activities in accordance with established state and national standards. Providing all members of the department with an understanding of the department's mission and values provides guidance for decision-making when situations are not covered by direct policy or procedure. (As with all other policies in this manual, the phrase "the Chief of Police" also includes any SFDR Consolidated Independent School District Police Department personnel designated by the Chief of Police to carry out a specific responsibility.)

***Should any policy contained within conflict with any Board of Trustees policy of the San Felipe Del Rio Consolidated Independent School District, the SFDR CISD Board Policies shall control and be in effect.***

## II. PURPOSE

This document outlines the organization of the SFDR Consolidated Independent School District Police Department, its Policy and Procedure Manual, its authority, and defines three kinds of statements that appear in these documents: policy, rule, and procedure. It also states the department's mission and core values.

### **Mission, Vision, and Values Statement**

#### **Our Mission:**

The mission of the SFDR Consolidated Independent School District Police Department is to create a partnership with district staff, students, and parents to combat crime and improve the quality of life for all.

### **Our Vision:**

The SFDR Consolidated Independent School District Police Department's vision is to provide effective and efficient police services to district staff, students, and parents in the most professional and courteous manner.

### **Our Values:**

We will maintain the highest level of integrity,

We will engage in open honest communication,

We will treat all persons with compassion, respect and dignity,

We will be self-critical and accountable for our commitments and results,

We will always seek to provide the highest quality of service,

We will preserve and safeguard individual rights and liberties.

## **III. DEFINITIONS**

### **A. Policy**

1. A policy is a statement of the department's philosophy and expectation on a given issue. Policy consists of principles, values and expectations which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the needs of those we serve.
2. Each section of the Manual will begin with an agency policy statement.
3. Policy is determined by the necessity to adjust the operating procedures of the SFDR Consolidated Independent School District Police Department to keep abreast of the current changes in state law and the needs of those we serve. All policy shall be approved by the Chief of Police.

### **B. Rule**

1. A rule is a specific prohibition or requirement governing the behavior of employees.
2. Rules permit little, if any, deviation. Violations of rules normally result in discipline.

3. Rules appear in the Policy and Procedure Manual as well as other departmental documents.

#### C. Procedure

1. A procedure defines the acceptable and/or expected method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.
2. A failure to follow a procedure may result in discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions in detail in not following the defined procedure.

#### D. Memorandum

1. A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time.
2. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police. Memoranda may be incorporated into future editions of this manual. Employees are advised that they may not alter components of this manual based on memoranda unless issued by the Chief of Police or designee.

#### E. Electronic Communication

1. All officers are prohibited from communicating departmental business using personal email accounts for electronic communication or e-mail unless departmental e-mail is not available to them when the e-mail must be sent.

### **IV. WRITTEN DIRECTIVES (TBP 1.04)**

#### A. Departmental Policy Manual and Standard Operating Procedures.

1. The Policy Manual contains policy, rules, and procedures as defined above, and is a standing written directive governing organizational matters.
2. A Standard Operating Procedure (SOP) primarily contains procedures and is a written directive governing operational matters and routine daily task

B. No policy, rule, regulation, procedure or memorandum is valid unless signed by the Chief of Police or his designee, or the District's Superintendent or designee.

C. Within the context of any directive, the use of the word "shall" or "will" denotes an action or behavior that is mandatory and unequivocal. The words "may," "can," or "should" denote an action or behavior that is discretionary.

- D. The Chief of Police or his or her designee will completely review the Policy Manual and Standard Operating Procedures at least biennially to ensure continued compliance with Texas law and operations. Revisions may be made at any time. Once a revision is approved and published, each employee shall be deemed to be on notice with regards to the current version.

## **V. COMPLIANCE WITH DIRECTIVES**

- A. All employees of the SFDR Consolidated Independent School District Police Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material.
- B. All employees are responsible for the receipt of and adherence to all written directives that affect the employee and the employee's work status.
- C. All employees are responsible for receipt and maintenance of all directives that are distributed to that employee. Each employee of the SFDR Consolidated Independent School District Police Department shall sign a statement acknowledging that the member has received, read, understands and agrees to abide by the directives supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of any manual(s), an order or directive, or believes that any manual(s), order or directive is illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.
- D. Distribution of this manual may be in either written or electronic form, and shall, if possible, be made available on departmental servers or storage devices.
- E. Copies of the statements of receipt (See C above) shall be maintained in the written directive file, and will also be maintained in electronic storage, when possible including, but not limited to, District personnel files in its Human Resources Department.
- F. All employees shall comply with the provisions of these directives and the SFDR Consolidated Independent School District Employee Handbook. If an issue is not addressed in the Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the Employee Handbook, the Employee Handbook shall control unless the SFDR Consolidated Independent School District Police Department Policy Manual is more restrictive. When an employee notices a conflict, they should notify their supervisor and the Chief of Police in writing or electronically of the conflict.
- G. The Policy Manual and Standard Operating Procedures apply to all sworn officers and non-sworn employees of the SFDR Consolidated Independent School District Police Department both on and off duty.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.2 Law Enforcement Role and Authority</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05, and 8.10.	

## I. POLICY

The SFDR Consolidated Independent School District Police Department is established by state law and local ordinance, and consists of a Chief of Police and other full and/or part-time officers and non-sworn employees as determined by the District Superintendent and School Board. The chief executive of the police department is the Chief of Police, appointed by the Superintendent and subordinate to the Superintendent. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Texas and all local ordinances. The jurisdiction of the police department is normally limited to SFDR Consolidated Independent School District property within the city limits and the county of Val Verde as allowed under the Texas Code of Criminal Procedure section 14.03 (g)(2), except in cases of pursuit of offenders who have committed a violation within the city and/or county limits and then flee outside the city and/or county limits, when another department requests assistance, or when enforcing laws on property owned by the District but outside of city boundaries. Additionally, officers shall have all authority provided by the Texas Code of Criminal Procedure when it comes to the arrests of offenders both with and without a warrant. The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented policing principles.

## II. PURPOSE

The purpose of this order is to describe the jurisdiction and organization of the police department, outline its rank structure, and assign responsibilities, functions, and duties.

## III. AUTHORITY AND AGENCY JURISDICTION

The jurisdiction of the SFDR Consolidated Independent School District Police Department is limited to inside the city and/or Val Verde County limits with certain exceptions. (TBP: 1.05, 1.06)

- A. SFDR Consolidated Independent School District Police Officers appointed by the district have all the authority granted to them by the State of Texas as Peace Officers. Appointed officers have the responsibility to act within the law to preserve order, arrest offenders, and protect the employees, students, and visitors to our campuses and facilities.
- B. Officers have arrest authority anywhere within the State of Texas, however the exercise of that authority will be limited when outside of district property to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have appropriate equipment, communications, or assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information.
- C. Officers have all authorities granted by the Texas Code of Criminal Procedure Chapter 14.
- D. Officers have authority to enforce the law on property owned by the district but outside the city and/or Val Verde County limits.
- E. Officers have authority to pursue offenders outside the city and/or county limits who have committed violations inside the District pursuant to the department's pursuit policy. Officers may also utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants and making lawful arrests without warrants anywhere in the State of Texas when investigating crimes occurring in or near District-owned property in the city and/or county limits.
- F. Officers have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- G. While officers have full authority to make arrests, issue summonses, and use force in enforcing the law, officers are also expected to use discretion and common sense in the application of this authority. Officers should always seek the least intrusive level of intervention appropriate to preserve the peace and protect the public safety.

#### **IV. ORGANIZATIONAL STRUCTURE**

##### A. Organizational structure

1. The SFDR Consolidated Independent School District Chief of Police is responsible for the direction of all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders

take the form of general orders, standard operating procedures, and other directives as needed.

2. The department consists of a Police Chief and as many detectives, police officers, and civilian personnel as the School Board and/or Superintendent determines are required to protect and serve the District and otherwise support or carry out the department's objectives.

#### B. Chain of Command and Succession

1. The Chief of Police has full control over departmental activities. In the absence of the Police Chief, a designee may be appointed to take command and notify the Chief of all major decisions that he or she may make, and shall make any necessary reports to the Chief.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.
3. Personnel of the SFDRCID Police Department shall take up matters affecting them and their position to their immediate supervisor and through proper channels.

#### C. Span of control

Plans for any event utilizing departmental personnel will clearly delineate the command structure and outline the span of control.

#### D. Authority and responsibility

1. At each rank within the department, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. The department is committed to fostering an organizational climate that rewards employees for initiative, innovation, community involvement, and problem solving.
2. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her delegated authority shall refer the matter to the on-duty supervisor or the Chief of Police for prompt resolution.
3. Supervisors are held accountable for the condition and preparedness of the personnel assigned to them.

4. Supervisors are responsible for the good order and sanitary condition of department offices, vehicles, and equipment.
5. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all allegations of employee misconduct. Supervisors shall thoroughly and properly document all instances of such misconduct and notify their supervisor, who will make proper notifications up to and including the Chief of Police, who will then notify the Superintendent, as appropriate.
6. Supervisors shall ensure that employees have been supplied with all appropriate written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.

E. Authority of the Chief of the Department (TBP: 1.07)

1. The Chief of Police has full authority and responsibility for the management, direction, and control of the operation and administration of the department. The Chief of Police is responsible for maintaining an acceptable standard of performance, attendance, and conduct for all departmental personnel.
2. The Chief of Police shall attend the initial Police Training provided by Law Enforcement Management Institute of Texas as required by the Texas Education Code within 12 months of appointment.
3. The Chief of Police is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources. (TBP: 8.10)

F. Organizational Chart (TBP: 1.01)

1. The attached chart denotes chain of command and interdepartmental relationships. (see last page of this section for attachment)
2. The organizational chart is reviewed annually and updated as necessary to illustrate the current functioning of the department.

G. Oath of Office Required (TBP: 2.03)

1. All sworn officers will swear or affirm any oath required by state law or city ordinance before assuming law enforcement duties. All sworn officers shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn officer.



2. Such oath shall be made in public administered by the Superintendent, School Board President, or Chief of Police and shall be witnessed by the District Secretary or other Notary. The Oath of office shall be signed by the Superintendent and the Chief of Police. A copy of the oath shall be filed in the officer's personnel file.

#### H. Authority to Carry Weapons and Use Force (TBP: 6.05)

1. Sworn officers who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
2. Sworn officers who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon. It is highly recommended officers conceal their weapons while in public.
3. Officers are not to carry any weapon when off-duty after having consumed or when they intend to consume any alcoholic beverages.
4. Civilian employees who hold a Concealed Handgun Permit under Subchapter H, Chapter 411 of the Government Code shall not carry their firearm on the premises of the department or other District owned facilities while at work or while operating or riding in a District vehicle, without the express written permission of the Chief of Police or Superintendent.

#### I. Off-Duty Authority

1. Liability Protection: Officers of this agency have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of the SFDRICISD and/or this department.
2. Authorized Off-Duty Arrests

When off duty and within the legal jurisdiction of this law enforcement agency, an officer may make an arrest only when all of the following occur:

- a. There is an immediate need to prevent a crime or apprehend a suspect
- b. The crime would require a full custodial arrest
- c. The arresting officer possesses appropriate police equipment and police identification.
- d. The officer shall abide by Chapter 14.03 of the Code of Criminal Procedure
- e. The officer, prior to making the arrest, should, if time allows, summon back-up.

- f. The officer shall complete the necessary reports for the action taken.

### 3. Off-Duty Responsibilities

While off duty, a police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

### 4. Prohibitions of Off-Duty Arrests

Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of this section are not met or when any of the following circumstances exist:

- a. The officer is personally involved in the incident underlying the arrest.
  - b. The officer is engaged in off-duty employment of a non-police nature.
  - c. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication for a physical ailment or injury, or;
  - d. A uniformed police officer is readily available to deal with the incident.
5. Off-duty officers in plain clothes, regardless of rank, shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training. Officers shall not use their positions as law enforcement officers to attempt to interfere with or curtail any enforcement activity or request preferential treatment due to their position from any law enforcement organization. Officers shall act professionally and respectfully at all times.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.3 Fiscal Management</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.02, 1.03 and 1.10	

**I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department to maintain the highest level of fiscal responsibility. The Chief of Police is responsible for the development and submission of the departmental budget as well as the financial management of the department. It will be the policy of the department to maintain accurate and detailed records of all monetary transactions in order to remain above reproach.

**II. PURPOSE**

The purpose of this order is to establish procedures for employees making routine and emergency expenditures for goods or services necessary for the efficient operation of the department.

**III. STATEMENT OF SPECIFIC RESPONSIBILITY**

The Chief of Police, as a department head of the SFDR Consolidated Independent School District, has the authority and responsibility for the fiscal management of the SFDR Consolidated Independent School District Police Department. (TBP: 1.02)

**IV. DEFINITIONS**

- A. Routine Expenditure: Purchases that are budgeted and/or planned for and handled through the S.F.D.R.C.I.S.D. Purchasing Department.
- B. Purchase Order (P.O.): An authorization from the District Purchasing Office for payment to a vendor for goods or services.
- C. Purchase Order Number (P.O. #): The number assigned by the District Purchasing Office for a specific expenditure. Vendors consider a P.O. # the same as cash, and must be indicated plainly on all invoices.

- D. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to the SFDR Consolidated Independent School District.
- E. Tax Exemption Certificate: A document provided to vendors by the District Purchasing Department or Administrative Assistant to the Chief of Police that indicates that purchases made for District use are exempt from state sales tax.
- F. Requisition: The method used to request the purchase of or obtaining goods or services.
- G. District Purchasing Department: The authority in the SFDR Consolidated Independent School District with the responsibility of exercising fiscal control over all expenditures made by District employees.
- H. Requisition Form: The document used in lieu of or in conjunction with a purchase order for the following items: (a) freight bills, (b) travel expenses, (c) authorized organization dues, (d) equipment rentals, (e) advertising, (f) equipment, and any other authorized expenditure from the budget.
- I. Buy Board: Approved vendors registered and approved as permitted by the District Purchasing rules and regulations.
- J. Surplus Property: Any property deemed to be unserviceable or no longer of use to the department. The Chief of Police must notify the Superintendent in writing and get approval when declaring an item surplus property.
- K. Gov-Deals: An option that may be approved by the School Board for auction of surplus property, seized property, or state or federal forfeited property. The Chief of Police must execute a Memorandum of Understanding (MOU) with Gov-Deals prior to any auction of such property.

## **V. RESPONSIBILITIES**

- A. The Chief of Police has the ultimate authority, responsibility, and accountability for the fiscal management of the department.
- B. The Chief of Police is also responsible for at least monthly review of the budget to include the amount budgeted, the amount spent year to date by category, and the amount remaining. Any projected budget shortfall shall be discussed with the Superintendent and or Finance Office as soon as it is discovered.

## **VI. GENERAL PROCEDURES**

The District Purchasing Department is responsible for monitoring the suitability of vendors. The SFDR Consolidated Independent School District Police Department

will not purchase goods or services from any vendor currently under suspension by the District.

**VII. COLLECTION AND DISBURSEMENT OF CASH (TBP: 1.03)**

- A. All cash funds or accounts where department employees are permitted to receive, maintain, or disburse cash will include:
  - 1. A balance sheet or system listing initial balance, credits, debits and balance on hand.
  - 2. A listing of cash received and from whom it was received.
  - 3. Records, receipts, documentation and invoices showing expenditures.
- B. All cash funds will be kept under lock and key and only authorized personnel will have access to the funds and log or balance sheet. No employee shall accept or disburse cash without prior authorization of the Chief of Police.
- C. All money received that was tagged in the property room that will not be released to the owner shall be inventoried by the evidence technician and as soon as practicable will be deposited in the police holding account at the District's depository bank. The Chief of Police may make an exception for money kept in the property/evidence storage.
- D. All money or property that is designated as being subject to forfeiture shall be brought to the attention of the Chief of Police. Money subject to forfeiture shall be deposited into a holding account until the forfeiture is complete. All paperwork shall be submitted to the state or federal prosecutor in a timely manner in accordance with state and federal laws. In agreement with the prosecutorial agencies who file the forfeiture paperwork in agreement with memorandum of understandings (MOUs) before monies are deposited in the police forfeiture accounts the appropriate agency who receives a percentage of the funds and required court costs shall be disbursed from the holding account through the finance office by the Chief of Police.

**VIII. ACCOUNTABILITY OF DEPARTMENTAL CAPITAL EQUIPMENT (TBP: 1.10)**

- A. All agency property is inventoried when received. The Chief of Police will be responsible for issuing weapons, ammunition and other police equipment such as batons, handcuffs and radios. The Chief of Police will also issue uniforms, ballistic vests, safety traffic vests, rain gear and any other equipment. This includes recovering said property if required when the employee leaves the department.
- B. The department will conduct a capital assets inventory every year and whenever there is a change in command personnel over a unit or the department. The results of the inventory will be forwarded to the Chief of Police for review.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.4 Inspections and Audits</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.25	

## I. POLICY

Inspections of the SFDR Consolidated Independent School District Police Department shall be conducted on a regular basis to help ensure that the department is operating at peak efficiency and in compliance with established professional standards. When conducted properly, inspections enable managers to assess the department's ability to perform its mission, and provide them with the information necessary to plan for the improvement of the department's operations and ensure full capability to perform its mission. Inspections are a vital component of departmental self-assessment and as such will be carried out with care, attention to detail, and with the full cooperation of all personnel concerned.

## II. PURPOSE

The purpose of this policy is to establish procedures for conducting inspections of the department's administrative functions, facilities, property, equipment, operations, and personnel.

## III. DEFINITIONS

- A. Line Inspection. Line inspections are conducted by personnel directly responsible for the person, equipment, or facility being inspected. They are designed to examine, evaluate, and improve the performance of departmental personnel and equipment. A written report form will be designed and maintained by the department to track deficiencies of personnel, equipment, or facilities (Appendix A of this policy). The Chief of Police shall maintain control of the completed inspection sheets, with all completed sheets being forwarded to the Chief of Police once they have addressed those deficiencies. Should there be a critical problem discovered during a line inspection it should immediately be brought to the attention of the Chief of Police.
- B. Readiness Inspections. A specific inspection conducted to evaluate both equipment and operational readiness of the department to respond to exceptional

or emergency circumstances. Such inspections are regularly scheduled but may be initiated at any time at the direction of the Chief of Police or a designee.

#### **IV. PROCEDURES**

##### **A. Line Inspections**

1. The Chief of Police shall conduct line inspections.
2. Line inspections shall be accomplished at roll call or at such other times as are appropriate for the type of inspection being conducted.
3. Line inspections shall be conducted at least once per week or at such intervals and times as otherwise directed by departmental policy and the Chief of Police.
4. Special line inspections may be ordered at any time by the Chief of Police.
5. Line inspections shall, at a minimum, include an examination of each of the following items that are applicable to that particular unit and that particular type of inspection:
  - a. Personal appearance and personal hygiene of unit personnel.
  - b. Proper wearing of uniforms and uniform equipment.
  - c. Handguns, shotguns and patrol rifles for cleanliness, and operability.
  - d. Health, physical fitness, and fitness for duty of unit personnel.
  - e. Appearance and maintenance of department-owned vehicles and installed equipment assigned to or used by that unit.
  - f. Unit compliance with departmental policies, regulations, and orders.
  - g. Availability and currency of departmental policy and procedure manuals and other departmental publications and documents applicable to that unit.
  - h. Physical condition, maintenance, safety, cleanliness, adequacy, and security of the areas, furnishings, and equipment of the portions of the physical plant used by or under the control of that unit.
  - i. Such other items as are applicable to the functions of that unit.
6. Inspection Procedure
  - a. The Chief of Police shall conduct informal physical inspections of personnel, equipment, and other items, on a regular basis or as directed. All deficiencies shall be recorded on a department-approved form designed for this purpose.
  - b. All line inspections shall be conducted in accordance with all appropriate safety precautions.
  - c. Firearms, both individual and department owned that are used on duty will be inspected for cleanliness and functionality at least monthly. Firearms and other equipment with the potential for causing injury shall be examined only by persons



thoroughly familiar with the item being inspected. Inspection of firearms and other weapons shall be conducted only in a manner consistent with standard safety requirements for the presentation and handling of such weapons.

7. Wherever possible, deficiencies discovered during line inspections shall be corrected immediately by the Chief of Police. Where immediate correction is not possible, a re-inspection of the deficient item shall be conducted at the earliest possible date to ensure that the corrective action has been taken. The inspection sheet shall be maintained by the Chief of Police once the deficiency has been corrected.
8. Repeated failure to correct deficiencies shall be reported to the appropriate authority, and action will be taken to compel compliance by the person or unit responsible for the deficiency. Failure to correct deficiencies may be the subject of disciplinary action.

B. Readiness Inspections (TBP: 7.25)

1. Equipment Readiness Inspections will be conducted on all department special use equipment on a quarterly basis.
2. Checklists should indicate the unit, date inspected, condition of each item, and the person who inspected the equipment. Any maintenance needs will be identified. The checklists shall be maintained by the Chief of Police for review.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.5 Mutual Aid Agreements</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

On occasion the need arises to request assistance from or give assistance to a neighboring-law enforcement agency. This need may result from an emergency such as a civil disorder, fire, flood, or other disaster, but most often is requested for backup on calls where officers are at risk and local backup is unavailable. Before the need arises, agencies must clarify and plan emergency procedures. Available county and state support systems shall be used to support operations.

## II. PURPOSE

To establish procedures, duties, and responsibilities for providing assistance to, or requesting assistance from, another law-enforcement agency and to provide for the use of statewide law-enforcement support systems.

## III. PROCEDURE

### A. Jurisdiction

1. Generally, the legal jurisdiction of the SFDR Consolidated Independent School District Police Department stops at the district property limits, however, officers also have authority to act as peace officers within the entire county. The authority of the department may extend out to other areas within the State when requested through a properly executed mutual aid agreement. This authority may be used for the following reasons:
  - a. Assisting neighboring-law enforcement agencies, such as but not limited to the Del Rio Police Department, the County Sheriff, or the Texas Department of Public Safety in handling emergency calls and at times when they are unable to respond immediately.

- b. Assisting neighboring-law enforcement agencies, such as but not limited to the Del Rio Police Department, the County Sheriff, or the Texas Department of Public Safety when they are in need of assistance in safely completing a task or assignment.

#### B. Mutual aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for between the department and other law- enforcement agencies during emergencies. The circumstances which require mutual aid can include one or more of the following situations:
  - a. Enforcement of laws which control or prohibit the use or sale of controlled substances or drugs;
  - b. Any law-enforcement emergency involving an immediate threat to public safety;
  - c. When executing orders for the temporary detention or emergency custody of people for mental health evaluation;
  - d. Any public disaster, fire, flood, epidemic, or civil disorder.
2. Mutual aid may be requested from or provided to another law-enforcement agency by the department at the discretion of the on-duty supervisor; officers must remember, however, that they are primarily responsible for providing law-enforcement service to our jurisdiction. There are generally three levels of mutual aid assistance as follows:
  - a. Short duration, approximately 30 minutes or less, where an additional show of force, backup, traffic control or assistance with prisoner transportation is required.
  - b. Medium duration, approximately one to four hours, where the senior officer on duty may provide or request assistance from the neighboring law enforcement agencies, such as, the Del Rio Police Department, the County Sheriff, or Texas DPS; however, their role is normally confined to a showing of force, backup, transporting prisoners, or traffic control.
  - c. Long duration, more than four hours, full scale assistance required. The on-duty officer shall immediately notify the Chief of Police or their designee who will assist in coordinating additional aid as required.
3. Any Mutual Aid support between the department and neighboring law enforcement agencies shall be coordinated in advance whenever possible through a written agreement. A list of agencies with existing Mutual Aid agreements can be found in the Chief of Police and Superintendent's offices.
4. Mutual Aid Agreements shall be reviewed annually to ensure compliance with National Incident Management System (NIMS) requirements.

5. When taking law enforcement actions at the emergency site, including uses of force, officers from this department shall at all times adhere to this department's policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
6. Occasionally it is necessary to request assistance from a federal law-enforcement agency during an emergency or when a major crime has occurred. Due to the proximity of Del Rio to the US/Mexico border, the department has a close working relationship with many federal agencies, but most especially the U.S. Border Patrol. An officer shall notify his or her immediate supervisor before assisting or requesting assistance from federal agencies, except when that assistance is immediately necessary to respond to an emergency situation, apprehend an offender, or preserve evidence. In those situations, the officer shall notify their supervisor as soon as possible after that situation has been addressed, and explain the reason for the late notification. If the incident involves a major crime or will require extended assistance from this agency, the supervisor shall notify their division commander who will notify any other necessary staff members, including the Chief of Police or their designee.
7. If the department, with the help of neighboring law-enforcement agencies and DPS, is unable to cope with an emergency such as a riot or civil disturbance, the Chief may contact the governor's office for National Guard assistance.

C. Statewide law-enforcement support.

1. The department is a member of and participates in the use of the Statewide Interdepartmental Radio System (SIRS) and complies with the procedures for its use.
2. The department participates in the use of the Texas Crime Information Center (TCIC) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime Reporting System administered by the Texas Department of Public Safety.
3. Some state-owned law-enforcement resources may be made available to the department for special use. These resources, and the state agency to contact, include:
  - a. Special Weapons and Tactics (SWAT) teams. Del Rio P.D.
  - b. Canine teams—Del Rio P.D., Border Patrol, DPS. Canine teams, if requested, shall only be used to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.

- c. Helicopter or fixed-wing aircraft--DPS. Normally requested in advance by the Chief of Police to the Director. May be available on an emergency basis through DPS.
- d. Polygraph: DPS
- e. Riot truck and equipment: DPS.
- f. Bomb disposal: San Antonio Police Department Bomb Squad

D. State Law Enforcement Assistance during Declared Emergency or Disaster Situations

1. Only the Governor has the authority to provide State Law Enforcement Assistance during an emergency or disaster situation. State equipment and personnel can be used to support local emergencies or to protect life and property in natural disasters per the Governor's authorization. The Chief of Police shall request the Superintendent contact the Governor if State Law Enforcement assistance is required.
2. During declared emergencies and disasters, the support listed in section C above is requested through the Superintendent in the regular NIMS process as outlined in the County Emergency Action Plan and their annexes.
3. The Chief of Police or his designee is encouraged to attend the scheduled EOC meetings and planned exercises.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.6 Departmental Reports</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b>	

## I. POLICY

The SFDR Consolidated Independent School District Police Department is required to maintain records of operations for purposes of investigation, prosecution of offenders, as well as the internal operations of the department. It is the intent of the Department to provide a reporting system through which quality management and administrative decisions may be made.

## II. PURPOSE

The purpose of this order is to describe the periodic reports and records prepared by the department and their retention schedules.

## III. ADMINISTRATIVE REPORTS

- A. Weekly Report** - The Chief of Police or designee will provide a weekly report to the Superintendent of significant events, an update of departmental projects, and other items of interest specified by the Superintendent.
- B. Monthly Report** - The Chief of Police or designee will provide a monthly report to the Superintendent. This report contains information specified by the Superintendent.
- C. Monthly U.C.R.** - A monthly U.C.R. (Uniform Crime Report) is compiled by the Chief of Police or designee and a copy provided to the Superintendent for review. The original of this report is submitted to the Texas Department of Public Safety.
- D. Annual Report** - The Annual Report is compiled by the Chief of Police. The report contains an annual summary of the monthly report information and other information which is required by both policy and law.

The Annual Report is used to determine:

1. Personnel allocation;
2. Police patrol district boundaries;
3. Police staffing levels; and
4. Statistical information on other related activities and problems.

#### **E. Racial Profiling Report**

- F. Each year the Chief of Police shall prepare and present a report required to be collected and reported under the Texas Code of Criminal Procedure Article 2.132 (a)(6) Law Enforcement Policy on Racial Profiling. The report shall also be submitted to the Texas Commission on Law Enforcement (TCOLE). Such reports will be submitted within the period required by law.

#### **IV. POLICE RECORDS**

A single sequential incident number is assigned to each call for service. Any call for service, incident report, offense report, or accident report is assigned this number. The number is unique to each separate incident to ensure the efficient recovery of the report.

#### **V. DESTRUCTION AND RETENTION OF RECORDS**

Texas State Law provides a criminal penalty for willful destruction, mutilation or alteration of public information. Destruction or removal of documents and records of the department shall be made only in accordance with the District's Records Retention Schedule.

#### **VI. DEPARTMENTAL FORMS**

- A. The department shall develop standard forms to be used by officers to assure uniform and consistent reporting of enforcement and enforcement related activities, and to satisfy the requirements of State and Federal Agencies.
- B. Departmental forms may be created by the unit needing the form, when a form does not yet exist. Any personnel in the department may suggest revisions to an existing form or propose a new form. Proposals and suggestions are submitted to the employee's supervisor, and care is exercised so as not to conflict with any District policies or forms.
- C. The Chief of Police must approve all departmental forms.

<b>S.F.D.R. C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.7 Departmental Goals and Objectives</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

The SFDR Consolidated Independent School District Police Department shall develop a long term Strategic Plan that outlines the department's organizational goals and objectives over a three to five year period. Each year the Chief of Police shall update the plan, eliminating goals or objectives that have been reached, and adding new goals to be accomplished. The Superintendent and SFDR CISD School Board will be provided with a copy of the Strategic Plan each year in November.

## II. PURPOSE

To outline the process used by departmental personnel in the development of departmental goals and objectives.

## III. ANNUAL GOALS AND OBJECTIVES

- A. Each October, after the revision of the Strategic Plan, the Chief of Police will develop Annual Goals and Objectives for the department. This one-year plan will consist of those goals in the Strategic Plan that are identified for accomplishment that year plus any additional department or division specific goals that need to be addressed.
- B. The Chief of Police shall forward a report on the status of the previous year's goals to the Superintendent by the first of November each year.
- C. The Chief of Police is responsible for ensuring that all personnel under their command are given the opportunity to provide input to the goals, objectives and strategies of each organizational component.
- D. Upon completion, the One-Year Plan is to be distributed to all departmental personnel. Distribution may be accomplished through printed or digital format. It is the responsibility of each supervisor to ensure that personnel under the



supervisor's command receive the goals, objectives and strategies of their organizational component.

- E. The Chief of Police assisted by the department's officers shall conduct a semi-annual review of the department's progress in attaining the goals, objectives and strategies of each organizational component.

#### **IV. INDIVIDUAL PERFORMANCE PLANS**

The Chief of Police, when developing individual Performance Plans for subordinate employees, will include elements of the annual goals and objectives which that employee is expected to assist in accomplishing.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.1 Rules of Conduct</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22	

## **I. POLICY**

The SFDR Consolidated Independent School District Police Department and the public expect all personnel to maintain high standards of appearance and conduct. The mission of the department is to work with all members of SFDR CISD. staff, parents, and students to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

## **II. PURPOSE**

To define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12)

## **III. CODE OF ETHICS (TBP: 2.02)**

All officers shall display the integrity required by the Law Enforcement Code of Ethics:

“As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the

law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers.

I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.”

#### **IV. DEFINITIONS**

- A. *Affirmative Duty*: The personal responsibility and obligation of an employee to report wrongdoing— rather than to provide such information only when requested.
- B. *False Report*: A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.
- C. *Good Faith*: A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.
- D. *Retaliation*: Retaliation of the following kind is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of policy, retaliation includes any deliberate, purposeful actions or failures to act, directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee’s terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of the employee, the SFDRCIDSD Police Department, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual’s reputation.
- E. *Serious Acts of Misconduct*: Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action would be reasonably likely to adversely affect that employee’s terms or conditions of employment up to and including termination of service.

## **V. GENERAL DUTIES**

- A. All officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and ordinances of the City of Del Rio, the rules, regulations, and general orders of the SFDR Consolidated Independent School District, and the SFDR CISD Police Department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, custom, and District policy. Further, officers shall exhibit good moral character in carrying out their duties according to departmental orders.
- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the right to discipline personnel for violations of the rules listed in this order as well as violations of all departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated, the consequences of the employee's actions, and prior history and experience.
- D. Duty to Report
  - 1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
  - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
  - 3. All employees have an affirmative duty under this policy to cooperate fully during an investigation or allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
  - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to their next higher ranking employee or to the SFDR CISD Human Resources Department.
  - 5. In situations involving serious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the Chief of Police.

Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

#### A. Performance Prohibitions

1. As appropriate, disciplinary action may be taken for any of the following reasons:
  - a. Incompetent or inefficient performance or dereliction of duty;
  - b. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature which discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work or carry out directives.)
  - c. Mental or physical unfitness for the position which the employee holds.
  - d. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III.A), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
  - e. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
  - f. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.
2. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders or policies of the department, or in the laws or ordinances of which the department is responsible to enforce.
3. No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

#### B. Obedience to Rules of Conduct, laws and orders

All employees, regardless of rank or assignment, shall be governed by the following general rules of conduct. Violation of any of these rules by any officer of the department shall be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.

1. Obedience to Laws & Adherence to Departmental Rules. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the City of Del Rio. Employees shall abide by the rules and policies of the SFDR Consolidated Independent School District, the Policy and Procedure Manual of the SFDR Consolidated Independent School District Police Department, and other properly issued internal directives of the SFDR Consolidated Independent School District Police Department.
2. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.
3. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing their orders shall likewise be deemed insubordination. (TBP: 1.08)
4. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
5. Obedience to Unjust or Improper Orders. If an employee receives an order he or she believes is unjust or contrary to a departmental General Order or rule, he or she must first obey the order to the best of his or her ability and then may appeal the order to the Chief of Police via the proper chain-of-command.
6. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of the City of Del Rio. If an employee receives an unlawful order, they shall report in writing the full facts of the incident and their actions to the Chief of Police via the chain-of-command.
7. Conflicts of Orders. If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point out the conflict to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department. (TBP: 1.08)

#### C. Attention to Duty

1. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.

2. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the SFDRICISD Police Department. They will not permit, or otherwise fail to prevent, violations of the law, departmental rules, policies or procedures to ensure efficient, orderly operations. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
3. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall use sound judgment at all times.
4. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond to the inquiry or request for assistance themselves.
5. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact with in an official capacity. (TBP: 2.17)
6. Truthfulness. Members shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.
7. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.
  - a. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature, or traffic offenses except for breach of the peace, theft, or assault.
  - b. While off-duty, or in their personal vehicle, officers shall not enforce, or take any police action to enforce Class "C" traffic offenses.
8. Officers Required to Take Action. Except where expressly prohibited, Officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.

9. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16, 2.22)
10. Emergency or Sick Leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.
11. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
12. Prohibition of Personal Business While on Duty. While on-duty, officers shall not engage in any activity or personal business which would cause them to neglect their duty.
13. Availability While On-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.
14. Assistance to fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.
15. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws and departmental policy.
16. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations and police information that come to their attention. Employees shall not conceal, ignore or distort the facts of such crimes, violations, emergencies, incidents and information.
17. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.



18. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of Del Rio streets and highways and the names and locations of hospitals and major public buildings.
19. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
20. Sleeping On-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
21. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
22. Reading On-duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless such reading has been assigned by a supervisory officer.
23. Studying On-duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity not directly related to a current assignment. Studying for college courses/exams and departmental promotional exams while on duty is prohibited.
24. Maintaining Communications. While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.
25. Reporting Accidents and Injuries. Employees shall immediately report the following accidents and injuries:
  - all on-duty traffic accidents in which they are involved;
  - all personal injuries received while on-duty;
  - all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties;
  - all property damage or injuries to other persons that resulted from the performance of assigned duties;
  - all accidents involving district equipment whether on or off-duty.
26. Report Address and Telephone Number. Employees shall have a working telephone or other means of communication in case of emergency at their residence, and shall register their correct residence address and telephone

number with the department. Any change in address or telephone number must be reported immediately.

27. Testifying in Departmental Investigations. When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.
28. Carrying of Firearms. Except as approved by the Chief of Police or established procedures, all officers are required to carry sidearms while on-duty. While off-duty, officers may use their own discretion as to whether to carry a sidearm.
29. Documentation of Firearms. All weapons carried and used by officers on or off duty must be documented with the department. Required documentation information must be kept current.

#### D. Cooperation with Fellow Employees and Agencies

1. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language.
2. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact the complainant, witness, or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations, for any reason.
3. Recording Employees. No employee may record their conversations with other police department employees unless all parties have been made aware a recording device is being used. Any exceptions must be authorized in advance by the Chief of Police.

#### E. Restrictions on Behavior

1. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.
2. Use of Intimidation. Employees shall not use their official positions to intimidate persons. Whether in uniform or wearing a department insignia, or in plain clothes: SFDRCID Police Department employees will not bully or intimidate others.
3. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the SFDRCID Police Department may not accept any reward, gratuity, gift or other compensation for any service performed as a result

of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain. (TBP: 2.21)

4. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the SFDRICISD Police Department. (TBP: 2.21)
5. Reporting Bribe Offers. If an officer receives a bribe offer, he shall make a written report to his commanding officer. (TBP: 2.21)
6. Accepting Gifts from Subordinates. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)
7. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)
8. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
9. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the SFDRICISD Police Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.
10. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.
11. Drinking On-duty. Employees shall not drink any intoxicating beverages while on-duty. (TBP: 2.19)

12. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall officers be intoxicated off-duty while in the public view. While off-duty, officers that have consumed an alcoholic beverage shall refrain from exercising any police authority and are prohibited from carrying a firearm. Officers assigned to special units, or assignments where they may consume alcoholic beverages during the performance of their duties shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)
13. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform nor while wearing any part of the SFDR CISD Police Department uniform. (TBP: 2.19)
14. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into the SFDR CISD Police Department building or vehicle except as evidence. (TBP: 2.19)
15. Entering Bars, Taverns and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain or frequent such places. Officers on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19)
16. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision making. (TBP: 2.20)
17. Tobacco Use. Tobacco use is prohibited on all property under control of the SFDR Consolidated Independent School District. Smoking and other tobacco use is prohibited in all department vehicles.
18. Public Tobacco use Prohibited. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public. Tobacco use is further prohibited in all district owned vehicles and buildings.
19. Playing Games On-duty. Officers on-duty or in uniform shall not engage in any games of cards, billiards, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or Internet based games, or other games.
20. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns. Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign

petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15)

21. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.
22. Seeking Personal Preferment. Employees shall not solicit petitions, influence or seek the intervention of any person outside the department for purposes of personal preference, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.
23. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city or District officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
24. Disruptive Activities. Employees shall not perform any actions that tend to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.
25. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic or obscene language, or making unnecessary sounds are not permitted.
26. Use of Racial Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, or religious slur or joke, whether in the presence of the public or of other employees.
27. Use of Force. Officers shall use only that amount of force reasonably necessary to accomplish their police mission.
28. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.
29. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation. (TBP: 2.18)
30. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their

official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, or insulting language.

F. Identification and Recognition

1. Giving Name and Badge Number. Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.
2. Carrying Official Identification. Officers shall carry their official identification on their persons at all times. All employees will carry their official identification on or about their persons while on-duty.
3. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.
4. Exchange, Alteration or Transfer of Badge. An employee's issued badge shall not be altered or exchanged except by order of the Chief of Police. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department. All badges must be purchased unless exempted by the Chief of Police. No terminated employee will be allowed to purchase or retain their badge.
5. Plainclothes Officers – Identification. A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

G. Maintenance of Property

1. Use of District Property or Service. Officers shall not use or provide any district equipment or service other than for official school district business.
2. Responsibility for District Property. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
3. Departmental Vehicles. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. When possible, the operator should not speak to the issue of who is at fault for the accident. Under no circumstances shall an officer investigate his or her own accident. The Texas Department of Public Safety or the Del Rio Police Department may be requested to investigate SFDRCID Police Department involved accidents.

4. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall be held responsible for the damage.
5. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
6. Care of Quarters. Employees shall keep their offices, lockers and desks neat, clean and orderly.
7. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
8. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications or substitutions shall be made to such equipment unless approved by the Chief of Police.

#### H. Relationship with Courts and Attorneys

1. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each employee shall be familiar with the laws of evidence and shall testify truthfully on any matter.
2. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
3. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the SFDR Consolidated Independent School District or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.
4. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel or prosecutor.
5. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No

employee shall volunteer to testify in civil actions. Officers may give testimony, if necessary, in employment termination cases under applicable Board policy.

6. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
7. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.
8. Arrest of Officer from another Agency. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.
9. Arrest of SFDRICISD Officer. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

I. Expectation of Privacy

1. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the Chief of Police or Superintendent or his or her designee.
2. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.
3. Officers should avoid taking photographs of crime scenes or evidence with personal cell phones, as the cell phone could be subject to subpoena.
4. If an officer must use a cell phone to take pictures of a crime scene it shall be downloaded on a department computer, CD, DVD or thumb drive and the pictures deleted from the cell phone.

J. Protective Orders.



1. If an officer is arrested for family violence, a Magistrate's Order of Emergency Protection, or if a certified court Protection Order has been issued against the officer, the officer will immediately be relieved of duty and assigned to report to the Chief of Police on the next work day at 8 AM. An immediate internal investigation will then be initiated. The arrested Officer shall cooperate with any such investigation.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.2 Bias Based Policing</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 2.01	

## I. POLICY

The SFDR Consolidated Independent School District Police Department is committed to respecting constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, religion or sexual orientation. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, frisk, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

## II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence

these actions, and emphasize the importance of the constitutional guidelines within which we operate.

### III. DEFINITIONS

Most of the following terms appear in this order or have appeared in the larger public discourse about alleged biased enforcement behavior and in other orders.

- A. *Bias*: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. *Biased policing*: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. *Ethnicity*: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. *Gender*: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. *Probable cause*: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. *Race*: A category of people of a particular descent, including Caucasian, African, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. *Racial profiling*: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. *Reasonable suspicion*: Articulate, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. *Sex*: A biological classification, male or female, based on physical and genetic characteristics.
- J. *Stop*: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

### IV. PROCEDURES

- A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect encourages a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
  - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process and shall instruct the individual on how they may go about making a complaint.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that are made unless the explanation would undermine an investigation or jeopardize an officer's safety.

6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental badge number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

#### B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement by their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

#### C. Disciplinary consequences

Actions by employees which are prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

#### D. Training (TBP: 2.01)

1. Officers shall complete all training required by state law regarding bias based profiling.

### V. COMPLAINTS

- A. The department shall publish “How to Make a Complaint” folders and make them available at all SFDRICSD campuses and other facilities throughout the District. The department’s complaint process and its bias based profiling policy will be posted on the District’s website.
- B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
- C. Complaints made against an outside law enforcement agency shall be documented and forwarded to the Chief of Police. The Chief of Police will in turn forward the complaint to the proper authority with that agency.
- D. Complainants will be notified of the results of the investigations when such investigation is completed.

## **VI. RECORD KEEPING**

- A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.
- B. The information will also be reported to TCOLE in the required format.
- C. The responsibility of compliance to the above reporting requirements is assigned to the Chief of Police or their designee.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.3 Sexual or Other Illegal Harassment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 2.11	

## I. POLICY

The S.F.D.R.Consolidated Independent School District Police Department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual or other forms of illegal harassment. No employee shall be subjected to unsolicited or un-welcomed sexual overtures or conduct either verbal or physical. The harassing behavior prohibited by this order, shall not occur either during work hours on agency premises or before or after work at other locations. Sexual or other unlawful harassment, regardless of the type, is misconduct and the department shall apply appropriate disciplinary sanctions.

## II. PURPOSE

To define and give examples of sexual and other unlawful harassment, outline prohibited behavior, and describe reporting procedures. (TBP: 2.11)

## III. DEFINITIONS

### A. *Sexual harassment*

The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that is so severe or pervasive that it unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply; quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

### B. *Quid pro quo harassment*

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means "something for something.") This form of harassment usually occurs between a supervisor and a

subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning or following an employee, during work hours or not, and either harassing the employee or requesting sexual favors.

#### *C. Hostile work environment harassment*

This form of harassment is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.

A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendos intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of male co-workers (or vice versa) and subjecting them to demeaning or derogatory remarks.

### **IV. PROHIBITED CONDUCT**

- A. Employees shall not commit or participate in any form of sexual or other illegal harassment.
- B. The department considers romantic relationships between supervisors and subordinates potentially non-consensual. Personal relationships between supervisors and subordinates should be brought to the attention of the Chief of Police at the earliest point so as to determine a proper course of action. Failure to do so may result in discipline for all employees involved.
- C. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any area of the department including locker rooms, desks, offices or other locations. Materials of this kind used for investigative purposes or that is evidence in a case shall be properly secured according to evidentiary standards.



- D. Supervisors shall order employees on department premises who are making sexually hostile comments, or degrading remarks about other persons of the same or opposite sex to cease doing so or face discipline.
- E. Employees shall avoid inappropriate physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary or unwelcome touching are prohibited on department premises or while on duty.
- F. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

## **V. PROCEDURES**

### **A. Employee Responsibilities**

1. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee or supervisor shall immediately submit a memorandum to the Chief of Police through the chain of command detailing the circumstances. Employees may also report incidents of harassment directly to the Chief of Police, Superintendent, or Human Resources Director. If a supervisor learns of an incident of harassment, he or she shall report the matter to the Chief of Police even if the victim did not submit a complaint.
2. If the complainant is not an employee of the department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in Policy 2.4.
3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations, in addition to any Human Resources Department investigation.
4. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
  - a. refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;
  - b. reporting observed acts of harassment and discrimination to a supervisor, and

- c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
- 5. Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

B. Supervisor Responsibilities:

- 1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
  - a. advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;
  - b. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring; stopping any observed acts that may be considered harassment and discrimination,
  - c. taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
  - d. utilizing all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity.
  - e. taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination.
- 2. No supervisor shall make any employment decision that affects the terms, conditions, or privileges or responsibilities of an individual's employment based on the basis of that person's race, sex, religion, national origin, color, sexual orientation, age or disability.
- 3. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
- 4. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
- 5. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.

- C. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.
1. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
  2. The Chief of Police shall conduct an investigation pursuant to the provisions of Policy 2.4. The District's Human Resources Department may also conduct or participate in any such investigation.
  3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the District's grievance procedure.
- D. The Chief of Police shall report such allegations to the Superintendent without unreasonable delay.

## **VI. TRAINING**

The department will provide ongoing training, at least every two years, on sexual and other unlawful harassment, reporting, and investigation procedures.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.4 Internal Investigation Process</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10.	

## I. POLICY

The SFDR Consolidated Independent School District Police Department's image and reputation depends on the personal integrity and ethical conduct of all departmental employees. To a large degree, the public image of the department is determined by a professional response to allegations of misconduct against its employees. The department must competently and impartially investigate all allegations of misconduct by employees and complaints bearing on the department's response to community needs. The SFDR Consolidated Independent School District Police Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of law enforcement work.

## II. PURPOSE

To describe procedures for making complaints against department personnel, for investigating complaints, and to list and define the dispositions of complaints.

## III. PROCEDURES – GENERAL (TBP: 2.04)

### A. Receipt of complaints

The SFDR Consolidated Independent School District Police Department encourages any person to bring forward grievances regarding misconduct by employees. Department members shall receive all complaints courteously and shall handle them efficiently. All officers are obligated to explain complaint procedures to anyone who inquires.

### B. Responsibilities of supervisors

1. The Chief of Police or designated first-line supervisors are primarily responsible for enforcing conformance with departmental standards and orders.
2. The Chief of Police or first-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.
3. The Chief of Police or first-line supervisors shall be alert to behavioral or job performance changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior, and take or recommend appropriate action.
4. The supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing according to established standards.
5. The Chief of Police or first-line supervisor shall employ counseling techniques sanctioned by the department and consistent with District policy. Counseling is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance.
  - a. The supervisor shall document all instances of counseling.

#### C. How to make a complaint

A copy of "How to make a complaint" will be posted in the public area of the department, published on the District website, and may be given to any person requesting information on how to make a complaint.

#### D. Responsibility for handling complaints

All complaints alleging a violation of the law or policy will be investigated. Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police. Depending on the nature of the complaint, the Chief of Police may request the District's Human Resources Department or another agency or DPS to undertake the investigation. (TBP: 2.06)

#### E. Complaint-handling procedures

1. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared. A signed letter of complaint will be accepted as a signed complaint

without requiring any specific form. Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall reduce the complaint to writing in a memorandum with as much information as possible and forward the report to the Chief of Police.

2. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
3. Normally, a person with a complaint shall be referred to a supervisor or the Chief of Police who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence.

Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:

- a. a report of the alleged violation;
  - b. any documents and evidence pertinent to the investigation;
  - c. recommendations for further investigation or other disposition.
4. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.
  5. Prisoners or arrestees also may make complaints. Circumstances may require a department representative to meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.
  6. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
  7. Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to a supervisor or the Chief of Police. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable, a supervisor will call back as soon as practical.

8. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.
9. In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any serious violation should be reported immediately regardless of the time of day. (TBP: 2.07)

F. Disposition of complaints generally

The Chief of Police or his designee shall:

1. Notify the complainant, in writing, as soon as practical, that the department acknowledges receipt of the complaint, that it is under investigation and that the complainant will be advised of the outcome.
2. Minor complaints alleging rudeness, minor policy violations and performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, the District's Human Resources Department, or an outside agency as determined by the Chief.
3. Maintain complaint files separate from personnel files.
4. Take disciplinary action following the investigation, if appropriate.

G. Disposition of a serious complaint

1. Allegations of misconduct that might result in discharge, suspension, demotion, or criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, criminal violations, or allegations involving supervisory or multiple numbers of personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted, a criminal investigation as well as an administrative or internal investigation. The criminal investigation examines compliance with the criminal law while the internal investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required. Outcomes of either investigation may result in discipline.
3. In cases of serious complaints the Chief of Police shall:

- a. Determine if the officer complained of should remain on-duty, be assigned to non-contact assignments, or put on administrative leave until completion of the investigation(s);
  - b. Determine and assign responsibility for the investigations;
  - c. Notify the employee in writing that they are the subject of an internal investigation, unless doing so would interfere with the proper investigation of the allegation;
  - d. Cause the complaint to be registered and assigned an investigation number in the complaint log.
  - e. Maintain close liaison with the district attorney in investigating alleged criminal conduct where necessary. Where liability is at issue, the Chief shall similarly maintain contact with the Superintendent and the District's attorney or legal counsel.
4. All investigations will be completed within 90 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If approved by the Chief, a specific number of days will be approved and a copy will be provided to the involved officer and the original placed in the case file. (TBP: 2.05)
  5. Should the allegation be sustained, the Chief of Police or designee shall provide the officer a signed copy of the complaint prior to any disciplinary action being taken. (TGC: 614.023)
  6. Upon completion of any investigation, the Chief of Police will notify the complainant in writing, of the results of the investigation and any action taken. (TBP: 2.10)
  7. Whether sustained or not, the officer shall also receive notice of the results of the investigation, though they shall not have a right to access the investigative files.

#### **IV. INVESTIGATIVE PROCEDURES**

- A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.
- B. Assistance of legal counsel
  1. Employees may be permitted to have an attorney, supervisor, or other representative with them in the room during an interview regarding allegations of criminal activity or actions that could lead to a criminal charge. If the representative's inability to attend the interview substantially delays the



investigation, the employee may be ordered to conduct the interview without a representative.

2. The attorney may advise and confer with the employee during the interview.
3. Employees do not have a right to an attorney where the investigation concerns misconduct that is not likely to lead to a criminal charge.

#### C. All Interviews

1. Prior to being interviewed, the subject employee shall be advised of the nature of the complaint and provided a copy of the complaint.
2. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
3. During interviews conducted by the department, there will be one employee designated as the primary interviewer.
4. The complete interview shall be recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break and the time at which the interview resumed.
5. The employee shall be provided with the name, rank and command of all persons present during the questioning.

#### D. Interviews for criminal investigative purposes

1. If the Chief of Police believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, the person carrying out the interview shall:
  - a. Give the employee the rights as specified in Texas Code of Criminal Procedure Article 38.22.
  - b. In addition to the rights set forth in state law, the Chief or his designee shall advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
  - c. If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.

#### E. Interview for administrative purposes

1. If the Chief of Police wishes to compel an employee to answer questions directly related to his or her official duties, the Chief of Police or another interviewer shall advise the employee that:
  - a. This is an internal administrative investigation only.
  - b. They are required to answer all questions specifically related to the allegations being investigated and performance of their duties and their fitness for office.
  - c. All questions specifically related to employment must be fully and truthfully answered.
  - d. If they refuse to answer any questions, they may be subject to discipline up to and including dismissal from the SFDRCID Police Department.
  - e. Any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur. (Garrity Rule)
  - f. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. In an interview for administrative purposes, no Miranda rights are required.

## **V. INVESTIGATIVE TOOLS AND RESOURCES**

In addition to interviews of the employee and witnesses, the Chief of Police may require other activities in support of a complaint investigation or internal investigation, including:

- A. Medical and laboratory examination
  1. The Chief of Police or the officer in authority may, based on reasonable suspicion or their observations, require a department employee to submit to a test for alcohol or drug use while on-duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.
    - a. If the employee is believed to be under the influence of alcohol, a PBT or Preliminary Breath Test may be administered. The Chief of Police or the officer in authority shall witness the test and generate a memorandum as to the results.
  2. If the employee has a reading of .02 or higher or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.

3. If the employee is believed to be under the influence of drugs, they may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall be handled using the same safeguards as evidence in a criminal investigation.
4. If the test shows positive results, or there is other competent evidence of impaired ability to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.
5. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or other officer in authority shall immediately relieve the employee from duty (on paid leave) for failure to cooperate in an administrative investigation.
6. Property assigned to the employee but belonging to the department is subject to inspection where the department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes files, storage lockers, desks, and vehicles.

B. Photograph and lineup identification procedures

1. Officers may be required to stand in a lineup for viewing for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and may result in dismissal.
2. A book of photos of department employees may be maintained for the purpose of identification of an employee accused of misconduct.

C. Financial disclosure statements

An employee may be compelled to make financial disclosure statements when directly and narrowly related to allegations of misconduct involving any unlawful financial gain.

D. Polygraph

1. All personnel shall be required to submit to a polygraph if ordered to do so by the Chief of Police.
2. The Police Chief may order employees to take a polygraph when:
  - a. The complainant has taken and passed a polygraph concerning the incident. (Unless the complainant is willing to submit to testing but the polygraph operator determines the complainant is not a fit subject due to mental condition, age, or medication).

- b. Regardless if the complainant takes a polygraph or is even known, but the complaint is of such a nature to bring severe discredit and suspicion on the department and cannot be satisfactorily resolved in any other manner.
3. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another employee.
5. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impeding the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the department.

## **VI. ADJUDICATION OF COMPLAINTS**

- A. The Chief of Police will classify completed investigations as:
  1. Unfounded - no truth to allegations.
  2. Exonerated – allegations are true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for issues with the current policy.
  3. Not sustained - unable to verify the truth of the matters under investigation.
  4. Sustained - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation. (TBP: 2.04)
- B. Completed investigations classified as unfounded, exonerated, not sustained, or policy failure will be maintained in the individual employees' Department file locally. Sustained complaints shall be filed in the individual employee's department personnel file with a copy in Human Resources.
- C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident and in consideration of the employee's service record and prior sustained complaints. Progressive discipline is not required, particularly for serious misconduct.
- D. Disciplinary records (TBP: 2.09)

1. The department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and District policy.
3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public subject to any applicable confidentiality requirements set forth in applicable state or federal law (e.g., FERPA).
5. The report will be produced by the Chief of Police or their designee.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.5 Employee Disciplinary Process</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

It is the policy of the SFDR Consolidated Independent School District Police Department to impose any necessary disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected.

Discipline is a process of taking specific actions which will help address the inappropriate actions of an employee. The SFDR Consolidated Independent School District Police Department prefers to influence behavior through positive reinforcement of productive actions; however, this is not always possible. Discipline in the SFDR Consolidated Independent School District Police Department may involve training, counseling, coaching, mentoring, referral services, oral or written reprimands, time off without pay, or termination of employment.

## II. PURPOSE

The purpose of this policy is to establish procedures concerning informal and formal disciplinary practices within the SFDR Consolidated Independent School District Police Department.

## III. DEFINITIONS

- A. *Days* - The term "days," as used herein, means work days provided, however, that if the last day of any time period mentioned herein is a Saturday, Sunday, or holiday, the time period shall be extended to the next day.
- B. *Moral turpitude* - An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.
- C. *Administrative Leave from duty* - An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

Employees may be reassigned or have their access to their normal working assignment restricted in a manner to be determined by the Chief of Police and the SFDR Consolidated Independent School District HR personnel.

- D. *Discipline* - The taking of specific actions intended to address the inappropriate actions of an employee.

#### **IV. PROCEDURES**

##### **A. Positive Process**

1. Embedded within the SFDR Consolidated Independent School District Police Department is a "Positive Process" which seeks voluntary compliance with established policies, procedures, and orders. Examples of the SFDR CISD positive process include:
  - a. Recognition of excellent job performance through awards.
  - b. Persons outside SFDR CISD compliment an employee's performance. The SFDR CISD personnel who receive the information shall ensure the employee's supervisor is made aware of the complimentary communication. When the Chief receives the information about an employee, he or she should write a thank-you note to the individual who made the positive comments and to the officer receiving the comments. Copies of the person's statement and the Chief's response shall be sent to the officer involved, the supervisor and a copy of all correspondence shall be placed in the employee's personnel file.
  - c. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by community groups or media coverage.
2. Discussion and / debriefing incidents.
3. Training

##### **B. Consistency in discipline**

1. The SFDR Consolidated Independent School District Police Department abides by the philosophy that discipline must be applied consistently and uniformly.
2. The SFDR CISD PD and SFDR Consolidated Independent School District provide employees with descriptions of prohibited behaviors in Board Policy, administrative regulations, and elsewhere in these policies. No list, however, can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on training and experience, and use common sense and good judgment at all times.

##### **C. Relief from duty**

1. The Chief of Police may relieve an employee from duty if an employee's mental or physical fitness for duty is called into question. Unless a clear emergency exists that requires immediate relief from duty, the reasons for the concern will be documented and submitted to the Chief of Police for review prior to any change of duty status. Instances involving mental or physical fitness for duty will be fully investigated in a manner that is approved by the SFDR Consolidated Independent School District HR personnel and is reasonable for both the employee and the District.
2. Employees with knowledge of events or circumstances that speak to the issues concerning an employee's mental or physical fitness for duty will document these details in a memorandum addressed to the Chief of Police.
3. If the necessity to relieve an employee from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an internal investigation, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, under consultation with the Superintendent, and the SFDR Consolidated Independent School District HR personnel may suspend an officer without pay.
4. An employee, who refuses to obey a direct order in conformance with the department's orders, or SFDR Consolidated Independent School District personnel policies, may be relieved from duty by the Chief of Police. An administrative investigation will be conducted into the concerns and appropriate action taken.

#### D. Penalties

1. The Chief of Police shall review the nature of the offense, determine the disposition of the case, and discuss the disciplinary action to be taken with the superintendent and SFDR CISD HR director.

#### E. Documented oral reprimand; counseling and/or training

1. Oral reprimands resulting from improper actions, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:
  - a. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record.
  - b. The employee shall be further advised that he or she has the right to include a statement of their own regarding the reprimand for inclusion in their personnel file.
2. The reprimanding supervisor shall record the reprimand/counseling in a memorandum to be placed in the employees' personnel file.



3. Oral reprimand/counseling may involve remedial training. This training may be deemed an appropriate response to address the improper behavior. Remedial training may include attendance at academy classes, in-service training, or other training specifically created to help the employee correct or modify his or her behavior. Remedial training may be offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented.
4. An accumulation of three or more oral reprimands in a twelve month period may result in a written reprimand, suspension or further disciplinary action as deemed necessary.
5. Supervisors and managers are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
6. Supervisors are responsible for counseling employees concerning job-related matters. A variety of concerns can affect job performance and an employee's performance. Job-related counseling may involve family and other individual or personal subjects. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem. The SFDR Consolidated Independent School District HR Director is available to assist with counseling referrals and other sensitive subject matters.

#### F. Written reprimand

1. A written reprimand, issued by the Chief of Police, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.

#### G. Demotion or suspension without pay

1. If the situation warrants, the Chief of Police, after consultation with the Superintendent, and Human Resources Director, may demote an employee, suspend without pay, or take other measures as deemed necessary.
2. Suspensions without pay will be determined after consultation with the Superintendent and Human Resources Director by the Chief of Police. An officer or employee may appeal a suspension in accordance with SFDR Consolidated Independent School District grievance procedures.
3. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.
  - a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, they shall immediately be placed on administrative leave with pay and an internal

investigation shall commence. At the conclusion of the internal investigation and consultation with the Superintendent the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.

- b. Nothing in this policy will prevent the Chief of Police, after consulting with the Superintendent, from placing an employee on administrative leave with pay if, in his or her judgment, that action is in the best interest of the SFDR Consolidated Independent School District.
  - c. Terminations may result from other criminal infractions.
  - d. The fact that an employee is acquitted or not indicted by a grand jury does not necessarily automatically influence the administrative investigation process or its outcome, to include decisions regarding the employee's job status.
- 4. Upon any suspension, the officer must return to SFDR CISD PD custody of his or her badge, identification card, and issued firearm as well as hand held radio.
  - 5. During a suspension, the employee shall not undertake any official duties.
  - 6. The Chief of Police may place an employee on a probationary status in addition to disciplinary action.
  - 7. An employee may appeal a suspension in accordance with SFDR Consolidated Independent School District's grievance policy.

#### H. Termination

- 1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the employee's conduct.
- 2. Employees may appeal a dismissal in accordance with SFDR Consolidated Independent School District's grievance policy.

#### I. Reporting arrests

Any employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must inform the Chief of Police in writing as soon as possible. Employees do not have to report parking tickets. Employees must report summonses or arrests for reckless driving, DWI, or any other hazardous or moving traffic offenses and field release citations. Failure to notify the department of the foregoing shall be cause for dismissal.

### V. ADMINISTRATION OF DISCIPLINE

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension, demotion, or termination;

the Chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.

- B. Upon receipt of the recommendation, if the Chief of Police believes the discipline should be greater than a written reprimand, the Chief will then meet with the employee to advise the employee of the allegations or complaint against them, discuss the investigation conducted, and provide the employee an opportunity to present their side of the story and to explain and refute any conclusions the investigation has caused to be reached before a decision on discipline is made.

The review may take place in the presence of the investigating officer and/or other staff member and the SFDR Consolidated Independent School District Human Resources Director or designee.

- C. The Chief of Police will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- D. The Chief of Police will meet with the employee to inform him or her of his decision. The Chief of Police will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline and the employee's appeal rights.
- E. Copies of all investigations resulting in disciplinary action and all disciplinary paperwork will be filed in the employees personnel file. A copy of the investigation will be maintained in the internal investigations files and also be given to the Human Resources Director.
- F. Nothing in this policy shall preclude the Chief of Police from taking disciplinary action that he or she feels is in the best interest of the District.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.6 Accident and Injury Prevention</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> 4.10	

## I. POLICY

Motor vehicle crashes involving agency vehicles present serious risks to agency personnel and the public as well as considerable financial loss due to injury, loss of manpower, vehicle damage, and possible tort liability. Personnel injuries also result in lost time, financial loss and the pain and suffering of our personnel. It is the SFDRCID Police Department's responsibility to minimize these incidents through training, policy development, and review of incidents for compliance with policy. The SFDR Consolidated Independent School District Police Department will utilize a review process for evaluating crashes and injuries in order to determine cause and to institute corrective and preventive actions where needed. The reviews and hearings concerning these crashes and injuries shall be conducted according to policy and procedures established herein.

## II. PURPOSE

This policy provides the authority, and operating procedures for review of agency motor vehicle crashes and personnel injuries.

## III. DEFINITIONS

- A. *Motor Vehicle Crash:* For purposes of this policy, a motor vehicle crash is any collision of a vehicle—with another vehicle, stationary object, or person—owned by or assigned to this agency that results in property damage (regardless of amount) or personal injury.
- B. *Personal Injury:* For purposes of this policy, a personal injury is any injury to a member of this department or other person resulting in immediate or subsequent treatment by a physician, lost work time, or requiring reporting under workers compensation rules.
- C. *Non-preventable Crash or Injury:* A crash or personal injury shall be classified as non-preventable when it is concluded that the member/operator exercised

reasonable caution to prevent the crash or injury from occurring and observed applicable department policy, procedures, and training.

- D. *Preventable Crash or Injury*: A crash or injury shall be deemed preventable when the member/operator failed to observe department policy, procedures, or training, and/or failed to exercise due caution or appropriate defensive driving or trained defensive tactics.

#### **IV. PROCEDURES:**

##### A. Training

1. The department will provide on-going training to all employees on accident and injury prevention. The Annual Analysis of Accidents and Injuries described in Section E of this order shall be reviewed to identify the training needs of the department.
2. All sworn officers shall complete an Emergency Driving Course at least every three years where their job assignment requires emergency response.

##### B. Reporting and Investigating Motor Vehicle Crashes and Injuries.

1. Unless incapacitated, employees are responsible for immediately notifying dispatch or their supervisor of any motor vehicle crashes and any personal injury sustained while on duty.
2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. The supervisor will also conduct an investigation and complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury.
3. Where feasible, the supervisor, any crash investigators, and the involved officer(s) shall file reports on departmentally approved forms within 24 hours of a crash or injury occurrence.
4. The officer shall prepare a memorandum to the Chief that shall include the following information:
  - a. Details of the crash or injury and contributory factors to the crash or injury.
  - b. Statements of witnesses.
  - c. Name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.

- d. A statement as to whether the supervisor believed the member's injury or crash was "preventable" or "non-preventable" as defined by this policy with documentation supporting those conclusions.
  - e. Any recommendations that would help prevent similar crashes in the future.
5. The officer shall write a memo to the supervisor, to explain the circumstances of the accident, and to be forwarded through the chain of command

C. Accident Review and Remedial Action

- 1. The supervisor will review the accident and make a determination as to whether the report is correct. They shall compile a packet of all relevant information, including a video if one is available, and forward it to the SFDRICISD Chief of Police.
  - 2. The Chief of Police shall meet with the Superintendent to assist him in reviewing the accident and making a determination as to remedial action if the officer is at fault.
  - 3. In addition to any other disciplinary measures taken by the department for a violation of policy, members of the department may be required to comply with the following.
    - a. Employees of the department who have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or other corrective measures. In addition they may be subject to written counseling or disciplinary action including reprimand, suspension, or in serious cases termination.
    - b. If an employee of the department has two or more preventable vehicle crashes within a 12 month period, they may be placed on non-driving status for a period of six months, in addition to completing any necessary training. In addition they may be subject to disciplinary action including reprimand or suspension and placed on probation.
    - c. If an employee has three or more preventable vehicle crashes in a 24 month period, they may be placed in a non-driving status for up to one year or subject to disciplinary action including but not limited to suspension, probation or termination.
    - d. Members of the department who have repeated preventable injuries may be terminated due to inability to perform basic job functions in a safe manner.
    - e. Additional driver training may also be considered.
- D. Annually the Chief of Police shall conduct an analysis of all accidents and injuries and make any recommendations for training, equipment or policy changes needed to reduce employee motor vehicle accidents or personal injuries. The report with its

recommendations will be forwarded to the Superintendent for review and any action necessary.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.7 Court Appearance</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

The success of a criminal prosecution is determined not only by the quality and quantity of evidence but by the manner in which it is presented by law enforcement officers in a court of law. An officer's appearance, demeanor, attitude, and ability to testify in a fair and professional manner are essential. Therefore, it is the policy of the SFDR Consolidated Independent School District Police Department that officers provide competent and professional testimony by adherence to court scheduling, preparation, appearance, and testimony guidelines provided herein.

## II. PURPOSE

It is the purpose of this policy to provide officers with guidelines for scheduling, preparing for, and testifying in criminal court cases.

## III. PROCEDURES

### A. Subpoenas

1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action. This department shall establish a system of accountability for subpoenas from point of receipt from the court to point of officer testimony. This includes but is not limited to:
  - a. recording the receipt of subpoenas to include date received, court date and time, defendant's or case name, officer's name, and date executed and returned to the court;
  - b. recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, served, and returned to the court authority; and
  - c. ensuring that notification is made as soon as possible to the designated court authority when officers cannot be served in accordance with established time frames or cannot appear on the designated court date.
2. Officers served subpoenas or given other official notice to appear before a criminal court by means other than the foregoing are responsible for complying with this



directive and for providing agency notification as soon as possible of the need for appearance. Such subpoenas shall be recorded in a manner consistent with this policy.

3. Officers who are served with a subpoena shall immediately notify their supervisor and provide the supervisor with a copy.
4. Officers may request to be placed on standby for court, but standby can only be granted by the prosecutor. The officer shall notify their supervisor if they are placed on standby.
5. Notice to appear in court shall be considered served if the notice is received by email, fax, or by being placed in the mailbox of the officer. Notice can be received by other members of the department and forwarded to the indicated officer. Members of the department are responsible for regularly checking their department email and mailbox.
6. Notice shall also be considered served if the officer is contacted by telephone by the prosecutor's office, or any member of the department who advises them of the details of the notice. Officers shall immediately notify their supervisor of any email, fax, mail, or telephonic notification.
7. Notice of appearance for court does not have to consist of an official subpoena or document, but only notice from the prosecutor, clerk, court, or department, that their appearance is required for court.

#### B. Preparation for Trial

1. Officers shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever needed.
2. Officers shall be familiar with the basic rules of evidence and shall seek clarification of any legal issues that may arise during the trial prior to court appearance.
3. Prior to trial, officers designated for court appearance shall review case documentation to ensure that they are completely familiar with the facts involved. In addition, officers shall provide all reasonable assistance necessary to or requested by the prosecution to ensure that necessary evidence will be available at trial.
4. In pretrial conferences with the prosecutor, officers are responsible for providing all information relevant to the case even though it may appear beneficial to the defendant. No detail should be considered too inconsequential to reveal or discuss.
5. If an officer is subpoenaed by the defense in any case, the officer shall immediately notify the Chief of Police and the prosecutor assigned to the case.

#### C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by the Department and in accordance with established means of calculation.
2. Compensation shall be paid only when officers comply with procedures established by this department for court appearance, including but not limited to supervisory notification/approval and adherence to documentation procedures for overtime pay, if applicable.
3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's division lieutenant and may be referred for disciplinary review.
4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
5. Officers shall appear in court in either their uniform or in business attire.
6. Officers shall silence cell phones and turn off radios while in court.
7. When testifying, officers shall:
  - a. restrict remarks to that which is known or believed to be the truth;
  - b. speak naturally and calmly in a clearly audible tone of voice;
  - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms; and display a courteous attitude and maintain self-control and composure.
  - d. not volunteer unsolicited information and answer only the questions asked by the appropriate attorney or judge.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.8 Use of Social Media</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

Social media provides a new and potentially valuable means of assisting the SFDR Consolidated Independent School District Police Department and its personnel in meeting community outreach, problem-solving, investigations, crime prevention, and related objectives. The SFDR Consolidated Independent School District Police Department and the SFDR Consolidated Independent School District support and utilize the secure and appropriate use of social media to enhance communication, collaboration, and information exchange.

The SFDR Consolidated Independent School District Police Department also recognizes the role that these tools play in the personal lives of department personnel. Because the improper use of social media platforms by employees may impact department and/or District operations, the department provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel. These policies and procedures apply to all personnel including sworn and non-sworn employees, and any volunteers working with the department.

**II. PURPOSE**

This policy establishes guidance on the management, administration and oversight of social media. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

**III. DEFINITIONS**

- a. *Blog*: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”
- b. *Page*: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

- c. *Post*: Content an individual shares on a social media site or the act of publishing content on a site.
- d. *Profile*: Information that a user provides about himself or herself on a social networking site.
- e. *Social Media*: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Nixle), photo- and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
- f. *Social Networks*: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- g. *Speech*: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- h. *Web 2.0*: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- i. *Wiki*: Web page(s) that can be edited collaboratively.

#### **IV. DEPARTMENT SPONSORED SOCIAL MEDIA**

1. Requirements for Department Sponsored Public Social Media Sites
  - a. The District's PIO is responsible for the management, posting, and monitoring of the department's public social media network sites.
  - b. No social media platform will be utilized by the department without the express approval of the Superintendent.
  - c. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.
  - d. Where possible, the page(s) should link to the department's official website.
  - e. Social media content shall adhere to applicable laws, regulations, and policies.
  - f. Content is subject to open government laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and

retrieved to comply with open government laws, records retention laws, and e-discovery laws and policies.

- g. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the SFDR Consolidated Independent School District or its Board of Trustees.
- h. Pages shall clearly indicate that posted comments will be monitored and that the SFDR Consolidated Independent School District reserves the right to remove any posting if it violates the District's lawful standards for social media use.
- i. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

## 2. Operation of Department Sponsored Public Social Media Sites

- a. Department personnel approved by the SFDR Consolidated Independent School District Superintendent to post to social media outlets shall do the following:
  - i. Conduct themselves at all times as representatives of the SFDR Consolidated Independent School District and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
  - ii. Identify themselves as a member of the SFDR Consolidated Independent School District.
  - iii. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
  - iv. Not conduct political activities or private business.
  - v. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is strictly prohibited.
  - vi. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## 3. Uses of Departmental Sponsored Social Media Sites

- a. Social media can be used to make time-sensitive notifications related to District and/or department business such as:

- i. special events,
  - ii. weather emergencies, and
  - iii. missing or endangered persons.
- b. Social media is a valuable investigative tool when seeking evidence or information about
- i. missing persons;
  - ii. wanted persons;
  - iii. gang participation; and
  - iv. crimes perpetrated online and photos or videos of a crime posted by a participant or observer.
- c. Social media can be used for community outreach and engagement by
- i. providing crime prevention tips;
  - ii. offering online-reporting opportunities;
  - iii. sharing crime maps and data; and
  - iv. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
- d. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
- e. Background Investigations
- i. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
  - ii. Search methods shall not involve techniques that are a violation of existing law.
  - iii. Vetting techniques shall be applied uniformly to all candidates.
  - iv. Every effort must be made to validate Internet-based information considered during the hiring process.
4. Use of Covert Social Media Sites for Investigative Operations
- a. Covert or undercover Social Media sites are exempt from the requirements of sections 1, 2, and 3 above.
  - b. Only the Chief of Police may approve the use of any covert or undercover Social Media site or postings to other Social Media sites for undercover investigative operations. A supervisor will be assigned to monitor the operation of the investigation.
  - c. Prior to operating any Covert or Investigative Social Media site, or posting to other social media sites for purposes of a covert or undercover investigation, the supervisor shall make contact with the Superintendent, prosecuting attorney

and/or the District's attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government and records retention requirements.

## V. PERSONAL USE OF SOCIAL MEDIA

1. Precautions and Prohibitions
  - a. Barring state law or binding employment contracts to the contrary, SFDR Consolidated Independent School District Police Department personnel shall abide by the following when using social media.
    - i. Members of the SFDR Consolidated Independent School District Police Department may not access social networking or social media sites through the use of department provided information systems--unless authorized to do so on behalf of the department or during the course of an investigation.
    - ii. While on duty, employees may only use personal communications devices to access social networking sites strictly during **authorized** meal breaks, provided such usage does not in any way interfere with the performance of job duties. Employees are prohibited from authoring posts on a social networking site at any time while on-duty even during meal breaks.
    - iii. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or assisting agency is absolutely prohibited without the approval of the Chief of Police.
    - iv. All matters of, by, within, and about SFDR Consolidated Independent School District Police Department details regarding calls for service, and the customers we interact with, are generally considered confidential information which may not be released, blogged about, posted, or otherwise shared outside the department without prior authorization, without it having been obtained through an official open records request, or without the information already being in the public realm [already otherwise released officially].
    - v. Department personnel are free to express themselves as private citizens on social media sites as permitted by applicable law and to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the employee or the department.
    - vi. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—may not be protected

speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.

- vii. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
- viii. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police.
- ix. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
  - 1. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
  - 2. Personnel are reminded that many individuals that we contact in our profession become angry and on occasion seek revenge for official actions taken. Employees are encouraged not to post any information that could be used to identify the employee's residence, vehicle or family members.
- x. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
  - 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
  - 2. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
  - 3. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination.



4. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
5. Department personnel should be aware that they may be subject to civil litigation for:
  - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- xi. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- xii. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
- xiii. Department personnel are reminded that the department policies and conduct expectations apply to on-line activities. There should be no expectation of privacy for items or activities conducted on-line.
- xiv. Department personnel should avoid posting planned absences away from their residences, shift schedules, vacation dates and destinations of travel for safety reasons.

## 2. Monitoring of Social Media

- a. The Chief of Police may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.

- b. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of any provision of this policy shall notify his or her supervisor immediately for follow-up action.
- c. No supervisor or member of the department below the rank of Chief of Police is authorized to cancel, modify or make exceptions to the contents of this order at any time.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.9 Brady Rule</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

The United States Supreme Court held in *Brady v. Maryland*, 373 U.S. 83 (1963), commonly called the Brady Rule, that the prosecution has an affirmative duty to disclose to the defendant evidence, including evidence that may be used to impeach officers and other witnesses, discovered during the investigation which is both favorable and material to the guilt and/or punishment of the defendant. Furthermore, effective January 1, 2014, the "Michael Morton Act" codifies the Brady Rule under Article 39.14 of the Texas Code of Criminal Procedure. Therefore, it is the policy of the SFDR Consolidated Independent School District Police Department to comply with these rules and to train its officers in the legal aspects of the Brady Rule.

**II. PURPOSE**

The purpose of this policy is to establish the recommended department training, documentation, and process for releasing Brady material related to criminal and/or internal investigations; establish processes for releasing potentially exculpatory information (known as Brady material), contained within confidential peace officer personnel files; and establish requirements for compliance with Brady legal requirements, policies and protocols in terms of employment.

**III. DEFINITIONS**

*Exculpatory Evidence* - Evidence, such as a statement, tending to negate, excuse, justify, or absolve the alleged fault or guilt of a defendant, or would tend to reduce the punishment for the offense charged.

*Officer* - Any sworn officer commissioned by the SFDR Consolidated Independent School District Police Department.

*Brady Rule* - The Brady Rule, named for *Brady v. Maryland*, 373 U.S. 83 (1963), requires prosecutors to disclose materially exculpatory evidence in the government's possession to the defense, not known to the defense, favorable to the accused, and material to the defense.

*Brady Material* - Evidence the prosecutor is required to disclose under the Brady Rule and includes any evidence favorable to the accused; evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness.

*In camera hearing/review* - Latin for "in chambers." A legal proceeding is in camera when a hearing is held before the judge in private chambers or when the public is excluded from the courtroom.

#### **IV. RELEASE OF BRADY MATERIAL – Criminal Investigations**

- A. Officers are required to complete written documentation of material information, including exculpatory evidence that might be used to impeach officers and other witnesses, discovered during an investigation.
- B. Written documentation includes department incident reports, memorandums, electronic messages, case notes and any documents related to the investigation.
- C. The written documentation shall be a part of the criminal investigation case file, including the electronic file with any scanned documents.
- D. When there is no SFDRICISD Police Department incident report, the written documentation of the information to a prosecutor shall include the name of the prosecutor and the date information was turned over to the prosecutor.
- E. Officers are required to secure as evidence any recordings (audio and/or visual) made and considered to be material information, including exculpatory evidence that might be used to impeach officers and other witnesses, discovered during an investigation and to complete evidence processing to preserve and maintain custody of any recording(s).
- F. Recordings must be preserved as evidence in a retrievable format.
- G. The department incident report shall document the existence of the recording, the steps taken to preserve the recording as evidence, the entry of the recording into evidence, and a brief summary of the contents of the recording.

#### **V. RELEASE OF BRADY MATERIAL – Administrative Investigations**

- A. Absent a specific investigation of an identified officer(s) or a specific investigation of the police department, or the consent of an involved officer, no confidential information from any officer's personnel file shall be released to the prosecuting attorney or Grand Jury without full compliance with the court process.
- B. Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the prosecuting attorney or the criminal

defendant shall be limited to that which is authorized by the process set forth in court and evidentiary rules.

C. Procedure for review and release of any officer's personnel file.

A person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant).

If Brady material is located, the following procedure will apply:

1. The prosecuting attorney shall be notified of the potential presence of Brady material in the officer's personnel file by the Chief of Police or a designee appointed by the Chief of Police.
  2. The generally accepted practice is for a prosecuting attorney to file a Brady motion in the case to seek an in camera review by the court to determine if the personnel files contain Brady material. In response to a Brady motion, the Chief of Police or the authorized designee shall deliver all relevant personnel files to the judge for an in camera review and shall be available to address any issues or questions raised by the court in determining whether any material contained in the file is both material and favorable to the criminal defendant.
  3. The court will determine if the personnel files contain Brady material that must be provided to the defense.
- D. If the court determines there is relevant Brady material contained in the files, only the material ordered released will be copied and released to the parties pursuant to the court's order following a Brady motion.
- E. Prior to the release of any materials pursuant to this process, the Chief of Police or the authorized designee should forward the request or Brady motion to the District or County Attorney to evaluate the need for a protective order from the court limiting the use of such materials to the involved cases and requiring return of all copies upon completion of the case.
- F. Reporting of Brady material to the State's attorney upon conclusion of an internal investigation resulting in disciplinary action will be done as follows:
1. The Chief of Police or the authorized designee will provide in writing a summary of the incident and resulting disciplinary action taken to the 63rd Judicial District Attorney and the Val Verde County Attorney's Office in cases where potential Brady material exists.
  2. Any information turned over requires a signed acknowledgement from the prosecutor's office for the reception of such materials from the SFDR Consolidated Independent School District Police Department.

## **VI. COMPLIANCE BY OFFICERS**

- A. The SFDR Consolidated Independent School District Police Department has determined that testifying in a court proceeding is a critical job function for police officers.
- B. An officer or employee may be terminated from employment if the prosecutor's office decides misconduct on the officer or employee's part constitutes impeachment evidence that must be turned over to the defense and renders the officer or employee unusable as a witness even if the misconduct itself does not warrant termination.
- C. Failure to comply can also result in the filing of a civil rights violation by defendants under 42 USC 1983, against the individual officer.
- D. An officer or employee must promptly disclose to the prosecutor's office discovery or existence of any exculpatory, impeaching, or mitigating document, item or information required to be disclosed under the Brady Rule. This duty applies before, during, and after trial.

## **VII. TRAINING ON BRADY RULE**

- A. The SFDR Consolidated Independent School District Police Department will provide instruction on the Brady rule and the requirement for all sworn personnel and personnel in positions affecting the handling of evidence and police records.
- B. The instruction will include the following:
  - 1. Explanation of the Brady rule and exculpatory evidence
  - 2. Department policy and procedures for handling exculpatory evidence
  - 3. Compliance requirements for the Brady rule and employment by the department
  - 4. Legal consequences for failure to comply (termination, criminal charges, civil rights violations, etc.)
  - 5. Employee misconduct that may affect the employee's ability to testify and result in termination

<b>S.F.D.R. C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 3.1 Basic Training Requirements</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 1.09, 3.05, 3.06, 3.07, 3.08, 3.09, 3.18, and 8.11.	

## I. POLICY

Today's society is both multi-faceted and complex. In order to provide effective law enforcement services it is imperative that officers as well as non-sworn employees have the training necessary to accomplish their mission. The SFDR Consolidated Independent School District Police Department is committed to providing the training necessary to meet and exceed State requirements and contribute to employee's career goals.

## II. PURPOSE

To provide members of the department with details of the training required by the department and their responsibilities with regard to maintaining that training.

## III. REQUIRED TRAINING

### A. Basic Training

1. Sworn members of the department are required to have a Peace Officer license issued by the Texas Commission on Law Enforcement. This license currently requires officers to attend a Basic Peace Officers course and pass a Commission Licensing Examination. Officers must possess their Peace Officer License prior to performing any law enforcement duty or function. (TBP: 1.09)
2. Previously licensed officers who apply for employment must have their license in good standing, all in-service training completed or the ability to complete in-service requirements prior to the end of the Commission training cycle which ends August 31, of odd numbered years.
3. In addition to training required for licensing, all sworn officers and reserves will complete the National Incident Management System training, appropriate for their rank, prior to completion of field training, or prior to completion of promotional probation in the event of promotion to a higher rank. (TBP: 8.11)

## B. Field Training

1. All sworn members of the Department are required to complete the department's Field Training Program as outlined in Policy 3.2 within the time period specified.
2. Officers with prior experience may qualify for an expedited Field Training Program if they are able to demonstrate proficiency in all required areas.

## C. In-service training (TBP: 3.06)

1. All sworn personnel of the department shall, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include:
  - a. A review of changes or revisions in the State Law.
  - b. Specialized training required at the direction of the Chief of Police or the Commission based on assignment.
  - c. Supervisory training.
  - d. Policies and procedures.
  - e. Hands-on arrest and defensive tactics training.
  - f. Firearms training and qualifications.
  - g. Training required by the legislature during each two or four year training cycle.
2. Sworn personnel are responsible for obtaining the training necessary to maintain their license and any special certifications they may hold. The department will provide officers with the training or provide the time and funding necessary to obtain the training. Much of the required training can be obtained on-line from the Commission website.
3. Reserve Officers will meet the same in-service training requirements as regular officers. (TBP: 3.07)

## D. Supervisory Training (TBP: 3.09)

All employees, sworn or non-sworn, when promoted to any supervisory rank will be provided supervisory training appropriate to their rank and position within 12 months of their promotion.

## E. Civilian personnel (TBP: 3.08)



1. All newly-appointed civilian personnel will receive the following training from the Chief or his designee:
  - a. Orientation to the department's role, purpose, goals, policies, and procedures.
  - b. Working conditions, rules, and regulations.
  - c. Responsibilities and rights of employees.
2. Records personnel or personnel assigned to records processing will complete a course in State Open Records and Records Retention within 180 days of hire.
3. Any other non-sworn personnel who have state required or job specific training will be provided that training either prior to job assignment or within 180 days of assignment.

#### **IV. TRAINING EXPECTATIONS**

##### **A. Attendance**

Personnel are expected to attend any assigned training programs. Attendance will be documented either by the instructor or in cases where the training is at a location other than the department, documentation will be furnished by those responsible for the training. There are cases where attendance at a training program may be excused, such as for court appearance or sickness. Any absence must be properly excused by the administrators of the program. Any time lost must be made up before any certificate of completion is issued. Certificates will be issued to those employees who complete any training program. Employees shall provide a copy of any certificates to the department for inclusion in the employee's training file.

##### **B. Expenses**

With the exception of paper and pencils or pens, all expenses incurred by department personnel as a result of required training will be reimbursed based on actual expense (receipts must be provided) or in the case of mileage where personnel are required to use their personal vehicles, the rate will be the current IRS mileage rate.

#### **V. DEPARTMENTAL TRAINING**

##### **A. Performance-based training**

The Texas Commission on Law Enforcement requires performance-based training. This method of training requires the development of performance objectives. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. This approach also enables the

instructors to relate training directly to the job performance that will be expected by supervisors. An employee who develops an outline for instruction of a topic must develop objectives which:

1. Focus on the elements of the job-task analysis for which training is needed.
2. Provide clear statements of what is to be learned.
3. Provide the basis for evaluating the participants.
4. Provide the basis for evaluating the effectiveness of the training program.

#### B. Lesson plans

1. Lesson plans are required for all training courses conducted, sponsored, or reported by the department. It is the responsibility of the individual instructor, whether a member of the department or not, to provide the Chief or designee, with a copy of the lesson plan for approval before each class. A copy of the lesson plan will be maintained along with rosters of personnel attending the training.
2. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationships to the job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include:
  - a. Conferences (debate, discussion groups, panels and seminars).
  - b. Field experiences (field trips, interviews, operational experiences and observations).
  - c. Presentations (lectures, lecture-discussion, lecture-demonstration).
  - d. Problem investigations (committee inquiry, critical incidents).
  - e. Simulations (case study, simulation, games, and role-play).

#### C. Instructors

1. Instructors for all department training programs shall:
  - a. Have a minimum of two years law-enforcement experience, or
  - b. Have completed a TCOLE instructor's course and be certified as an instructor, or
  - c. Possess a demonstrated skill or be a subject matter expert in an area of instruction, or

- d. Be knowledgeable of teaching theories, methods, and practices and have some knowledge of law-enforcement practices.
2. Instructors enlisted from outside the department shall be approved by the Chief or designee. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for lesson plans as previously stated. Any compensation will be determined by the Chief of Police and the District Finance Office.
3. Before being allowed to instruct any state-mandated courses at the department, instructors shall receive, at a minimum, training in:
  - a. Lesson plan development.
  - b. Development of performance objectives.
  - c. Instructional techniques.
  - d. Learning theory.
  - e. Testing and evaluation techniques.
  - f. Resources.
4. Normally, officers selected and trained as instructors in a particular subject will be expected to teach it when needed for a minimum of two years.

## **VI. REMEDIAL TRAINING**

- A. Remedial training is directed at solving or curing a particular problem or improving performance in a particular area, within a designated time and with clearly defined, expected results.
- B. Remedial training may be assigned as a result of discipline or counseling.

## **VII. TRAINING RECORDS (TBP: 3.05)**

- A. Training records
  1. The Chief of Police, or his designee, shall maintain, a training record for each employee which includes:
    - a. The date of training.

- b. The type and hours of training received.
- c. A copy of any certificate received.

The Commission's TCLEDDS will be used for sworn members of the department. Non-sworn members will have a separate file maintained.

- 2. The Chief, or designee, shall maintain files on all in-house training courses or presentations, including:
  - a. Course content (lesson plans).
  - b. Personnel attending.
  - c. Any performance measures as ascertained through tests or demonstrations.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 3.2 Field Training</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 3.12, 3.13, 3.14, 3.15, and 3.16	

## I. POLICY

It is the policy of the SFDR Consolidated Independent School District Police Department that all employees receive such training as mandated by the State and adequate additional instruction in all areas required for the proper performance of their specific job tasks.

Officers receive their basic peace officer training in an academy setting. While this training is essential to the making of a competent police officer, additional training is needed to familiarize any officer, regardless of prior experience, with the operational policies, procedures, and practices of this department and this community.

This training takes place during a Field Training Program. Experienced officers who have been trained as Field Training Officers are used to instruct new officers to ensure that our officers are trained and capable of performing their duties.

## II. PURPOSE

The purpose of this order is to define the procedures to be used in the Field Training Program.

## III. PROCEDURES

### A. Organization and Administration

The authority and responsibility for the initial training of sworn officers shall be vested in the Field Training Program Supervisor of the SFDR CISD Police Department.

### B. Field Training Program Requirements

1. Newly hired officers are required to complete an eight week Field Training Program prior to being released for full field duty. (TBP: 3.12c)
2. Newly hired officers shall be given an orientation of the Field Training Officer program, daily training reports, evaluation forms and the Field Training Officer Manual.

3. Newly hired officers who have at least two years prior service as a sworn officer may complete a more abbreviated Field Training Program as determined by the Field Training Administrator. (TBP: 3.12d)
  4. During the Field Training Program, the new officer shall receive additional training and evaluations in such areas as department policy, procedures, rules, regulations, patrol procedures, first aid, and victim/witness rights, etc., as outlined in the SFDR Consolidated Independent School District Police Department Field Training Manual.
    - a. The Field Training Program shall identify the tasks most frequently performed by officers and evaluate the new officer's job performance in those dimensions.
    - b. Standardized evaluation techniques designed to measure the new officer's competency in the required skills, knowledge, and abilities shall be used.
    - c. New officers training will be documented daily by their Field Training Officer and the Daily Training Reports will be discussed with the new officer. The new officer and FTO will sign the Training Reports and they will be included in the FTO Manual for filing. If the new officer disagrees with any comments or ratings, the new officer may note the disagreement on the form and request a review of the report by the Field Training Administrator. (TBP: 3.15)
  5. The field training period may be extended when the performance of the new officer indicates additional training is needed, as indicated in the evaluation reports completed by their (FTOs) Field Training Officers.
  6. New employees shall be informed of the activities and actions involved in the accreditation process as part of their orientation period with the department.
  7. The Field Training Administrator will maintain communication with the FTOs for the purpose of assisting with training problems and for conducting end of week and end of phase training at the termination of the training. The Field Training Administrator will maintain responsibility for the training files containing the FTO Training Reports.
  8. New employees shall maintain a Field Training Officer Program Workbook where all their training will be documented on a daily basis.
  9. The Field Training Administrator will review the Field Training Officer Workbook on a regular basis during the program, identify training deficiencies and make sure the Officer receives training in those areas.
- C. Field Training Officer Selection and Training
1. The Chief will review prior performance evaluations, activity levels, any complaints and commendations as well as advanced training. The Chief will interview potential candidates and make a determination based on the best interests of the department. Selection of Field Training Officers will be based on the best officers available for the assignment and those that represent the true mission and values of the department. (TBP: 3.12a)

2. FTO Training. All officers assigned as FTOs will successfully complete an approved training program that meets TCOLE standards prior to receiving assignment as an FTO. All officers assigned as FTOs will receive FTO orientation training conducted by the Field Training Administrator. (TBP: 3.13)
3. FTOs training effectiveness shall be evaluated by their immediate supervisor and Field Training Administrator.
4. FTOs shall conduct their training and make required reports and recruit evaluations as outlined in the Field Training Officer's manual.
5. New officers and lateral sworn officers shall evaluate each FTO from which they have received training after completion of each phase in the FTO program. This shall be accomplished in writing, as outlined in the FTO Manual, utilizing the appropriate form.

#### D. Periodic Program Review

1. Each January, the Field Training Administrator will meet with all Field Training Officers to review the effectiveness of the FTO Program and determine if any changes are required. (TBP: 3.14)
2. A memorandum that documents the findings of this meeting shall be forwarded to the Chief of Police for any action required.

<b>S.F.D.R. C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.1 Hiring and Selection</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> 2.23, 3.17, 4.01, 4.02, 4.03, and 4.04.	

## I. POLICY

The SFDR Consolidated Independent School District Police Department strives to obtain the best law-enforcement officers possible to help achieve the department's policing goals. To that end, the department shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, national origin, sexual orientation, or age. The department does not discriminate against people with disabilities and affords them the same access to employment provided to all persons. All personnel who participate in screening and hiring applicants shall be guided by fairness, equal opportunity, and consistency in applying the procedures set forth in this order.

## II. PURPOSE

The purpose of this order is to outline minimum hiring requirements and selection process for police officers and non-sworn members of the department.

## III. DEFINITIONS

- A. *Disability* - A physical or mental impairment that substantially limits one or more of the major life activities.
- B. *Good moral character* - The attributes of a prospective employee that enhance his or her value to the department and the goals of community-oriented policing which include honesty, integrity, truthfulness, obedience to the oath of office and the code of ethics, respect for authority, and respect for the rights of others
- C. *Separation from the Department* - Any Sworn or Non-Sworn employee, who has lost their position in the department because they turned in a letter of resignation, accepted a grant position and the position was terminated, resigned from the department or their employment was terminated.

## IV. QUALIFICATIONS FOR EMPLOYMENT

- A. The minimum qualifications that all applicants for the position of police officer must meet include the following:



B. Must have attended a basic peace officer academy, have successfully passed the basic exam, and hold a peace officer license issued by the Texas Commission on Law Enforcement. The license must be current before hiring.

1. Age 21 or older
2. High school graduate or GED
3. Pass a background investigation which includes the following:
  - a. Personal and family history;
  - b. Credit history, including current creditors;
  - c. Education, including all schools attended and degrees or certificates obtained;
  - d. All residences for the past ten years;
  - e. Comprehensive employment history;
  - f. A fingerprint-based criminal history search, including all arrests, locations, dates, and dispositions;
  - g. Traffic summonses and accidents, and
4. Perform satisfactorily on an oral interview.
5. Pass a psychological exam, and drug screening.
6. Be of good moral character.
  - a. Good moral character is determined by a favorable report following the comprehensive background investigation. The interview shall be employed to help evaluate good moral character. Good moral character ensures compatibility with the department's community-oriented policing goals.
7. Any other standards set by law or by policy of the Texas Commission on Law Enforcement and the District.

#### V. **DISQUALIFIERS FOR EMPLOYMENT**

The following are absolute disqualifiers for employment as a sworn officer.

1. Arrest, conviction, or admission of any felony or Class A misdemeanor.
2. Arrest or conviction of any class B misdemeanor in the past 10 years.
3. Admission of any illegal drug use within the past 5 years, or use of marijuana within the past two years.
4. Conviction of family violence.
5. Dishonorable discharge from a branch of the military.
6. Dishonorable discharge from another law enforcement agency

#### VI. **APPLICATION PROCESS FOR SWORN**

A. The applicant must complete the following:

1. Complete an online application and personal history statement and submit it to the Chief of Police or designee. Copies of the following documents will also be submitted:
  - a. Social Security card.
  - b. Birth certificate
  - c. Valid Texas Driver's license
  - d. High School diploma or GED certificate.
  - e. Sealed original certified copy of High School transcript.
  - f. Sealed original certified copy of college transcript, if applicable.
  - g. College diploma, if applicable.
  - h. Texas Peace Officer license and all training certificates
  - i. Military DD-214 if applicable.
  - j. Original certified copy of your Naturalization papers, if applicable.
  - k. Current proof of automobile liability insurance.
  - l. Copy of recent credit report (last 3 months)
2. Arrange with the Chief of Police or designee to take the written test and appear for other selection process steps.

#### **VII. SELECTION PROCESS FOR SWORN (TBP: 4.01)**

- A. The Chief of Police will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief of Police will conduct a preliminary review of the candidate and schedule appropriate testing. If no opening exists, the application will be placed in a file to await an opening. When an opening occurs, the applicant will be contacted to determine if they are still interested in the position.
- B. The employee assigned to conduct a preliminary review of the applicant shall perform the following:
  1. Obtain the applicant's driving record from DPS.
  2. Have the applicant sign information release forms.
  3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities.
  4. Obtain an NCIC/TCIC criminal history check.
- C. Before a conditional offer of employment is made, the Chief of Police will review the background investigation and may question the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. He shall also schedule the applicant for any further testing. (TBP: 4.03)

- D. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the department's established procedures. The background shall specifically include contact with all former law enforcement employers. (TBP: 3.17)
- E. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.
  - 1. Following a medical examination, an offer of employment may be withdrawn if the applicant is incapable of performing the core job functions for the position or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced... through reasonable accommodation"). The Chief must base the threat on medical knowledge, not just speculation.
- F. If the individual is approved for hire, the Chief will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the conditional offer of employment has been withdrawn and the reason stated plainly.
- G. Unsuccessful applicants, that do not have permanent disqualifiers, may reapply after one year from the date of last application if a vacancy exists.
- H. Lateral entry.
  - 1. A licensed officer from another Texas agency must complete the same process as those set forth above.

### **VIII. APPLICATION PROCESS FOR NON-SWORN**

- A. The applicant must complete the following for all positions within the Police Department:
  - 1. Complete an online application and personal history statement and submit it to the Chief of Police or designee. Copies of the following documents will also be submitted:
    - a. Social Security card.
    - b. Birth certificate
    - c. Valid Texas Driver's license
    - d. High School diploma or GED certificate.
    - e. Sealed original certified copy of High School transcript.
    - f. Sealed original certified copy of college transcript, if applicable.
    - g. College diploma, if applicable.
    - h. Military DD-214 if applicable.
    - i. Original certified copy of your Naturalization papers, if applicable.
    - j. Current proof of automobile liability insurance.
    - k. Copy of recent credit report (last 3 months)

2. Arrange with the Chief of Police or designee to take any written test if required and appear for other selection process steps.

#### **IX. SELECTION PROCESS FOR NON SWORN (TBP: 4.01)**

- A. The Chief of Police or designee will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief assigns an officer to conduct a preliminary review of the candidate. If no opening exists, the application will be placed in a file to await an opening. When an opening occurs, the applicant may be contacted to determine if they are still interested in the position.
- B. The employee assigned to conduct a preliminary review of the applicant shall perform the following:
  1. Obtain the applicant's driving record from DPS.
  2. Have the applicant sign information release forms.
  3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities.
  4. Obtain an NCIC/TCIC criminal history check.
  5. Conduct any job specific testing required such as:  
Typing Test, etc..
- C. The Chief of Police will meet with the applicant who best meets the needs of the department and conduct a detailed interview with the candidate or schedule an interview panel. During the interview, the Chief of Police or the interview panel shall consider the applicant's appearance (for neatness and cleanliness), mannerisms, judgment, maturity, resourcefulness, and compatibility with departmental goals. The Offer of Employment made to any successful applicant is conditional upon passing:
  1. A background investigation
  2. A drug screen ( if applicable)
- D. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The officer will then conduct a detailed background investigation in accordance with the department's established procedures. He shall also schedule the applicant for the necessary medical testing. (TBP: 4.03)

- E. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the department's established procedures. (TBP: 3.17)
- F. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.
- G. Following a medical examination, an offer of employment may be withdrawn if the applicant cannot perform the core job functions or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced . . . through reasonable accommodation"). The Chief must base the threat on medical knowledge, not just speculation.
- H. If the individual is approved for hire, the Chief will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the conditional offer of employment has been withdrawn and the reason stated plainly.

## **X. PERSONNEL RECORDS**

- A. For each employee, the SFDR Consolidated Independent School District PD maintains a personnel file. This file contains the background investigation package, a copy of all forms completed during the hiring process, all evaluations, disciplinary action amounting to a written reprimand or higher, leave/attendance record, and assignments. The original of the officer's background investigation and all selection materials is sealed in an envelope in this file and is confidential. All TCOLE required documents are maintained in a separate file in the custody of a peace officer. (TBP: 2.23, 4.04)
- B. The Director of Human Resources maintains and controls all personnel records of the SFDR Consolidated Independent School District Police Department with the exception of TCOLE and training files. The department complies with the records retention schedule set by state law and District policy. (TBP: 4.04)
- C. Employees may review their records at any reasonable time upon request. The Chief may release a copy of a record from file upon obtaining a signed authorization from the employee.
- D. All personnel records are considered confidential. Supervisory or investigative personnel who have a need to review sensitive information may do so only with the express approval of the Chief of Police.
- E. Personnel records are permanent property of the SFDR Consolidated Independent School District.
- F. Officers from the department may terminate employment and seek a lateral hire with another agency. Requests for employment information on these officers shall

be referred to the Chief. The Chief shall disclose the employee's performance record consistent with current law.

- G. All records of unsuccessful applicants shall be maintained, including all test results, in a confidential file by the Chief of Police. These records are releasable to other law enforcement agencies when requested and a properly executed release form is obtained from the subject of the records. (TBP: 4.04)
- H. Photographs of sworn officers shall not be released by the department to any organization or media outlet, nor shall it be posted on any department website, or in a publicly displayed department yearbook or photograph, unless the officer has given his or her consent or signed a release to that effect. Exceptions to this prohibition include:
  - 1. If the officer is charged by indictment or information,
  - 2. If the officer's photograph is introduced in judicial proceedings.
  - 3. Photographs displayed on officer's identification cards or those maintained by Human Resources are not considered released as they are intended for internal use or to properly identify an officer if required.

#### **XI. SWORN OR NON-SWORN PERSONNEL WHO HAVE BEEN SEPARATED FROM THE DEPARTMENT**

- A. Any officer or employee who has turned in a letter of resignation is considered to have given notice of leaving the department. The Chief of Police does not have to allow the employee the option to withdraw the letter and the last day of employment will be the date stated in the letter or earlier if determined by the Chief of Police or Superintendent.
- B. Sworn and non-sworn personnel who have resigned from the department have to reapply and go through the hiring process in full if they are eligible for and re-apply for a future position in the department .
- C. Past job performance and disciplinary action may be taken into consideration when a decision is made to re-hire a sworn or non-sworn employee.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.2 Appointment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 1.09 and 2.03	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department is committed to ensuring the standards of the department are maintained and that the people of our district are served by a competent and professional police department.

The SFDR Consolidated Independent School District Police Department does not hire sworn officers unless they are graduates of a certified police academy and are qualified to hold a Peace Officer License from the Texas Commission on Law Enforcement.

**II. PURPOSE**

To provide for a systematic process for the appointment of sworn and non-sworn personnel.

**III. PROCEDURES FOR SWORN PERSONNEL**

- A. Applicants that have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full time police officers.
  - 1. The applicant will meet with the Chief of Police or designee and determine a starting date.
  - 2. All Texas Commission on Law Enforcement requirements must be met prior to a perspective officer beginning employment with the SFDR Consolidated Independent School District Police Department.
  - 3. On the day selected for employment, the applicant will report to the SFDR CISD Human Resource Office for completion of all initial paperwork and will be referred for issuance of a SFDR Consolidated Independent School District Police Department identification card.

- B. Upon completion of the initial processing, the new employee will report to the Chief of Police where they will be issued the appropriate equipment. The employee shall sign for the issued equipment.
- C. The new employee shall be issued a complete and up to date copy of the department's policy manual, field manuals, and the District Employee's Handbook.
- D. The Chief of Police shall set a time and place where the new officer shall swear the Oath of Office before a public gathering. The new officer must take and sign the Oath of Office before performing any law enforcement duties. (TBP: 2.03)
- E. The new officer shall complete an in-house orientation before being assigned to a Field Training Officer.
- F. The Chief shall also assign the new employee to a senior training officer for initial Field Training. The new employee will work the same hours and days as the Field Training Officer.

#### **IV. PROCEDURES FOR NON SWORN PERSONNEL**

- A. Applicants that have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full time employees.
  - 1. The applicant will meet with the Chief of Police and determine a starting date.
  - 2. On the day selected for employment, the applicant will report to the SFDRCID Human Resource Office for completion of all initial paperwork and will be referred to the SFDRCID Human Resource Office Police Department identification card.
- A. Upon completion of the initial processing, the new employee will report to the Chief of Police where they will be issued any necessary equipment for their job assignment. The employee shall sign for any issued equipment.
- B. The new employee shall be issued a complete and up to date copy of the department's policy manual, applicable field manuals, and the District Employees Handbook.
- C. The employee will be assigned to another employee for training as required and shall receive training in department operations, personnel rules, and departmental philosophy.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.3 Career Development, Promotions, and Transfers</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 4.06 and 4.07	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department encourages employees to seek opportunities to develop their knowledge, skills, and abilities. Promotions are based on availability and performance, longevity, and the growth of skills through training and experience are considered. Although in a small department promotion opportunities are rare, the department promotion process should be consistent and equitable.

**II. PURPOSE**

To establish guidelines for career development of employees to include training and promotions.

**III. PROCEDURES**

**A. Responsibilities of the Chief of Police**

1. Once annually, the employee's supervisor or the Chief of Police, will meet with each employee for career counseling. This counseling shall occur at the same time as the employee's annual performance evaluation. The counseling shall include an examination of:
  - a. The employee's performance record
  - b. A review of training programs applicable to the employee's duties
2. The Chief or designee shall ensure that at least one department employee:
  - a. Achieves and maintains certification as a firearms instructor
  - b. Receives advanced instruction in evidence collection techniques
3. The Chief shall ensure the availability of a trained armorer, either through training an employee, contracting with an armorer in another jurisdiction, or contracting with a private armorer.

The armorer shall inspect all firearms and ammunition at least annually for safety and reliability. The armorer shall also repair broken or malfunctioning weapons.

4. The Chief of Police shall ensure that any employee, upon receiving a promotion or a new assignment, attend training specific to that position within 12 months of assignment.

#### B. Promotions (TBP: 4.06)

1. When a vacancy exists for the position of corporal/detective, sergeant, or lieutenant, the Chief of Police shall post a notice for the position, the qualifications required, and a description of the selection process to be used for a minimum of ten days prior to any selection process. During that time, officers may request, in writing, consideration for the position.

#### C. Eligibility for Promotion

1. Employees must meet the following minimum requirements to be eligible for promotion to any increased level of responsibility or compensation.
2. In order to compete for corporal/detective an employee must have been employed with the SFDR Consolidated Independent School District Police Department for 2 years prior to the date the written examination will be held.
3. In order to compete for sergeant, a candidate must meet the qualifications as outlined in the job announcement for that position.
4. Performance evaluations must have an overall score of at least "fully satisfactory" for the 12 months prior to the promotional examination process.
5. The Chief of Police may also go outside the department to fill ranking positions or any other position within the Department.

#### D. Process for Promotions

1. Corporal or Sergeant
  - a. Meet eligibility;
  - b. Oral Interview Board
    - i. A panel of three commissioned officers as appointed by the Chief will comprise the oral board. The Chief of Police may appoint all three panel members to be supervisors from another department and/or include a manager from the community or elsewhere in the district who is a civilian.

- ii. The oral interview board will conduct a structured interview and score the candidates.
- iii. The scoring will be on a point scoring system.

## 2. Lieutenant

- a. Meet eligibility;
- b. Candidates must pass a background investigation and perform satisfactory before an oral interview board.
- c. Should the Chief of Police determine that an emergency situation exists that does not allow sufficient time to carry out the previously listed selection process, he or she may make their selection for the position if approved by the Superintendent.

## E. Transfers

1. Employees wishing a transfer within the department shall make a request in writing to the Chief of Police.
2. The request for transfer will be reviewed by the affected division supervisor, who will give their recommendations.
3. The transfer will be made based on the best interests of the department.
4. If the transfer involves switching positions with another employee of equal rank, that employee will need to agree to the transfer. The department can also transfer personnel based on the needs of the department.
5. If more than one employee of equal rank desires to transfer to a position, the Chief of Police will review the qualifications of the employees and will make the final decision.
6. The final decision on whether to allow a transfer rests with the Chief of Police.
7. The Chief may assign or transfer any employee to any duty assignment based on the needs of the department.
8. Some job assignments may require minimum assignment periods so that the department may sufficiently benefit from investment in specialized training or education. Minimum periods of assignment shall be determined by the Chief of Police and specified in a departmental order. The Chief of Police reserves the right to establish minimum and maximum terms of service for selected duty assignments.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.4 Performance Evaluations</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center;">Chief of Police</div>	
<b>Reference:</b> 4.08 and 4.09	

## I. POLICY

The SFDR Consolidated Independent School District Police Department bears an obligation to the public and its own personnel to hire and retain the best qualified officers. Further, the department's community-oriented policing philosophy demands that officers exhibit not only competent investigative skills but also succeed in communicating with many different individuals in a variety of contexts. To that end, the SFDR Consolidated Independent School District Police Department regularly and formally evaluates the performance of officers and other employees. The evaluation system discussed herein serves both the interests of management and employees. The purposes of the evaluation system are to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of probationary employees; and (5) identify training needs.

## II. PURPOSE

The purpose of this order is to outline and describe the departmental evaluation process.

## III. PROCEDURES

### A. General

1. All employees shall be evaluated using the approved form from the Human Resources Director. Supervisors will be trained in the evaluation process prior to conducting the evaluations. (TBP: 4.08, 4.09)
2. Evaluations reflect observations and perceptions by rating personnel and personnel shall be rated as having demonstrated unacceptable, acceptable, or superior behavior or performance.
3. To constitute a satisfactory evaluation, an officer must receive an overall “fully satisfactory” rating.  
An employee who receives a less than satisfactory average shall receive remedial training in deficient areas, demonstrate proficiency (or satisfactory improvement) in

deficient areas, complete the training and improve behavior or performance documented on the next period evaluation form.

4. All performance evaluations will cover a calendar year and shall be completed, signed by the employee and rating supervisor, and turned in to the Chief of Police or designee by the date specified by the Director of Human Resources.
5. All employees shall complete a self-evaluation and turn it in to their supervisor or person evaluating them prior to the evaluation being completed.
6. All evaluations shall be reviewed with the employee and forwarded to the Human Resources Director placed in employees' personnel files.
7. Officers shall be evaluated formally by their immediate supervisor.
8. An officer who receives an unsatisfactory rating he or she perceives to be unjust may appeal to the next level of the chain of command up to the Chief of Police. The officer concerned must rebut the comments or rating in writing and submit them through the chain of command to the next level.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.5 Uniforms, Appearance and Equipment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 1.11, 1.12, 2.13, 7.17, and 7.23.	

## I. POLICY

Proper uniforms and equipment are necessary to perform our law enforcement duties and present a professional image to the community we serve. It is imperative that we present a professional presence in our community to inspire that respect. All employees must strive to present a clean, well groomed image when wearing the departmental uniform or representing the SFDR Consolidated Independent School District Police Department in any manner.

## II. PURPOSE

To provide officers with a list of uniform and equipment items that are provided or required and provide a departmental dress code for all employees.

## III. UNIFORMS AND EQUIPMENT

- A. New employees shall be issued uniforms and equipment needed to perform their job function. Employees may purchase and carry additional items that are approved and authorized in writing by the Chief of Police. Employees will not wear, carry, or use any personally owned equipment without the written approval of the Chief of Police, a copy of which will be maintained in the employee's personnel file. (TBP: 1.11)
- B. Each employee must sign an inventory sheet listing all uniforms and equipment issued to the employee. The inventory sheet will be maintained in the employee's personnel file.
- C. Employees are responsible for the uniforms and equipment issued. The employee's supervisor shall ensure all departmental uniforms and equipment are returned to the department upon suspension, resignation, termination, or retirement.
- D. When an employee terminates employment, all issued equipment shall be returned prior to the day the termination is effective. Failure to return all items of District property may result in the SFDR Consolidated Independent School District taking legal action. (TBP: 1.12)

- E. Employees shall have as a part of their issued equipment a copy of the rules and regulations and general orders manual, and shall maintain and make appropriate changes or inserts as directed.
- F. With the approval of the Chief of Police, employees are allowed to purchase a flat wallet badge, after completing their probationary period.

#### **IV. UNIFORMS AND EQUIPMENT PROVIDED BY THE CITY**

- A. Uniforms and equipment provided to Police Officers by the SFDRICISD PD shall include:
  - 1. Three (3) pair of trousers
  - 2. Two (2) short-sleeved shirts and or
  - 3. Two (2) long-sleeved shirts
  - 4. One (1) shirt badge
  - 5. One (1) name plate
  - 6. One (1) raincoat
  - 7. One (1) baseball cap
  - 8. One (1) winter jacket
  - 9. One (1) set of leather gear which includes belt, holster, handcuff case, magazine pouch, flashlight holder, keepers, and radio case
  - 10. One (1) protective vest (body armor)
  - 11. One (1) traffic vest
  - 12. One (1) flashlight
  - 13. One (1) handheld radio
  - 14. One (1) set of handcuffs
  - 15. One (1) duty handgun and Three (3) magazines
- B. Uniforms and equipment that are excessively worn or damaged are replaced by the department. Employees requiring replacement should have the item inspected by the employee's supervisor and written approval for replacement obtained.
- C. With the written approval of the Chief of Police officers are allowed to purchase additional uniforms and equipment, as needed or desired. Individually purchased items may be purchased from any vendor, but must comply with current uniform or equipment standards.
- D. Uniform items and equipment meeting departmental specifications and provided by individual officers shall include:
  - 1. Black or Navy Blue Undershirts
  - 2. Black or Navy Blue Socks
  - 3. Footwear, Black leather
- E. Uniforms or civilian business attire shall be worn for all court appearances.

#### **V. PROTECTIVE VESTS (TBP: 7.23)**

- A. Body armor is purchased by the department for all sworn officers. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.
- B. Uniformed Officers, when working in field assignments, will wear departmentally-issued protective vests when on-duty or when off-duty and working law enforcement activities. Officers not working field assignments will maintain their vests where they are readily accessible in the event they are needed. Any officer participating in any search warrant execution or other high risk activity will wear protective vests.
- C. The Chief of Police may grant exceptions to this requirement during periods of extreme weather. During such periods, officers must carry their protective vests in a manner where they are immediately accessible to the officer when working in the field.
- D. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.

## **VI. REFLECTIVE VESTS**

Agency personnel are issued and shall wear the high-visibility reflective vest as soon as practical when either directing traffic or working at the scene of an accident. (TBP: 7.17)

## **VII. DEPARTMENTAL APPEARANCE REQUIREMENTS (TBP: 2.13)**

### **A. Uniform Employees**

- 1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniforms and accessories must be maintained in a clean and well pressed condition. No part of the uniform is to be worn with civilian clothing or vice-versa.
- 2. Undershirts worn with an open collar short sleeve shirt shall be dark navy or black in color. Shirrtails will be worn tucked in at all times. Employees may wear a dark navy or black turtleneck or mock turtleneck with long sleeve shirts during cold weather.
- 3. Rank Insignia - The Chief of Police will wear a star on each collar  $\frac{1}{2}$  inch from the front edge of the collar centered between the neckline and the bottom edge of the collar.

Employees holding the rank of lieutenant will wear one  $\frac{1}{2}$ " bar on both collars  $\frac{1}{2}$  inch from the front edge of the collar centered between the neckline and the bottom edge of the collar.



Employees holding the rank of sergeant, detective, or corporal will wear embroidered chevrons approximately ¼” below the department issued shoulder patch with the single point up.

Sergeants, corporals, detectives, and patrol officers will wear the approved collar device of the same color as their badge and name plate.

4. Name Plates - Each employee, regardless of rank, will wear a departmental issued nameplate, centered above the right shirt pocket seam. The nameplate will have the officer’s last name and a first initial. Officers holding the rank of detective or higher will wear gold and the ranks of corporal and officer will wear silver.
5. Department Shirt Badges - All sworn personnel, when in the standard duty uniform, will wear their department badge, prominently displayed above the left shirt pocket.
6. Footwear - Footwear will be solid black and capable of being shined. Officers must wear solid navy blue or black socks if the socks are visible.
7. Baseball Caps- Officers are only authorized to wear baseball style caps during inclement weather or in conjunction with a utility uniform during specialized assignments or outdoor training. Winter headwear may consist of navy blue or black knit cap with no visible logos or emblems.

#### B. Award Bars or Medals

Commendation bars and medals approved for wear by the department will be worn, centered, above the nameplate on the uniform shirt. No more than three across and three up will be worn at any one time.

The wearing of commendation ribbons and medals is optional for those officers who are recipients of such awards while wearing the standard duty uniform and while assigned to standard duty assignments. The wearing of commendation ribbons and medals is mandatory for those officers who are recipients of such awards in all formal settings such as County or District Court, Honor Guard functions, Funerals, etc.

#### C. Plain Clothes Assignments (Sworn and Non-Sworn Employees)

1. With the exception of officers working in a covert or tactical capacity, clothing worn by employees in any departmental non-uniform assignment will conform with accepted business practices which include, but not be limited to:
2. Slacks, dress shirts (long or short sleeved), ties (excluding Bow ties), socks, shoes and appropriate head wear. Head wear must be appropriate to business dress attire and prior approved by the Chief or his designee. Business or sports coats are optional unless required for court or a specific event or task.

3. Socks should coordinate with the pants. White socks are prohibited unless worn with boots where the socks are hidden.
4. Footwear should be clean and polished, with heels and toes in good repair. Normal business shoes include slip-ons (loafers) or lace-ups are acceptable. Boots are acceptable, provided they are in good taste and are fashionable.
5. Female business attire will include the previously mentioned clothing and other appropriate professional attire and appropriate footwear. Flip-flops are inappropriate for either males or females.
6. If a sidearm is worn on the waist, the officers' department badge must be prominently displayed next to the sidearm.
7. All non-sworn and non-uniformed employees will wear their departmental identification card on a clip or conservative lanyard.
8. Plain clothes officers may wear a vest or jacket that readily identifies the wearer as a police officer during call-outs, specific assignments, or extra-duty assignments when appropriate.
9. Plain clothes sworn personnel are required to maintain at least one complete standard uniform at all times in case they are called upon for uniformed duties.

#### D. Special Assignments

Employees placed in special assignments including covert or undercover assignments, special events, or other special operations will wear clothing approved by the Chief of Police or supervisor of the operation.

#### E. Court Attire

Officers attending court will be in uniform or civilian clothes to include a shirt and a tie for male employees and uniform or appropriate business attire for female employees.

#### F. Physical Appearance

1. Employees shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner which would draw undue attention to the employee. Employees' makeup shall be tastefully applied. Employees' shall not appear for work needing a shave or haircut.
2. Hair length
  - a. Male employees shall wear their hair so as to present a groomed appearance. Hair will not extend past the collar at the back of the neck. Hair on the sides will not extend below the top of the ear and must be mildly tapered. Hair in the front will not extend below the middle of the forehead. Sideburns may extend no lower than

the bottom of the ear canal of the employee. They shall be of a naturally even width and shall end with a clean shaven horizontal line.

- b. Female employees shall wear their hair so as to present a groomed appearance. They shall not be restricted as to the length of their hair. However, if the hair extends below the bottom of the collar it shall be secured in a bun or ponytail. It shall not be allowed to hang into the employee's face, either in front or on the sides.

### 3. Mustaches and Beards

Not allowed.

### 4. Jewelry

- a. Female employees may wear earrings, provided they are small and tasteful in appearance. Male employees are not permitted to wear any type of earring.
- b. Employees in uniform are discouraged from wearing chains and necklaces as they could be lost or cause an injury during the performance of police activities. All necklaces must remain concealed while on duty or in uniform.
- c. Employees assigned to civilian attire may deviate from these regulations with the approval of their supervisor.
- d. To present a uniform and objectively neutral appearance to the public, non-departmental jewelry or pins shall not be worn on the uniform at any time or in plain clothes while on duty unless specifically authorized by the Chief of Police.

### 5. Personal Hygiene

Employees shall practice good personal hygiene at all times, including use of soap, water, and deodorant. Employees shall not report for work emitting an offensive body odor. A moderate amount of perfume or aftershave may be used.

### 6. Tattoos, Body Art and Piercing

While representing the SFDR Consolidated Independent School District Police Department in an official capacity, personnel may only exhibit visible tattoos, body art or branding to a limited degree. The Chief of Police has final authority to determine whether tattoos on the arms must be covered by a long sleeve shirt. The only acceptable methods for covering tattoos, body art or branding that covers more than 1/3 of the exposed body part is with the official uniform or approved plainclothes apparel. This regulation does not apply to undercover officers when acting in that capacity or those in a tactical environment with the approval of their supervisor. However, no department personnel will have tattoos, body art or branding that cannot be covered by the official uniform or plainclothes apparel (example: neck, face, hands, etc.)

- a. With the exception of pierced ears, visible body piercing(s) are not authorized for wear by any agency personnel while representing the Department. Body piercing(s) must be covered by the official uniform or plainclothes apparel when agency personnel are representing the Department.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.6 Off-Duty Employment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 4.05	

**I. POLICY**

The Chief of Police must ensure the continued efficiency and effectiveness of the SFDR Consolidated Independent School District Police Department while simultaneously reducing or eliminating conflicts of interest. To promote the welfare and good reputation of the department this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

**II. PURPOSE**

To define regulations governing off-duty employment and conduct while employed in an off-duty capacity.

**III. DEFINITIONS**

- A. *Employment* - Any work performed or services provided for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law enforcement duties.
- B. *Law enforcement-related employment* - Off-duty employment which may entail the use of law-enforcement powers granted by the State of Texas, or the SFDR Consolidated Independent School District.
- C. *Secondary employment* - Any non-law enforcement-related off-duty work for pay. Secondary employment does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service. (Secondary employment requiring law enforcement powers may be approved by the Chief only if not requiring the commission of SFDR CISD Police Department)

**IV. PROCEDURES (TBP: 4.05)**

#### A. General

All employees are eligible to work off-duty employment subject to the requirements of this policy. No employee shall work off duty during their initial probationary period as an employee of the SFDR Consolidated Independent School District Police Department. Employees on medical or sick leave, temporary disability, or light duty due to injury, or disciplinary suspension or in house assignment are ineligible for off-duty employment.

An employee engaged in any off-duty employment may be called to duty in an emergency. Failure to respond to such an emergency may result in discipline.

#### B. Secondary employment restrictions

Secondary employment shall not constitute a conflict of interest, or effect on duty performance or safety. A conflict of interest, as determined by the Chief of Police, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of employment.

#### C. Law enforcement-related off-duty employment restrictions:

1. Primary and Secondary employment shall not exceed 16 hours per 24 hour period, including on-duty time: e.g.: an employee working a 10-hour tour may work 6 hours of off-duty employment in the same 24 hour period and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time. Officers will not work any off-duty employment in the same 24 hour period they call in sick to on-duty employment. e.g.: an employee calls in sick at 1600 hrs for his 1800-0400 shift, the employee is prohibited from working off duty employment until 1800 hrs the following day.
2. Any law enforcement-related off-duty employment that may require the officer to leave the city limits will require prior approval by the Chief of Police or designee.
3. SFDR Consolidated Independent School District Police Department personnel are not allowed to wear the SFDR Consolidated Independent School District Police Department uniform while working off-duty employment.
4. No employee shall solicit any person or business for the purpose of gaining law enforcement-related off-duty employment, and, while on-duty, shall not solicit any person or business for the purpose of gaining secondary employment.
5. Except for school security activities, district functions, and other employment specifically authorized by the Chief of Police, District-owned vehicles shall not be used while traveling to and from or engaging in law enforcement related off-duty employment.

6. Officers, while engaged in law enforcement-related employment, shall be subject to the orders of any on-duty law-enforcement supervisor.
7. All officers working an off duty law enforcement or security related job shall submit a secondary employment request to the Chief of Police for approval prior to commencement of any secondary employment.

#### D. Administration

1. Employees must submit a written request to the Chief of Police through the chain of command for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be kept in the employee's personnel file.
  - a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the Chief of Police as soon as possible.
  - b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the department. Continued permission to work off duty is contingent upon remaining in good standing.
  - c. The District Human Resources Director will receive a copy of all law enforcement related off-duty employment.
2. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law-enforcement profession, or otherwise represents a conflict of interest. Examples of such employment include:
  - a. Retailers which sell pornographic materials, or provide services of a sexual nature.
  - b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business.
  - c. Gambling establishments not exempted by law.
  - d. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, repossessioners, private investigators, or process servers.
  - e. Performance in department uniform of any tasks other than those of law enforcement.
  - f. Performance of any work for a business or labor group that is on strike.

- g. Performance of any work regulated or licensed through the department.
  - h. Performance of personnel investigations for private firms, or any employment requiring the officer to have access to police files, records, or information as a condition of employment.
  - i. Performance of any activity which supports case preparation for the defense in any criminal or civil action.
3. Arrests made while engaged in off-duty law enforcement-related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
- a. Employees shall understand that department liability protection does not extend to willful acts which cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
  - b. Off-duty arrests shall not be made when the officer's actions only further the interests of the private employer. Officers will not enforce by arrest, request, or threat, any house rules or private employer rules.

E. Liability, indemnification, insurance

- 1. All employees who wish permission to engage in law enforcement-related employment shall complete the application found at the end of this order. The Chief of Police must grant permission before the employee may work off duty.
- 2. The department shall not be responsible for medical expenses incurred from injuries sustained while working any off-duty employment.
- 3. Officers may not be covered by the SFDRICISD health insurance or Workman's Compensation through the district for an injury sustained while working off duty.
- 4. Officers should contact their automobile insurance carrier or obtain an insurance rider to make sure their personal vehicle is covered if they are using it while working off duty.
- 5. The department recognizes that an officer in law enforcement-related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and therefore an extension of the job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.7 Grievance Procedure</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> 2.08	

## I. POLICY

The SFDR Consolidated Independent School District Police Department's goal is to provide fair, equitable, and clearly defined means for the resolution of grievances. Every employee has the right to fair treatment in all matters arising from employment and to this end each employee has the right to be heard whenever he or she alleges mistreatment. A grievance process that affords employees the opportunity to air a complaint helps reduce dissatisfaction, identify organizational problems, and increase morale. The SFDR Consolidated Independent School District Police Department retains the right under applicable laws and regulations to direct employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign employees as well as to suspend, demote, discharge or take disciplinary action against such employees for just cause.

## II. PURPOSE

The purpose of this order is to establish grievance procedures for departmental employees to resolve disputes or complaints concerning the terms or conditions of employment.

## III. APPLICABILITY

**Included** - All permanent full-time or part-time employees.

**Excluded** – Probationary employees and any employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. An employee who has been removed from employment shall not have access to the grievance procedure, except to grieve a removal resulting from a formal discipline, unsatisfactory job performance or other involuntary separation. Any grievance initiated by a permanent employee before voluntary separation from the department may continue to be processed through the grievance procedure.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.8 Substitute Officer Program</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 3.07 and 7.27	

**I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department to maintain the highest standards of professional law enforcement services. Substitute Police Officers must meet the same standards as other members of the organization. Substitute police officers should fulfill two primary functions. First, substitute officers serve as auxiliary manpower in situations as needed and second, they provide an additional interactive link between employees, parents, students, and the SFDR CISD Police Department. Substitute officers are subject to all the applicable rules & regulations that govern regular sworn personnel.

**II. PURPOSE**

The purpose of this order is to establish the SFDR CISD Police Department Substitute Program, and outline its objectives, responsibilities, and operation.

**III. RESERVE PROGRAM** (TBP: 7.27)

**A. Requirements and Certification**

1. Requirements for age, education, and experience are the same as that for regular sworn personnel.
2. Applicants must meet all minimum requirements set forth by the Texas Commission on Law Enforcement (TCOLE).
3. The selection process for substitute officer applicants are the same as regular officers outlined in Policy 4.1 and 4.2.

**B. Training and Performance Standards**

1. Substitute police officers serve at the discretion of the Chief of Police and may be called into service at any time the Chief of Police or his designee considers it necessary to have additional officers.
2. Substitute police officers shall be considered in an "on duty" capacity when:

- a. Performing any "assigned duty",
  - b. Representing or identifying himself/herself as a District peace officer for the purpose of taking enforcement action or discharging legal duties.
3. Depending on the level of training and experience, substitute officers may perform the same duties as other full-time sworn personnel if they have completed an approved field training program, otherwise they will be assigned to work with a regular officer.
  4. All substitute police officers are subject to the same rules, regulations, and orders as regular sworn personnel.
  5. All substitute police officers must successfully complete the Basic Peace Officer Course required by TCOLE and obtain their license as a peace officer.
  6. All substitute Officers will be required to attend periodic department In-Service training to complete:
    - a. The same training as required of regular sworn officers including courses mandated by TCOLE for certification requirements; and (TBP: 3.07)
    - b. Departmentally required qualifications on firearms and any other equipment deemed necessary.
  7. Substitute officers will only be allowed to carry a weapon after qualification and may only carry off-duty following completion of a field training program.

#### C. Chain-of-Command and Operations

1. The Chief of Police may designate an officer to serve as a substitute liaison to monitor substitute activities.
2. The substitute supervisor is appointed by the Chief of Police and shall be responsible for the overall administration and planning of the reserve unit.

#### D. Organizational Function

1. The primary function of substitute police officers will be to supplement operations and personnel.
2. Additionally, substitute officers will be on call for assistance in emergency situations and to provide additional manpower for special enforcement assignments.
3. All substitute police officer assignments will be coordinated through the office of the Chief of Police.

4. Substitute officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on the skills and experience of the individual.
5. Substitute officers are provided with a peace officer badge, department identification, name plate, and SFDRCIDSD Police Department uniform and applicable equipment.
6. Substitute officers' equipment must be of the same appearance and composition of that of full-time sworn personnel.
7. Handheld radios will be issued per shift or assignment and will be returned to the on-duty supervisor at the completion of their shift or assignment.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 5.1 Departmental Records</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 5.01, 5.02, 5.03 and 10.02 f	

## **I. POLICY**

Departmental Records and retention is critical for the effective delivery of law enforcement services. An efficient means of storing, cataloging, and retrieving records is essential to meet the management, operational, and informational needs of the SFDR Consolidated Independent School District Police Department.

## **II. PURPOSE**

The purpose of this policy is to assist records personnel in maintaining an effective record keeping system.

## **III. RECORDS SECURITY (TBP: 5.01)**

- A. The SFDR Consolidated Independent School District Police Department records files are a restricted area. The Chief of Police or designee is responsible for maintenance of department records and will be provided training in Law Enforcement Records Management and the Public Information Act.
- B. Police Records are restricted to assigned Records personnel only. Entry by unauthorized personnel is prohibited.
- C. Departmental Records will be secured and locked when unmanned by assigned Records personnel.
- D. Personnel authorized by the Chief of Police may have access to the Records Area after hours for need to know information only. Authorization may be granted by the Chief of Police ONLY.
- E. When entry has been made by the authorized personnel, written notification to the Chief of Police will be made within 24 hours of the entry. Written notification must state the date entry was made, time entry was made, why entry was made, and what records were accessed.

## **IV. RECORDING OF INCIDENTS BY CATEGORY**

A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or self-initiated actions. Each reported incident occurring within the Department's service area will be categorized as one of the following and will receive a sequential incident or case number:

1. Individual's request for service, crime reports, or complaints which:
  - a. Requires an officer to be dispatched.
  - b. Requires an assigned employee to investigate.
  - c. Requires an assigned employee to take action at a later time.
2. Self-initiated criminal and non-criminal cases by officers
3. Incidents involving arrests, citations (other than traffic), or summonses

B. Officer's Responsibilities

1. Officers will complete all required reports and turn them in to a supervisor prior to ending their shift for approval.
2. Supervisors will review all reports for accuracy and completeness and approve completed reports before the end of shift.
3. Reports returned to officers for correction will be documented by the supervisor and the supervisor shall follow up on the following shift to ensure the report has been corrected and submitted.

C. Master Name Index

The Chief of Police will cause a master name index to be established, maintained, and updated. The index will be an alphabetical index of the names of persons identified in the field reports as complainants, arrestees, victims, witnesses, and suspects.

D. Juvenile Records (TBP: 10.02 f)

1. A file is maintained on each juvenile (under the age of 17) arrested, referred or detained by an officer. Each person is assigned a single "J" number. The file includes all documents associated with the contact as indicated in this section, as well as a running list of the juvenile's detentions and dispositions. State and federal laws require juvenile files to be kept separate from adult files.
2. Juvenile photographs, if taken, will be turned over to the Juvenile Probation Department intake officer. Police Records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to

Police Records they will be destroyed as specified in the Texas Family Code sections 58.001 and 58.002.

#### E. Computerized Criminal History Information

1. Computerized criminal history information (CCH) is a federal/state cooperative system of a variety of databases (arrests, convictions, driving records, outstanding warrants, and others). The computerized criminal history (CCH) database lists all arrests and convictions for offenses above Class C misdemeanor that have not been purged due to the state/federal age purge criteria.
2. Access to the TCIC/NCIC criminal history database is limited to designated personnel. The program generates its own log showing who accessed the system. The log is computerized and maintained by appropriate designated District personnel.
3. Access to CCH information through local law enforcement agencies is limited to criminal justice uses. Individuals who request a copy of their computerized criminal history must do so through the Texas Department of Public Safety in Austin. Numerous agencies have been given authority to access criminal history information on prospective licensees or applicants.

The statutes giving this authorization do not permit use of local police agency TCIC/NCIC lines for obtaining the CCH. Requests of this nature are to be referred to a supervisor.

#### V. DISTRIBUTION OF REPORTS AND RECORDS

- A. After reviewing the reports for completeness, the supervisor will forward all arrest reports to the Records Section.
- B. All offense reports will then be copied and the copies forwarded to the appropriate prosecutor. Originals are maintained in the Records Section.
- C. Citations will be forwarded to the proper court.
- D. The original of all records are to remain within the Records Unit. All corrections or amendments to an original report are made by supplement and not by changing the original report. Supplementary reports will be sent to the Records Unit whenever additional information is processed.

#### VI. RECORDS RETENTION AND DESTRUCTION (TBP: 5.02)

- A. Records will be retained in the Records Unit as specified in this policy and purged or destroyed only in accordance with the approved Records Retention Policy and any Court Orders to expunge.

- B. Offense Reports: Because some offenses have no limitations period (can be prosecuted at any time) and because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot simply be based on calculation of a number of years from the date of the offense. Offense reports are therefore archived and retained for an indefinite period of time.
- C. All Other Information Reports: The original of each Miscellaneous Incident Report will be kept for an indefinite period of time and will be kept in numerical order as offense reports are kept.
- D. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged as specified in Chapter 55 of the Texas Code of Criminal Procedure; otherwise, adult arrest files will be kept until a report of death of the arrestee or a period of seventy-five years.
- E. Juvenile Arrest Files: (TBP: 10.02 f)
  - 1. A Juvenile arrest file will be created for every juvenile taken into custody by members of this department. Juvenile files are maintained separately from adult files and are kept secure from unauthorized disclosure.
  - 2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Texas Family Code section 58.003.
  - 3. A court may order destruction of juvenile detention files as specified in Texas Family Code section 58.006.
  - 4. Arrest report files on juveniles who were referred to the Juvenile Court may be purged after the person reaches age 23.
  - 5. Arrest report files on juveniles who were not referred to the Juvenile Court may be purged after the person reaches age 18.
  - 6. Police Records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense as specified in Chapter 58 of the Texas Family Code. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to the Juvenile Probation Department officials. Should fingerprints or photographs be turned over to Police Records they will be destroyed as specified in Texas Family Code sections 58.001 and 58.002.
  - 7. Any juvenile records maintained in a Gang or Criminal Street Gang intelligence file will be maintained, managed and removed pursuant to Texas Code of Criminal Procedure Articles 61.04 and 61.07.
- F. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the Chief of Police when documents exceed the required retention schedule.



## **VII. UNIFORM CRIME REPORT (UCR)**

- A. It is the responsibility of the Chief of Police to complete the monthly UCR and Department Crime Report in a timely manner.
- B. The Chief of Police must read and be familiar with the UCR Handbook including UCR reporting standards and must perform several audit checks for each crime reported.

## **VIII. RELEASE OF RECORDS (TBP: 5.03)**

- A. Release of information reported to law enforcement agencies is governed by the Texas Public Information Act.
- B. Any request for information contained in any report made or compiled by the department is to be referred to the Chief of Police.
- C. All Arrest files which are maintained in the records files and computer will be the responsibility of the Chief of Police. Copies of files will only be released to persons authorized below.
  - 1. Personnel of this department or other District department, as appropriate
  - 2. Sworn officers from other agencies upon written request
  - 3. Courts of law under proper process
  - 4. District Attorneys
  - 5. Federal Law Enforcement Agencies
  - 6. Probation departments
  - 7. Military Personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.
- D. Juvenile arrest information is closed to public information requests and will not be released without Court Order of signed waiver from the juvenile and a parent or guardian.
- E. Original reports will only be released to members of this Department and will be documented with date, name, file name and number and the clerk releasing the files in the Records "check-out log." A copy will be made prior to release of any original report and the Records "check-out log" will be completed upon each request. Upon the return of original records, the Records clerk will check the contents of the return against the "check-out log" and note when and who returned the files. If there are no discrepancies in the contents of the records being checked

in, the receiving person will initial the “check-out log” placing all records in its originating file location.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 5.2 Media and Public Information</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 5.03 and 5.04	

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**I. POLICY**

The SFDR Consolidated Independent School District Police Department must have the support of the community to be successful. Establishing and maintaining an effective relationship with the news media is crucial to accomplishing this goal. A positive working relationship with the media is mutually beneficial. It shall be the policy of this agency to cooperate with the news media and to maintain an atmosphere of open communication. To this end, information shall be released to the news media, where permitted by law or District Policy, in an impartial, accurate and timely fashion. It shall be the responsibility of each employee to abide by this philosophy of cooperation.

**II. PURPOSE**

The purpose of this policy is to establish guidelines regarding media relations and the release of information to the public through the news media.

**III. RESPONSIBILITIES IN RELEASING INFORMATION**

- A. The SFDR Consolidated Independent School District Police Department Superintendent may designate any member of the SFDR Consolidated Independent School District Police Department as the Public Information Officer (PIO) for the department. The PIO is the primary contact for the news media. In the event no PIO is designated or is unavailable, the Chief of Police is responsible for PIO duties.
- B. Supervisors with responsibility for a specific case or incident may be the contact for the news media.
- C. The Chief of Police or supervisors may direct other employees to respond to media inquiries.
- D. The SFDR Consolidated Independent School District Police Department's PIO will not take action as a representative of the District without prior approval by the Chief of Police or Superintendent.

#### **IV. TRAINING**

The SFDR Consolidated Independent School District Police Department is committed to providing proper training for its public information officer. Supervisors, line officers, and other personnel who interact with the media shall also be provided appropriate training in Media Relations and the Public Information Act.

#### **V. PROCEDURES**

##### **A. Media Inquiries**

1. The SFDR Consolidated Independent School District Police Department shall respond to all media inquiries as directed by the Chief of Police in a timely and professional manner. During normal business hours, media inquiries shall be directed to the Chief of Police. No employee shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial, or violate the law.

##### **B. Interviews**

1. The Chief of Police or designee shall be responsible for assisting the news media by conducting interviews or coordinating interviews with other qualified department personnel. Employees contacted directly by the media shall notify the Chief of Police or appropriate command staff personnel of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being quoted.
2. Officers conducting an interview with the media shall not release any information about a juvenile or release any information that would be of an evidentiary nature or is otherwise confidential by law.
3. No interviews will be conducted without prior approval from the Chief of Police or appropriate designee.

##### **C. News Releases**

1. News releases shall be written and disseminated to the media and to SFDR Consolidated Independent School District Police Department employees on major incidents and events of community interest or concern. These should be cleared and approved by the Chief of Police or designated staff at Central Office prior to

their release. All news releases and news conferences (D. below) are subject to the approval of the Superintendent.

D. News Conferences

1. News conferences shall be held only in connection with major events of concern to the community and as directed by the SFDR CISD Superintendent.

E. Access to Crime Scenes and Critical Incidents

1. Department personnel shall be courteous to news media representatives at crime and critical incident scenes.
2. At such scenes, department personnel shall ensure that the media respect the established perimeter. Members of the media shall receive no more or less access to an incident scene than members of the general public.
3. The Chief or designee may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
4. No member of this department shall prohibit the media from news-gathering practices, including photography and interviews, outside the established perimeter.
5. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the scene commander shall advise the media representative of the danger and allow the media representative to make the decision to enter on his or her volition.
6. Only the Chief or on scene command staff personnel shall release information to the news media at crime and critical incident scenes. At critical incident scenes, the Chief or on scene command staff personnel shall establish a media briefing area as close to the scene as safety and operational requirements allow.
7. At critical incident scenes, members of the department shall work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public or that is otherwise confidential by law.

F. Access to Suspects

No member of the SFDR Consolidated Independent School District Police Department shall pose any suspect or accused person in custody or make him or her available for media interviews. Walking a suspect for media attention is strictly prohibited.

G. Joint Investigations or Operations Involving Another Agency

In a multijurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information. The supervisor in charge or designee for the lead agency shall share that information with all involved agencies in advance of public dissemination.

## **VI. INFORMATION RELEASE GUIDELINES**

- A. The release of information is subject to restrictions placed by applicable state, and federal laws. No member of the SFDR Consolidated Independent School District Police Department shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons.
  
- B. Agency members can release the following information:
  - 1. Basic information about a crime or incident
  - 2. Basic information about victims, except as excluded by law
  - 3. Description of suspects
  - 4. Basic description of weapons and vehicles used
  - 5. Basic description of stolen items
  - 6. Basic description of injuries and condition of victims
  - 7. The name, age, address, and other basic information about arrestees and the charges against them, to the extent not otherwise confidential by law
  - 8. Information contained in arrest affidavits and other applicable crime or incident reports
  - 9. Booking photographs
  
- C. Agency members shall not release the following information:
  - 1. Names, addresses, and any other information that would identify the victim of a sex offense, child abuse, or any other crime where the privacy of the victim is protected by law
  - 2. Names, addresses, and basic information about juvenile arrestees, as governed by state law
  - 3. Active criminal investigative information, active criminal intelligence information, and surveillance techniques
  - 4. Names of informants and information provided by them
  - 5. Supplemental or investigative reports until such time as the case is closed or the lead investigator deems it permissible
  - 6. Grand jury testimony and proceedings

7. Active internal investigations, as governed by state law
8. Names of witnesses, unless required by state law
9. The identity of critically injured or deceased persons prior to notification of next-of-kin
10. Home address, telephone numbers, and familial information of law enforcement or other District personnel
11. Names of undercover personnel
12. Any other information that could jeopardize the successful conclusion of an investigation and prosecution
13. Any other information prohibited by state or federal law from public disclosure.

**VII. SOCIAL MEDIA SITES**

- A. The SFDRICISD Superintendent will designate who may be responsible for managing, monitoring and operation of any department sponsored Social Media Sites.
- B. Operation of the social media sites shall be in accordance with Policy 2.8 Use of Social Media.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.1 Use of Force</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department values the protection and sanctity of human life. It is therefore the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer could use under the same or similar circumstances. The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

Officers are prohibited from using any force as a means of punishment or interrogation.

**II. PURPOSE**

The purpose of this policy is to provide law enforcement officers of the SFDR CISD Police Department with guidelines for the use of deadly and non-deadly force. This policy does not set forth a higher standard of care with respect to third party claims.

**III. DEFINITIONS**

- A. Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. Non-deadly force - Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- C. Objectively Reasonable - This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community.  
 In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.



#### **IV. PROCEDURES**

##### **A. Use of Non-deadly Force**

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable and necessary to bring an incident under control. (TBP: 6.01)
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
  - a. To protect the officer or others from physical harm.
  - b. To lawfully restrain or subdue a resistant individual.
  - c. To bring an unlawful situation safely and effectively under control.

##### **B. Use of Deadly Force**

Law enforcement officers are authorized to use deadly force when one or both of the following apply:

1. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm. (TBP: 6.02)
2. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent.

##### **C. Deadly Force Restrictions**

1. Warning shots shall not be fired. (TBP: 6.09)
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. Officers shall not knowingly place themselves in the path of an oncoming vehicle, which may require the use of deadly force. However, if an officer reasonably believes that a person is immediately threatening the officer or another person with deadly force by means of a vehicle, an officer may use deadly force against the driver of the vehicle.

#### **V. LIMITATIONS ON FORCE**

The following acts associated with the use of force are prohibited.

- A. Application of choke hold or carotid control holds, except when the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious bodily injury or death and the use of deadly force would be authorized.

- B. Use of flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or another from imminent serious bodily injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

## **VI. TRAINING**

- A. All officers shall receive training in the use of their firearms, all non-lethal weapons, authorized by the department, hands-on arrest and defensive tactics, as well as the Use of Force policy prior to performing any law enforcement duties.
- B. All officers shall be trained and qualified with their firearms at least annually. (TBP: 3.01, 3.02)
- C. All officers shall receive training in the department's Use of Force policy at least annually. (TBP: 3.02)
- D. All officers shall receive hands-on arrest and defensive tactics training at least every two years. (TBP: 3.06)
- E. Officers shall receive training in all non-lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years. (TBP: 3.04)
- F. All Use of Force training shall, at a minimum, comply with the standards established by TCOLE.

## **VII. REPORTING USE OF FORCE (TBP: 6.03, 6.06)**

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations, or off-duty recreational activities.
- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then:
  - 1. Immediately notify the on-duty supervisor or the Patrol Lieutenant (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The supervisor, Patrol Lieutenant, or Chief of Police shall determine if an immediate investigation is required.
  - 2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.

3. Submit a Use of Force form to the Chief of Police prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Use of Force form shall be in addition to any other required reports.

## **VIII. DEPARTMENTAL REVIEW**

### **A. Review**

1. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine whether:
  - a. Departmental orders were violated.
  - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
  - c. Departmental training was adequate.
  - d. Departmental equipment operated properly.
2. At least annually, the Chief of Police or designee shall conduct an analysis of use-of force incidents to determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10.)

### **B. Internal investigations**

1. An internal investigation will be conducted on any firearms discharge (other than training, hunting, or competition), and any other use of deadly force by members of the department. An internal investigation may be conducted on other uses of force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted in any firearms discharge or other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation should be conducted by another law enforcement agency with concurrent jurisdiction and the results may be presented to the grand jury for review.
2. Procedures for Officer Involved Shooting Investigations are covered in Policy 6.4.

### **C. Assignment**

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use of force or vehicle accident, shall be removed from line-duty assignment. This action protects both the officer's and the

community's interest until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08)

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.2 Firearms and Qualification</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 3.01, 3.02, 3.03, and 6.04.	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department's policy is to ensure that members are properly trained not only in the use of appropriate firearms and the circumstances of their use, but also in their safety and maintenance, regarding both on and off-duty weapons. Supervisors and the department armorer shall rigorously enforce departmental firearms standards. All personnel shall qualify at least annually with his or her sidearm and those carried both on and off-duty.

**II. PURPOSE**

To establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

**III. PROCEDURES**

A. Authority

1. Sworn police officers who have the authority to make arrests and maintain the peace, are authorized to carry and use firearms as necessary in the performance of their duty, subject to the restrictions and guidelines of this order, the department's use of force policy, and state and federal law.
2. Off duty, sworn officers of this department are encouraged to carry firearms, subject to the guidelines of this order, to protect themselves or another from imminent death or serious bodily injury in the event they must intervene in an incident off-duty before the arrival of on-duty officers.

B. On-Duty Weapons, Issuance and Use (TBP: 6.04)

1. Only weapons issued by the department or approved by the Chief of Police will be carried or used while on-duty. The department currently issues the Glock model 22, in .40 as the standard duty firearm for officers.

2. The departmental armorer, firearms instructor or Chief of Police shall issue departmental weapons to authorized personnel.
  3. Department firearms and ammunition are determined by the Chief of Police based on the needs of the department.
- C. Shotguns- Shotguns are assigned to individual officers as appropriate and only when approved by the Chief of Police.
1. All shotguns shall be carried with the magazine fully loaded with approved ammunition, chamber empty, trigger released, and safety off.
  2. A minimum of 5 extra rounds of approved ammunition shall be carried with each shotgun.
  3. All shotguns left at the department shall be left in an unloaded condition, with the chamber open and stored in a gun locker or other designated location.
- D. Patrol Rifles - Patrol rifles, e.g. M-4, may be issued or used by officers and supervisors only when approved by the Chief of police who have received appropriate training and have maintained their required qualifications.
1. All patrol rifles shall be carried with the magazine loaded with approved ammunition, chamber empty, trigger released, and safety off.
  2. A minimum of (2) magazines of approved ammunition shall be carried with each patrol rifle.
  3. All patrol rifles left at the department shall be left in an unloaded condition, with the chamber open and stored in a gun locker or other designated location.
- E. Off-duty or secondary weapons
1. Off-duty or secondary weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. The armorer shall inspect and certify the off-duty or secondary weapon before it may be carried.
    - a. Officers shall qualify with the off-duty or secondary weapon at the annual qualification.
    - b. The armorer shall approve any concealed holster for an off-duty or secondary weapon.
    - c. The armorer shall maintain a record of all holsters and weapons used by each officer.
  2. Officers may carry, while off duty, either an issued weapon or one purchased at officers' expense, subject to this policy.

3. Officers shall not carry firearms on or off duty in a public place after having consumed alcoholic beverages. If carrying a firearm, no detectable amount of alcohol can be present in the employee's system. If chemical or substance consumption is suspected while an officer is carrying a firearm while off-duty, a supervisor shall initiate an administrative investigation, and shall require the employee submit to a chemical test for the presence of alcohol or other substance (i.e. Portable Breath Test, urinalysis, or blood test). Refusal by an employee to submit to a supervisor's request for alcohol or chemical testing during an administrative investigation will be considered insubordination. Testing results may only be used for administrative purposes (Garrity).
4. While off-duty, weapons, an officer's badge, and any restraints shall be carried safely and concealed from public view.
5. Officers shall carry the departmental badge and identification if carrying a weapon off-duty.

#### F. Departmental Ammunition (TBP: 6.04)

1. Only approved factory ammunition will be used in departmental weapons for on duty carry use. No reloaded ammunition will be used in department issue firearms at any time. The department will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms. Officers are responsible for the purchase of ammunition for their off-duty weapon.
2. Only department purchased Federal factory 00 Buck and slug rounds will be used in departmental or personally owned shotguns used for department or law enforcement purposes.
3. Only .223 ammunition will be used in departmental patrol rifles or those owned by an individual officer used for department or law enforcement purposes, unless otherwise authorized by the Chief of Police.

#### G. Security of weapons

1. Officers are responsible for the care, cleaning, and security of departmental weapons issued to them, whether on or off duty. Officers shall report any weapon malfunction to the Chief of Police via the armorer.
2. Officers are responsible for the safe and secure storage of issued weapons when off-duty in a manner that prevents theft or unauthorized access or use.

#### H. Department Firearms Proficiency Officer and Armorer

The Chief of Police shall appoint at least one sworn member of the department to be the departmental Firearms Proficiency Officer and armorer.

1. The duties are as follows:

- a. Schedule, supervise and maintain records on all firearms qualifications required by the department.
  - b. Maintain non-issued departmental weapons and associated equipment.
  - c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
  - d. Repair or submit to a qualified gunsmith for repair of all departmentally owned malfunctioning weapons.
  - e. Maintain records of issuance, care, and maintenance of departmental and personally owned weapons and associated items used on-duty.
  - f. Issue departmental ammunition.
  - g. Annually inspect and certify as serviceable both departmental and personally-owned firearms that are authorized for on and off-duty use.
  - h. Inspect and authorize the use of holsters for off-duty use and for on-duty use if the officer prefers to use a holster other than one issued by the department.
2. The armorer shall maintain a record of all firearms which have been certified as safe and with which officers have qualified. This record shall include the following:
- a. Officer's name and identification number.
  - b. Make and model of weapon.
  - c. Serial number of weapons.
- I. Modification of department weapons
- 1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police except as to those modifications done by a departmental armorer.
  - 2. Substitution of grips
    - a. Removable grip tape may be added to a department issued handgun by an individual officer if they so choose.
- J. Modification of privately-owned weapons
- a. A departmental armorer or firearms instructor should be consulted prior to a modification of an off duty/ backup weapon to ensure that the firearm will remain approved for carry.
- K. Firearms inspections



1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor.(TBP: 3.03)
2. Supervisors shall also inspect subordinate officers' issued firearms monthly to ensure that they are maintained in a clean and serviceable condition.
  - a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
  - b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.
  - c. Upon completion of monthly inspections, the supervisor shall forward the reports to the Chief of Police. The memorandum being sent to the Chief of Police will document the following information:
    - i. The date the inspection was held
    - ii. The name of each officer inspected
    - iii. The findings of the inspection

#### **IV. PROCEDURES - QUALIFICATION**

##### **A. Qualification rules**

1. Officers must qualify with any weapon they carry or use on-duty at least annually or when they change weapons. (TBP: 3.01)
2. The firearms instructor or armorer shall be in charge at all times when officers are on the firing range for qualification.
3. Only weapons and ammunition issued by the department shall be used during qualifications, except for officers who use their own weapons while on duty (who fire issued ammunition) or if qualifying with off-duty weapons.
4. Every officer shall fire a regular firearms course approved by the Texas Commission on Law Enforcement.
5. Officers who fail to qualify on their first attempt shall immediately attempt qualification a second time. Officers who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to termination. (TBP: 3.01)
6. The armorer will maintain records of each officer's firearms qualifications including:

- a. The officer's name and Identification Number
  - b. The date of qualification
  - c. The weapons(s) used during qualification
  - d. A description of the course of fire and score
7. The armorer or firearms instructor shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

#### B. Shotgun

1. Every officer must pass the shotgun qualification course before carrying a department-issued or personally owned shotgun.
2. The qualification course shall include:
  - a. Knowing how to load and unload the shotgun combat style
  - b. Firing at least 7 shots, from 2 different positions
3. Officers shall qualify with the shotgun at least annually.

#### C. Patrol Rifle

Officers who are trained and authorized to use the patrol rifles must qualify at least annually with the rifle on a TCOLE approved course of fire.

#### D. Firearms and Use of Force Instruction

1. All department personnel shall, if duties require carrying firearms, receive familiarization instruction on their firearms before range qualification.
2. At least annually, personnel shall, if duties require carrying of a firearm, receive training in the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting, and misfires), sound safety practices, and departmental use of force policy. (TBP: 3.01)
3. Use of force and use of deadly force training will be conducted at least annually in conjunction with firearms use and firearms qualification. (TBP: 3.02)

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.3 Non-Lethal and Less Lethal Weapons</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 3.04	

**I. POLICY**

In the interest of public safety, the SFDR Consolidated Independent School District Police Department ensures that members are properly trained in the use of these tools and the circumstances of their use.

All sworn personnel shall qualify at least annually with departmental non-lethal and less-than-lethal weapons. Officers shall not carry or use any non-lethal or less than lethal weapon that has not been approved by the Chief of Police or where they have not received training and been qualified. (TBP: 3.04)

**II. PURPOSE**

To establish policy and procedures governing the issuance, training, care and maintenance, and qualification of non-lethal and less-lethal weapons.

**III. GENERAL PROCEDURES**

**A. Approved Weapons**

1. Department non-lethal or less than lethal weapons are determined by the Chief of Police based on the needs of the department. Officers will not carry or use any weapon for which they are not qualified by the department to use.

**B. Security of weapons**

Officers are responsible for the care and security of departmental weapons issued to them. Officers shall report any weapon loss or malfunction to the Chief of Police via the armorer or supervisor.

**C. Modification and maintenance of weapons**

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police.
2. Officers are responsible for cleaning and maintenance of non-lethal or less lethal weapons that are issued to them.

#### D. Weapon inspections

1. Officers shall inspect issued weapons at the beginning of each duty assignment to ensure they are in proper working order.
2. Supervisors shall inspect issued weapons at least monthly and shall document the inspections in a memorandum to the Chief of Police indicating the officers inspected and the results of the inspection.

### **IV. QUALIFICATION REQUIREMENTS**

#### A. Required instruction and qualification

1. All department personnel shall receive training with any non-lethal and less lethal weapons that they will carry. Training shall cover the mechanics of the weapon, sound safety practices, and departmental policy governing the use of the weapon and the use of force. Tactical considerations shall be a part of this training.
2. Officers will receive training and demonstrate proficiency (qualify) at least annually on all departmental non-lethal or less lethal weapons systems. (TBP: 3.04)
3. Instructors for any non-lethal or less lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing said training. (TBP: 3.04)

#### B. Qualification rules

1. The instructor or armorer shall be in charge at all times when officers are qualifying with non-lethal or less than lethal weapons.
2. The instructor or armorer will maintain records of each officer's qualifications with non-lethal and less lethal weapons including:
  - a. The officer's name and Identification Number
  - b. The date of qualification and weapon system qualified.
3. Instructors for any non-lethal or less lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing said training. (TBP: 3.04)

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.4 Officer Involved Shooting Investigations</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department that officer-involved shooting incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if officer actions conform to the law and this agency’s policy on use of force.

**II. PURPOSE**

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shooting incidents and to provide guidelines to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

**III. DEFINITIONS**

- A. *Post-Traumatic Stress Disorder:* An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress
- B. *Officer-Involved Shooting Incident:* A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person
- C. *Secure:* This shall mean protecting the evidence, detaining suspects and witnesses at a crime scene and not moving any evidence until it is recorded. Secure and protect have similar meanings in this policy.
- D. *Crime Scene Log:* A log of all persons entering the crime scene or having contact with the involved officer(s)

**IV. PROCEDURES**

- A. Officer’s Responsibility when involved in a Shooting Incident
  - 1. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate.

- a. Ensure that the threats to officer safety and the safety of others are over
  - b. Notify Communications of the shooting incident and request immediate assistance
  - c. Secure and separate any suspects
  - d. Relay information on any fleeing suspects to Communications and other field units and work with them to establish a containment area
  - e. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately
  - f. If injured, administer emergency first aid to officers first. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance
  - g. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles
  - h. Once all threats are over assign an officer to secure the crime scene and begin a crime scene log
  - i. Call for sufficient assistance and separate and secure all witnesses
  - j. Call for the Chief of Police
  - k. Call for an evidence technician from another law enforcement agency
2. As time and capabilities permit before supervisory and other assistance arrives:
    - a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive.  
Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
    - b. Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.
- B. Handling of Officers at Scene of Shooting Incident

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel.
2. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.
3. If the officer has been shot or otherwise injured in the shooting:
  - a. Ensure that an officer accompanies and remains with the officer at the hospital
  - b. Ensure that the officer's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible. Do not release the officer's name prior to the family being notified
  - c. Assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters
  - d. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officers is safeguarded
4. The supervisor should contact SFDRICISD Police Communications and advise them of the condition of the officers and suspects and the exact location of the incident and with the approval of the Chief of Police, request they immediately contact:
  - a. The on duty SFDRICISD Police Supervisor
  - b. Investigators including the District Attorney's Office and Texas Rangers, if appropriate
  - c. Crime Scene Search personnel
  - d. An Advocate for the Officer, Pastor, Union Representative, Close Friend, Etc.
  - e. District Attorney
  - f. Superintendent
5. If there is a fatality notify the Justice of the Peace.
6. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplementary report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.

7. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with the involved officer(s).
  - a. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine:
    - i. If any other suspects are at large and any descriptions
    - ii. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured)
8. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with the involved officer(s), but should be advised not to discuss details of the incident.
9. The officers should be advised that they may seek legal counsel.
10. Any standard investigations that will occur concerning the incident should be discussed with the involved officer(s). The investigations shall include a criminal and internal investigation.
11. The officer(s) should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator, until the conclusion of the preliminary investigation.
12. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
  - a. Take custody of the officer's weapon in a discrete manner; and
  - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
13. Involved officer(s) should notify their families about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify his family, and arrange for their transportation to the hospital if needed.
14. If the officer's uniform or clothing is needed for evidence, arrangements should be made for the officer to have a change of clothes and an opportunity to change.



15. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
16. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
  - a. Locate and secure in place the officer's weapon and shell casings
  - b. Locate and secure suspects' weapon and shell casings
  - c. Collect information about the suspect including name, address, age, and DOB
  - d. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel
  - e. Attempt to determine the original shooting positions of the suspect and officer(s)
17. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of his or her activities after being notified. The supervisor shall also complete a departmental Use of Force Report on the incident.

#### C. Investigation

1. Two different investigations may be conducted after an officer involved shooting incident.
  - a. If the officer was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.
  - b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy.
  - c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine the facts and circumstances of the shooting and determine culpability for his or her actions, if any.
2. These investigations, if both are required, may run simultaneously, with the criminal investigation taking precedence.
3. The Chief of Police may request another agency conduct either investigation if circumstances warrant.
4. Investigators will be well versed in the issues of Garrity to avoid improper contamination of the criminal investigation.

5. Upon arrival of investigators, they will first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:
  - a. Receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved officer at this time must be made based on:
    - i. The type of investigation being conducted
    - ii. The physical and mental state of the officer
    - iii. The availability of the officer's attorney
    - iv. The circumstances at the scene
  - b. Ensure that the overall scene and evidentiary items are photographed and videotaped. Videotape all persons present at the scene. Color photographs of the officer as he/she appears at the scene shall be taken, to include any injuries sustained.
  - c. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.
  - d. Obtain taped statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.
  - e. Locate and identify witnesses and conduct initial tape-recorded interviews.
  - f. Tape record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.
  - g. Conduct separate tape recorded interviews with each officer involved.
  - h. Conduct the interview in a private location away from sight and hearing of department members and others who do not have a need and a right to the information. Advise the officers not to discuss the incident with anyone except a personal or agency attorney, union representative or departmental investigator until the conclusion of the preliminary investigation.
  - i. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer tape-recorded interviews if these symptoms are evident.) Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officer(s) in a discrete manner and the supervisor shall ensure that arrangements are made to replace them with other firearms or advise the officers that they will be returned or replaced at a later time.

- j. Contact the coroner and obtain an autopsy of the officer and/or suspect if required. Determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances or other related evidence.
6. The results of any criminal investigation conducted will be presented to the Grand Jury for independent review, if appropriate.

#### D. Post-Incident Procedures

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
2. All officers directly involved in the shooting incident shall be required to contact a department designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
  - a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;
  - b. Where the officer(s) were relieved of their duty weapons after an incident, at what point they should be returned;
  - c. What will be the best continued course of counseling? The department strongly encourages the families of the involved officers to take advantage of available counseling services.
3. Any department investigation of the incident shall be conducted as soon and as quickly as practical.
4. The department should brief other department members concerning the incident so that rumors are kept to a minimum.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated department and/or District spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
7. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.

#### E. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the officer(s) may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
2. If a supervisor believes that stress may be disrupting the officer's job performance or other life skills, the Chief of Police should be informed immediately. The Chief of Police may require the officer to attend additional counseling.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.1 Constitutional Safeguards</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.04	

**I. POLICY**

The federal and state constitutions guarantee every person certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. The SFDR Consolidated Independent School District Police Department expects officers to observe constitutional safeguards. The SFDR Consolidated Independent School District Police Department further expects that officers understand the limits and prerogatives of their authority to act. Respect for the civil liberties of all persons shall be the paramount concern in all enforcement matters.

**II. PURPOSE**

The purpose of this general order is to define the legally mandated authority for the enforcement of laws, to establish procedures for ensuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority, guidelines and circumstances when officers should exercise alternatives to arrests and pretrial confinement.

**III. PROBABLE CAUSE AND REASONABLE SUSPICION**

**A. Probable Cause**

1. Searches and arrests are based on the existence of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

An officer must have probable cause to make an arrest or conduct a search.

2. When an officer has sufficient probable cause, he or she may arrest a person, conduct a search of the person, record the person's fingerprints, take the person's photograph, and detain them.

The aim of an arrest on probable cause is to make a formal charge. While in some cases, formal charges may not be filed for any number of reasons, officers should only make a custodial arrest if a formal charge is anticipated.

#### B. Reasonable Suspicion

1. Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

An officer must have reasonable suspicion to temporarily detain a person.

2. When an officer has reasonable suspicion, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of a detention based on reasonable suspicion is to resolve an ambiguous situation and determine if criminal activity is occurring.

### **IV. AUTHORITY AND DISCRETION**

#### A. Law-enforcement authority

State law invests peace officers with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace, and enforce state and local laws and ordinances.

#### B. The use of discretion by officers

1. While officers have the authority to arrest an offender under many circumstances, officers seldom are able to arrest individuals for every offense they observe. Officers must prioritize their activities to provide the highest level of service to their community. As a result they must often use discretion in deciding the level of enforcement action based on the circumstances.
2. Departmental policy gives officers procedures to follow for common or critical enforcement tasks. Departmental policies and procedures are to be followed unless unusual or extreme circumstances dictate another course of action. In these cases, officers shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

3. The vast majority of persons an officer will contact during their shift are typically law abiding people who have made a mistake or error in their behavior. In many of these cases there are underlying circumstances that contributed to those mistakes or decisions. Officers are encouraged to exercise understanding and compassion when deciding to take enforcement action, and consider how they, or a member of their family, would like to be treated in similar circumstances.
4. Officers should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors.
5. Supervisors shall observe and review the activities of officers and counsel them as needed regarding the use of discretion.

C. Alternatives to arrest/pre-arraignment confinement

1. Officers are required to arrest suspects for all felony offenses and those major misdemeanor offenses where a victim was injured, property was stolen or damaged, or the public or an individual was placed at risk of great harm. After an arrest has been made in these circumstances, if pre-arraignment detention is not advisable due to the suspect's health, age, infirmity, or family situation, the officer should contact a supervisor for disposition. A supervisor or the Chief of Police can authorize a field release if the individual is known or proper identification is present; or authorize booking and release on personal recognizance after consultation with a magistrate.
2. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, officers may occasionally be faced with situations where formal action is not advisable. In such cases, officers may elect to exercise alternatives such as the issuance of citations, referral to a social service agency, or simply to give a warning. In most cases officers must follow up their actions by writing an offense report in accordance with the report writing manual.
3. In determining whether a citation should be used, the officer shall:
  - a. Decide whether the offense committed is serious
  - b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors
  - c. Make a judgment as to whether the accused poses a danger to themselves or the public
4. Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the

judgment of the officer a better solution to the problem will be achieved, he or she should refer the person to an appropriate social services agency.

5. The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the department. In determining if a warning should be issued, the officer shall consider:
  - a. The seriousness of the offense.
  - b. Whether a victim was injured or had property damaged by the offender.
  - c. Attempt to understand the contributing factors to the incident.
  - d. The likelihood that the violator will heed the warning.

## **V. PROTECTION OF INDIVIDUAL RIGHTS**

- A. Officers will at all times act to preserve and protect the rights of all persons.
- B. Officers making arrests will ensure suspects are informed of their rights if they intend to question them about an offense. *Miranda* warnings are required and shall be administered prior to any “custodial interrogation.” Officers are expected to understand the requirements of the Texas Code of Criminal Procedure 38.22 before taking any statements from suspects.
  1. The following represent examples of situations that are not “custodial” and do not require *Miranda* warnings.
    - a. Investigatory stop and frisk.
    - b. Questioning during a routine traffic stop or for a minor violation; to include Driving While Intoxicated (DWI) stops until a custodial interrogation begins.
    - c. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
    - d. During voluntary appearances at the police facility.
    - e. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)
  2. Administering *Miranda*.
    - a. *Miranda* warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.



- b. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
- c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be questioned only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.
- d. Waivers of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
- e. When an oral waiver is obtained an electronic recording of the statement must be made. The statement shall contain the same warnings as found in Texas CCP 38.22.
- f. Officers arresting deaf suspects or those suspects that appear to have limited proficiency in English shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter with a Level III certificate (for a deaf suspect) if a statement is taken for use in court. For routine traffic stops an interpreter is not necessary. However if a deaf or non-English speaking individual requests an interpreter during a call for service or investigation the officer should attempt to find an interpreter, in accordance with this agency's policy and state and federal law.
- g. If an officer makes an arrest of a Foreign National who is not a citizen of the United States including those with a Resident Alien Identification Card (Green Card) and is a citizen of one of the countries pursuant to Article 36 of the Vienna Convention an officer must inform him, without delay, as he is taken into custody, that he has the right to have the consular official of his home country notified and the right to communicate with those consular officials. This does not take the place of the Miranda Warning, but should be given in addition to it.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.2 Field Interviews and Detentions</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.07	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department expects and encourages officers to conduct field interviews. Field interviews are important contacts with individuals that aid in preventing and investigating crime. Officers are expected to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of all persons and the need of officers to obtain information crucial to the reduction and prevention of crime.

**II. PURPOSE**

To clearly establish the difference between a Field Interview and an Investigative Detention or Stop. To assist officers to determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely. (TBP: 7.07)

**III. DEFINITIONS**

- A. *Field interview* (consensual encounter) - A brief interview of a person to determine the person's identity and gather information or to resolve the officer's suspicions about possible criminal activity or determine if they have information about a criminal offense. Field interviews require voluntary cooperation of the subject. A field interview contrasts with a detention or stop which is based on reasonable suspicion of criminal behavior.
- B. *Frisk* - A "pat-down" search of outer garments for weapons.
- C. *Reasonable suspicion* - Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed. The reasonableness of an officer's actions will be determined by reviewing the totality of circumstances known to the officer at the time he or she takes the action.
- D. *Detention* (Stop) - An involuntary detention of a subject for a brief period of time for the purpose of investigating the actions of the individual.

In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved. A stop is an investigative detention.

The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop. This list is not all-inclusive nor is the presence of any one of these circumstances alone always sufficient for reasonable suspicion.

1. Officer has knowledge that the person has a criminal record.
2. A person fits the description of a wanted notice.
3. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
4. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in a particular area.
6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.
9. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

#### **IV. FIELD INTERVIEW PROCEDURES**

##### **A. Making the field interview or stop: overview**

1. An officer may conduct a field interview at any time if an individual is willing to speak with the officer. A field interview requires voluntary cooperation from the subject. In the absence of probable cause to arrest or reasonable suspicion to justify an actual investigative detention or stop, the individual may discontinue the interview at any time and leave. The person may also refuse to produce identification or otherwise identify himself. The individual does not have to answer any questions or provide any information.
2. An officer must be able to articulate the circumstances that warranted the interview of the subject. In court, should a field interview result in an arrest, an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:

- a. Firsthand observations.
- b. Information from informants or members of the community.
- c. "Collective knowledge" or information shared by several officers.
- d. Reasonable inferences made by the officer from information known to the officer.

#### B. Place of the interview

1. As a general rule, field interviews may be conducted anywhere the officer has a right to be, including:
  - a. District-owned or controlled property, normally open to members of the public within District policy.
  - b. Areas intended for public use or normally exposed to public view.
  - c. Places to which an officer has been admitted with the consent of the person empowered to give such consent.
  - d. Places where circumstances require an immediate law enforcement presence to protect life, well-being or property.
  - e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.
  - f. Any other area in which an officer may affect a warrantless arrest.
2. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and where no violation of law has occurred.

#### C. Conduct of Interviews

1. Officers shall clearly identify themselves and, if not in uniform, display identification.
2. As noted above, a person interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a detention or stop must be strictly observed. Since the distinction between an interview and a detention depends to a great extent on whether, under the circumstances, the subject perceives that he is free to leave, officers shall comply with the following guidelines:
  - a. All requests during the interview should be phrased with neutral or optional words, such as "may," "would you mind," etc.

- b. The duration of an interview should be as brief as possible unless prolonged by the subject.
  - c. During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
  - d. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put individuals at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave.
- a. When a person refuses or ceases to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a detention.
  - b. Individuals cannot be compelled to answer any questions during field interviews.

#### **V. INVESTIGATIVE DETENTION OR STOP (and frisk when warranted)**

- A. The legal authority to conduct an investigative detention or stop (and frisk when warranted) is based in Federal and State constitutions as interpreted by court decisions.
- B. Investigative detentions may involve two distinct acts. The first is the actual detention or stop which is based on reasonable suspicion. A second component may be a frisk of the detainee for weapons. The frisk must be justified by the officer's reasonable fear for his safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general.

For example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to:

- 1. The type of crime suspected, particularly those involving weapons.
- 2. When the officer must confront multiple suspects.
- 3. The time of day and location of the stop.
- 4. Prior knowledge of the suspect's propensity for violence.
- 5. Any indication that the suspect is armed.

6. Age and sex of the suspect (officers shall exercise caution with very young or very old people or persons of the opposite sex).

#### C. Manner of conducting a frisk

1. Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.
2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.
3. When frisking, officers shall search only the external clothing for objects that reasonably could be weapons and remove them.
  - a. Retrieval of the weapon may give probable cause to arrest. If so, officers may then conduct a complete custodial search of the suspect incident to arrest.
4. If, during a lawful detention based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband immediately apparent, pursuant to the plain touch doctrine, it may be withdrawn and examined.
5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.

#### D. Protective search

1. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:
  - a. A lawful detention as defined herein or a lawful vehicle stop.
  - b. A reasonable belief that the suspect(s) poses a danger.
  - c. A frisk of the subject must occur first.
  - d. The search must be limited to those areas in which a weapon may be placed or hidden.
  - e. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.

- f. If the suspect has been arrested and restrained or removed from immediate access to the vehicle, a search of the vehicle cannot be made for protective reasons. A search may be made of a vehicle if other exceptions to a search warrant exist.

E. Period of detention

1. Investigative detention--as with field interviews--must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

**VI. DOCUMENTING THE INTERVIEW OR STOP**

For purposes of successful prosecution and defending departmental actions to the public, all field interviews and investigative detentions must be recorded. The following methods will be utilized:

- A. Patrol officers will record all field interviews in their entirety on the in-car audio video systems. Officers will attempt to position the vehicle or camera in a position to record the interview. If not possible, the use of the audio portion is required.
- B. If an interview or investigative detention results in an arrest, the arresting officer will clearly detail the reasonable suspicion that led to the interview or detention in the narrative of the arrest report as well as maintaining the audio/video recording as evidence.
- C. Officers not equipped with in-car or portable audio/video recording systems will obtain a case number and create an incident report entitled "Field Interview" and record the reasonable suspicion and details of the interview or detention.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.3 Arrests With and Without a Warrant</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.02, 7.03, and 7.04	

**I. POLICY**

Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause: without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with their law-enforcement mission.

**II. PURPOSE**

To define the authority of officers to arrest and the mechanism for making arrests with and without a warrant.

**III. DEFINITIONS**

*Arrest* - An arrest is a seizure of a person. An arrest is supported by probable cause.

*Probable cause* - According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed" and that the person to be arrested committed it. An officer must have probable cause to obtain a warrant or make a warrantless arrest.

**IV. DISCRETION**

A. Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the policies of our department, and the oral instruction provided by field supervisors.



- B. Officers shall not make arrests or take any enforcement action based in whole or in part by a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation.

**V. ARRESTS WITH A WARRANT (TBP: 7.02)**

A. General Procedures for obtaining an Arrest Warrant and Arresting with a Warrant.

1. Obtaining an Arrest warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure (TCCP). All officers should become familiar with the specific language/laws concerning obtaining arrest warrants found in Chapter 15 of the TCCP. The following are shortened versions of Articles 15.01, 02, 03, and 05. If departmental approval is received, an officer may obtain an arrest warrant by following these requisites:
  - a. (15.01): An arrest warrant is a written order from a magistrate, directed to a peace officer commanding the officer to arrest a person accused of an offense, to be dealt with according to law.
  - b. (15.02): A warrant must be issued by a magistrate, in the name of the State of Texas and must specify the name of the person to be arrested or a reasonably definite description of the person. The warrant must state the person is accused of a crime and name the crime; and must be signed by a magistrate and identify the magistrate's office.
  - c. (15.03): A magistrate in the State of Texas may issue an arrest warrant when a person (the officer) makes an oath (affidavit or complaint) that another has committed an offense against the laws of the State of Texas.
  - d. (15.05): An officer's complaint or affidavit must state the name of the accused or some reasonably definite description of the individual. It must show that the person has committed a crime, either directly, or that there is good reason to believe that the person has committed a crime. The complaint/affidavit must state the time and place of the offense, as definitely as can be done by the affiant, and it must be signed by the affiant.
2. Unless assigned as an investigator or detective, officers will obtain supervisory approval before applying for an arrest warrant for any individual.
3. All members of the department will utilize approved affidavit and arrest warrant forms provided by the department. Upon completion of the affidavit and warrant, all officers shall have the documents reviewed and approved by a supervisor prior to requesting judicial approval.
4. If a warrant approval is refused by any judge, the affidavit and warrant shall not be taken to any other judge without substantial additional information proving probable cause being added to the affidavit. Subsequent reviews will be done by the same magistrate unless they are unavailable.

5. Except as authorized by the Texas Code of Criminal Procedure, Chapter 14, or Section 18.16, an officer shall not arrest anyone without an arrest warrant.
6. An officer shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.
7. An officer shall presume that any arrest warrant, which appears in proper form, is valid. To be in proper form and valid on its face, an arrest warrant shall:
  - a. Issue in the name of "The State of Texas",
  - b. Specify the name of the person whose arrest is ordered, or provide a reasonable description if the name is not known, State that the person is accused of a named offense, and
  - c. Be signed by a magistrate whose office must be named.
8. An officer shall execute a valid arrest warrant as provided by law and departmental policies. If the arrest warrant lacks proper form, the officer shall not execute the warrant, but shall return the warrant to the magistrate who issued it.
9. If an officer has any question about the details or validity of an arrest warrant, he shall attempt to verify the information before making an arrest under authority of that warrant. Whenever practical, an officer shall automatically verify the currency of any arrest warrant issued thirty days or more before the date of execution.
10. Any decision to send Regional or Statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in his possession, the officer shall personally determine the location of the warrant and shall ensure that the arrestee sees a copy of the warrant as soon as possible after his arrest. This can be done by confirming through Communications that they either have actual possession of the original warrant, or the originating agency has confirmed their possession of the warrant.
11. In executing an arrest warrant, whether or not he has the warrant in his possession, an officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant. If the officer has the warrant in his possession, he shall show it to the arrestee. If the officer does not possess the warrant, he shall advise the arrestee of the charge, bond and originating agency who issued the warrant.
12. Officers may enter a third party's residence:
  - a. with consent to search from the resident or person having control of the property, or
  - b. With a search warrant for that residence in order to enter and make the arrest, or

c. While in fresh pursuit of the wanted person.

#### B. Warrants from other Jurisdictions

1. If an officer has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person. If an officer makes an arrest on a warrant from another Texas law enforcement agency, the officer shall:

a. Arrest the defendant. Notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.

b. Make certain that a supervisor has reviewed the arrest/incident report as soon as possible, as the defendant is booked into the Val Verde County jail or Detention Facility and will need to appear before a magistrate within 48 hours of the arrest.

c. The defendant will be held at the Val Verde County jail or Detention Facility until retrieved by the department holding the warrant, or their transport agency.

d. If the department holding the warrant cannot take custody of the arrestee prior to the 11<sup>th</sup> day after the execution of the warrant, or if that department at any time indicates that it will not take custody of the arrestee, the arrestee may be released from custody.

e. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.

#### C. Warrants from Other States

1. Whenever any officer has probable cause to believe that a person stands charged of a felony in another state, the officer shall:

a. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. This arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.

b. Book the arrested person directly into the custody of the Val Verde County jail or Detention Facility.

c. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a third person's residence in the following circumstances:

i. with consent to search from the resident or person having control of the property,  
or

- ii. With a search warrant for that residence in order to enter and make the arrest, or
- iii. While in fresh pursuit of the wanted person.

#### D. Chance Encounters

1. Whenever an officer observes and recognizes, lawfully stops, or otherwise detains and identifies a person, he may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. To conduct a records check, an officer may detain a person who he has lawfully stopped for a reasonable period of time. For a routine records check by radio, telephone, teletype, or computer terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.
3. The person may be required to wait in the officer's vehicle, in his own vehicle, or in some other convenient place.
4. The person may be frisked if the officer can articulate a reasonable fear for his or her safety.

#### E. Planned Executions of Arrest Warrants

1. Prior to executing an arrest warrant, the officer in charge shall notify his/her chain of command.
2. The time of day for executing the arrest warrant shall be based on the following rules:
  - a. Execute during daylight, unless circumstances make this dangerous or impractical
  - b. Execute when the person named in the warrant is most likely to be present
  - c. Execute when resistance is least expected and best controlled
  - d. Minimize the danger or inconvenience to other persons who may be on the premises, unless other circumstances make this impractical
  - e. Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public (e.g., crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms)
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located (subject to third party private location rule.)

4. Officers need not execute the warrant at the first possible opportunity to do so, but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
5. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
6. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his intentions and purpose, and demand admittance. He may then wait, for a reasonable time under the circumstances, to be admitted.
7. Officers may only enter a third person's residence in the following circumstances:
  - a. with consent to search from the resident or person having control of the property, or
  - b. With a search warrant for that residence in order to enter and make the arrest, or
  - c. While in fresh pursuit of the wanted person.
8. If the execution of an arrest warrant may involve significant risk to officers, a statement of the circumstances of this risk should be included in the affidavit and the magistrate requested to include a "No Knock" authorization to the warrant. If a "No Knock" provision has not been authorized by the magistrate, and articulable circumstances occur at the time of execution of the warrant (such as efforts to destroy evidence, evade arrest, or endanger officers) an immediate entry may be made without the required notice and waiting period.
9. If an officer must make a forcible entry, the officer shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
10. Whenever an officer must forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other appropriate measures to protect the safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.
11. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating, and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.

12. An officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows. If the premises cannot be secured, a guard will be left until it can be turned over to a responsible party or otherwise secured from illegal entry.

#### F. Execution of Local Warrants by Other Jurisdictions

1. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this department, this department shall either arrange to have the prisoner picked up prior to the 11<sup>th</sup> day or notify the holding agency to release them.
2. Whenever an out-of-state department notifies this department that the out-of-state department has executed a felony arrest warrant held by this department, and is holding the person arrested, this department shall contact the District Attorney's Office who will immediately pursue extradition proceedings.

#### G. Class C Warrant Procedures

1. The City of Del Rio Municipal Court may issue warrants for Class C misdemeanor violations
2. When an officer suspects that a defendant has an outstanding Class C misdemeanor warrant and they do not have the warrant in their possession, the officer shall attempt to confirm the warrant with Communications
3. Communications will maintain both an electronic file of the warrant, and the original of the warrant in their office
4. Upon confirmation of the warrant, the officer will take the defendant into custody. If the arrest occurs during normal business hours (8 am to 5 pm, Monday – Friday), the officer will contact Municipal Court to arrange for the defendant to be arraigned immediately
5. If the defendant is arrested after normal business hours, they will be transported to the Val Verde County Jail or Detention Facility and the Municipal Court judge will be notified
6. Officers will not accept a bond from the defendant for the charge.
7. Prior to arrival at Municipal Court the officer should obtain the original warrant from Communications, and complete the officer's return on the warrant. The officer shall complete an arrest report.
8. The officer should turn in his arrest report and the original warrant to their supervisor. Supervisors will forward the warrant to Municipal Court for a final disposition and removal from the local warrant database.

9. If the defendant is arraigned by the Municipal Court judge, the completed original warrant can be left with the Municipal Court judge or the court clerk, at their request. If so, the officer will include a copy of the warrant with their arrest report.
10. Communications shall properly remove the warrant from the local warrant database.

## **VI. ARREST WITHOUT A WARRANT (TBP: 7.03)**

A. Federal and state constitutions protect individuals from arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

1. The Texas Code of Criminal Procedure, in Chapter 14, gives officers the authority to make warrantless arrests, supported by "*probable cause*", as follows:

a. Officers may arrest persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws.

b. If an officer has *probable cause* to believe that a person has committed an assault resulting in bodily injury to another and believes that there is danger of further bodily injury to that person, the officer may arrest the violator.

c. If an officer has probable cause to believe that the person has committed an offense involving family violence, the officer may arrest the violator.

d. If a person prevented or interfered with an individual's ability to place an emergency telephone call related to family violence, an officer may arrest the violator.

e. Officers shall arrest a person in violation of a valid protective order when committed in the officer's presence. Officers may arrest an offender for any offense committed within the officer's presence or view, including traffic violations.

f. Officers may arrest at the direction of a Magistrate, when a felony or breach of the peace has been committed.

g. Where it is shown by satisfactory proof to a peace officer, upon the representation of a *credible* person, that a felony has been committed, and that the offender is about to escape, so that there is not time to procure a warrant, said officer may, without warrant, pursue and arrest the accused.

h. Officers may arrest a person who confesses to a felony crime.

2. Warrantless Arrests Outside Officer's Jurisdiction:

- a. Although officers are discouraged from making arrests outside their jurisdiction, officers may make warrantless arrests in compliance with state law. Officers who are outside their jurisdiction may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony, breach of the peace, or violation of Chapter 42 or 49 of the Texas Penal Code.
- b. Any officer making a Warrantless arrest outside his/her jurisdiction shall notify the law enforcement agency of proper jurisdiction. The law enforcement agency shall take custody of the prisoner and arraign the prisoner before a magistrate in compliance with state law.

## **VII. POST-ARREST PROCEDURES**

### **A. Injury before or during arrest**

If a person receives an injury before or during an arrest and either requests medical attention or, in the officer's judgment, medical attention is needed, officers shall transport the suspect or arrange for his or her transportation to the hospital for an examination before booking.

### **B. Mirandizing Arrestees**

1. Arrestees shall be advised of their Miranda rights before any questioning
2. A waiver of the Miranda rights must be obtained before any questioning of an arrestee
3. If the arrestee has not waived his or her Miranda rights, no questioning shall be conducted beyond that necessary to accomplish the booking procedure (name, address, etc.)
4. If the arrestee declines to waive his or her Miranda right to counsel, or if the arrestee, after waiving that right, elects to reassert it, questioning must cease immediately and no further questioning may be conducted unless:
  - a. An attorney representing the arrestee is present, or
  - b. The arrestee voluntarily initiates a further interview, or
  - c. The arrestee has not waived his or her Miranda rights, then even though the arrestee is not being directly questioned officers shall refrain from engaging in conversation among themselves in the presence of the arrestee that is calculated to elicit incriminating statements or admissions from the arrestee

## **VIII. RELEASE FROM ARREST**

- A. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under



arrest did not commit a crime, or that the event was not a crime. It is imperative, then, that the officer end the arrest process and release the person as soon as possible.

## B. Procedure

1. If the arresting officer determines that probable cause no longer exists to arrest a suspect, and the officer is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the officer shall release the suspect.
2. When an officer releases a subject from arrest, he or she shall return the person to the place of the arrest, if the location is safe. The officer shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority assumes custody of the vehicle.
3. Upon releasing a person in this manner, the officer shall immediately contact the on-duty supervisor and advise him or her of the incident.
4. The officer shall document in an incident report:
  - a. The date and time of arrest
  - b. The person arrested (name, address, date of birth, race)
  - c. The location of the arrest
  - d. Probable cause for the arrest and the specific charge(s)
  - e. The location and time of release from arrest and whether the person was transported
  - f. The reasons for discovery of information which led the officer to release the person from arrest.
  - g. Any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved
  - h. Whether force was used in making the arrest, and if so, the nature of any force used and the consequences (including medical aid)

## **IX. IMMUNITY FROM ARREST**

### A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, except for traffic summonses.

2. Members of the Texas Legislature are exempt from arrest during a legislative session (or allowing for one day for every 20 miles such members may reside from the place where the legislature meets before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace.

B. Diplomatic immunity

1. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.
2. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security (202-647-4415, days, or 202-647-1512, nights and weekends).
3. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures--including pat-downs or other legal searches--to ensure safety to the public or other officers. Verification of the diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the chief or their designee shall remain in contact with the State Department.
4. Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory. Note: the list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance. (TBP 10.22)

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.4 Search Incident to Arrest and Other Searches Without a Warrant</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.07, 10.14, and 10.15	

**I. POLICY**

In order to ensure that constitutional rights are protected, officers of the SFDR Consolidated Independent School District Police Department will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances. Search warrants are discussed under Policy 7.5.

Searches without a judicial warrant are strictly limited to those circumstances where the courts have granted officers limited exceptions. One of those exceptions was described in Policy 7.2, where, if during an investigative stop, an officer has reasonable suspicion that an individual may be armed with a weapon - the officer may conduct a limited pat-down of the individual's clothing to protect the officer. Other exceptions to the search warrant requirement are provided in this policy.

**II. PURPOSE**

To establish guidelines for searches incident to arrest and other searches without a warrant.

**III. SEARCH INCIDENT TO ARREST**

- A. The general rule is that a reasonable search may follow a valid arrest. The officer has the authority to make a search which may extend to articles carried by the suspect and to the suspect's immediate surroundings. The purpose of this search is to remove any weapons from the arrested person which could be used against the officer while in custody, to remove any items that might facilitate an escape, and to prevent the destruction of any evidence by the arrested person.
- B. A search incident to an arrest must occur in such a way that it and the arrest are part of a continuous, uninterrupted transaction. Two conditions are necessary for this to occur:
  - 1. The search must be made as soon as practical after the arrest.
  - 2. The search must be made at or near the place of the arrest.

C. An officer making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.
2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence.

D. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.

E. Vehicles may be searched contemporaneous with the arrest of the occupant or driver only if:

1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or
2. The officer has a reasonable belief that *evidence related to the crime of the arrest* is located within the passenger compartment.
3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed. Officers may conduct a search of a vehicle passenger compartment in such circumstances if other warrantless search exceptions apply or by obtaining a search warrant.

#### **IV. OTHER WARRANTLESS SEARCHES**

##### **A. Consent Searches**

A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the officer doesn't have to have reasonable suspicion or probable cause to request a consent search: he or she may merely ask for permission from someone with control over the item or premises. If that person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.

1. Consent searches must observe the following rules:
  - a. Generally, the person granting consent must use, access, or control the property. A person having use, access or control of only a part of a jointly-owned property can only give consent for a search of that part.
  - b. If two people have joint ownership of property, either may give consent if they are the only one present. If possible, have all the consenting parties present sign a

written permission-to-search form. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.

- c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
- d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use if they are the only one present. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- e. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
- f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
- g. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
- h. Consent must be given voluntarily. If an officer requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual and the officers should seek a warrant. The officer may have the burden of demonstrating voluntariness.
- i. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
- j. Refusal to give consent, in itself, cannot justify further law-enforcement action.
- k. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

## 2. Documentation of Consent Searches

- a. Although verbal consent is valid, Police officers will carry and use the Voluntary Consent to Search form. The form should be completed and signed by the consenting parties. All Consent to Search Forms shall be copied and the original forwarded to the Records Unit for filing. A copy should accompany any case forwarded to the prosecutor.
- b. If a person gives verbal consent but refuses to give written consent, police officers should consider the severity of the case along with viable options (i.e., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search.

- c. If a police officer proceeds to search on verbal consent, it should be remembered that the burden of proof is always on the government. Officers should attempt to receive unequivocal verbal consent (i.e., "yes" or "You can search anywhere and anything in my car", rather than accepting the suspect nodding or saying, "uh huh").
- d. Police officers will not only have to prove the consent was voluntary, but that it was actually given (officer's word against defendant).

Officers should attempt to take additional steps to eliminate this argument (i.e., tape record the verbal consent, have an impartial third party witness the consent by signing the form).

- e. Police Officers should make every effort to minimize conditions which could be offered as "threat or intimidation"; such as:
  - i. Number of Police officers present (especially in uniform);
  - ii. Amount of force used to detain or arrest - i.e., display of firearms, use of handcuffs, etc.;
  - iii. Language and tone of voice used in requesting consent;
  - iv. Other non-verbal communications.

#### B. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
2. Police Officers may make a warrantless search of any person or anything, whether personal belongings, vehicles, or buildings, anytime they have probable cause to believe it is necessary to save a life, prevent injury, or prevent the destruction of evidence.
3. Police Officers who observe criminal activity occurring inside a private place from outside the private place may not always be able to secure a proper warrant in a timely manner and will adhere to the following guidelines:
  - a. If the offense is a misdemeanor, Police officers will not enter unless:
    - i. Valid consent is given by a person with apparent authority to grant such permission, or
    - ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.
    - iii. Circumstances where alcohol and/or illegal drugs are present, and the health and

safety of minors is a legitimate concern.

- b. If the offense is a felony, police officers will not enter unless:
  - i. Valid consent is given by a person with apparent authority to grant such permission.
  - ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if it is not immediately recovered, or
  - iii. There is reason to believe there is an immediate need to protect the physical safety of some person inside the location.
- c. Where police officers enter private property under felony circumstances as described above, and misdemeanor violations are also observed, they may take appropriate action with regard to all criminal conduct regardless of the kind of offense or the age of the individuals engaged in any criminal or status offense.
4. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

#### C. Plain view

A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentalities of the crime), two requirements must be met:

1. From a lawful vantage point, the officer must observe contraband left in open view; and
2. It must be immediately apparent to the officer that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

#### D. Plain feel

During a lawful frisk (stemming from a lawful stop), if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, then the object may be seized. Threatening items such a weapon may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent.

#### E. Abandoned property and open fields

A search warrant is not required for property that has been abandoned.

1. To constitute abandoned property, three conditions must apply:
  - a. Property was voluntarily abandoned.
  - b. The abandonment was not a result of police misconduct.
  - c. Property was discarded outside the area in which someone has a reasonable expectation of privacy.
2. Open fields are not protected by the Fourth Amendment, but officers must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

## **V. VEHICLES**

A. In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under a number of conditions and circumstances. It is imperative that officers understand the different types of vehicle searches and their limitations.

### **B. Definitions**

1. For the purposes of this section, a motor vehicle is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.
2. For the purposes of this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

### **C. When warrantless vehicle searches may be performed**

1. As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a with the following limitations:
  - a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.



- b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.
- c. When consent has been obtained from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.
- d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect. (See Section III above for a fuller treatment of searches incident to arrests and restrictions. Once an individual is restrained or removed from the immediate area of the vehicle, the authority to search the area within reach is removed.)
- e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle.
- f. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.
- g. An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.
- h. Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentalities of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

#### D. Containers within the vehicle

- 1. As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.
- 2. Procedures for unlocked containers
  - a. In a probable cause search, containers may be opened wherever found in the vehicle.
  - b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
  - c. During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.

- d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
- e. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.

### 3. Procedures for locked containers

- a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:
  - i. Consent has been given.
  - ii. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
  - iii. Inventory, only if a key is present.

### E. Conduct of the vehicle search

- 1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
- 2. When possible, officers shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
- 3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases.

### F. Vehicle Inventory

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded. Vehicle impound procedures are provided in Policy 8.8.

<b>S.F.D.R.C.I.S.D.POLICE DEPARTMENT</b>	
<b>Policy 7.5 Search Warrants</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.06	

**I. POLICY**

The federal and state constitutions guarantee every person the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that a person's Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential harm to members of the community, the risks to officers' safety and to the department image in the community, officers shall have a thorough knowledge of the legal requirements in obtaining and executing search warrants.

**II. PURPOSE**

The purpose of this general order is to establish guidelines and procedures which officers must follow when conducting searches and seizures.

**III. DEFINITIONS**

- A. *Search warrant:* A written order, issued by a magistrate, and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate or commanding him to search for and photograph a child and deliver to the magistrate any of the film exposed pursuant to the order.
- B. *Search site:* The premises to be searched, as explicitly stated in the search warrant.
- C. *Lead detective:* The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.
- D. *Protective sweep:* Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to

officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

- E. *Curtilage*: Curtilage usually refers to the yard, garden, or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation.

#### **IV. PROCEDURES - General**

##### **A. State Law**

1. Chapter 18 of the Texas Code of Criminal Procedure controls the use of search warrants in Texas. It states that a judge or magistrate may issue a search warrant if the following circumstances exist:
  - a. There is probable cause to do so, and
  - b. There is a complaint on oath supported by an affidavit.
2. Search warrants may be issued for the search of or for specified places, things or persons, and seizure there from of the following things as specified in the warrant:
  - a. Weapons or other objects used in the commission of a crime.
  - b. Articles or things the sale or possession of which is unlawful.
  - c. Stolen property or the fruits of any crime.
  - d. Any object, thing, or person including documents, books, records, paper, or bodily fluids constituting evidence of a crime.

##### **B. Supreme Court decisions**

1. The Supreme Court of the United States issues decisions which must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, officers bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:
  - a. Was there probable cause to issue the search warrant?
  - b. Was the scope of the search appropriate?

C. Exceptions to search warrant requirements are discussed in Policy 7.4.

#### **V. PROCEDURES - Obtaining a search warrant**

- A. Prior to obtaining a search warrant, officers should consult a departmental supervisor for review of the probable cause and approval to seek a search warrant. This review may be conducted by telephone if necessary. If the supervisor approves the warrant application, the supervisor shall notify their division lieutenant, who will decide whether to immediately inform the Chief of Police of the circumstances surrounding the offense and the need for the warrant.
- B. The approving supervisor will be in charge of the warrant execution. While the lead officer may develop the case information, construct the affidavit, and obtain the warrant, the approving supervisor is responsible for the proper and safe execution of the warrant including compliance with this policy.
- C. Essential legal requirements
  - 1. To obtain a search warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
  - 2. The officer shall carefully document in an affidavit specific facts that constitute probable cause. Two kinds of facts must be considered:
    - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched.
    - b. The facts which address the reliability of the source of the officer's information.
  - 3. The court considers only those facts presented in the warrant and affidavit. Conclusions and suspicions are not facts. Facts must be recent.
  - 4. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
  - 5. Reliability of facts is established by:
    - a. Personal observation or knowledge by an officer.
    - b. Eyewitnesses who have first-hand knowledge.
    - c. Informants (if proven reliable or corroborated by personal observation of an officer).
- D. Affidavits
  - 1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, officers shall provide the information listed below. Texas CCP 18.01 requires officers to swear to the facts of the affidavit before a judge or magistrate.

2. The affidavit shall include the following elements:
  - a. A detailed description of the place, thing, or person to be searched
  - b. A description of the things or persons to be searched for
  - c. A substantial allegation of the offense in relation to which the search is to be made
  - d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense
  - e. Material facts which would show that there is probable cause for issuing the search warrant
  - f. Facts that establish probable cause and that the item to be seized is at the location to be searched
- E. Language of the warrant
  1. Only the things specified in the search warrant can be seized (for a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see Policy 7.4). The warrant shall specify the areas to be searched shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.
  2. If motor vehicles to be searched are on the premises, the warrant shall specify.
  3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
  4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.
  5. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
  6. If time and opportunity permit, the affidavit and warrant should be reviewed by the District Attorney prior to presenting it to a magistrate.
  7. If officers believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to utilize a "no-knock"

warrant execution, the reasons for that belief should be clearly explained in the affidavit. The magistrate should be requested to review and authorize the no-knock entry.

## **VI. PROCEDURES - Executing a search warrant**

### **A. When a search warrant must be executed**

1. An officer is required to execute a warrant within the limitations imposed by statute. If it has not been executed during that time, the officer shall void the warrant and return it to the magistrate who issued it.
2. An officer may execute a search warrant either during the day or at night. The time of day selected to execute the warrant should take into consideration the likelihood that specific individuals will or will not be present. (Example: children or elderly.) Officer safety will also be considered in determining when to execute a warrant.

### **B. Preparing to execute the warrant**

1. Before executing the warrant, the supervisor shall review the warrant and the affidavit; and brief the search team officers on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.
2. All members of the search team shall be in uniform or wear a clearly marked jacket with "POLICE" in large letters on the front and back.
3. All members of the search team shall wear protective body armor during the execution of all warrants.

### **C. Gaining entrance to premises**

1. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed. The lead detective shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
2. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed officers shall be the most visible members of the search team and shall conduct the initial entry.
3. In most cases the officer shall do all of the following before entering the premises to be searched:

- a. He or she must announce their presence as a law-enforcement officer
- b. The officer must announce that their purpose is to execute a search warrant
- c. The officer must wait a reasonable time either to be admitted or refused admission to the premises

4. When entrance is refused

If the officer is refused entrance after a reasonable time, he may force his way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

- a. No one has admitted the officer within a time in which it would be reasonable to expect someone to let the officer in if he or she is going to be admitted at all.
- b. The officer waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.

5. No-knock or exigent entry

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry may be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

- a. Bodily harm either to the officer or to someone within the premises to be searched.
- b. The escape of the person to be searched or arrested.
- c. The destruction of evidence.

6. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety, such as "Police, search warrant, get down."

D. Conduct of the search

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.



3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search.
4. Once all the evidence being searched for is located, the search must cease at that point.
5. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.
6. An officer may seize only the property listed in the warrant with two exceptions:
  - a. The other evidence is reasonably related to the offense for which the search warrant was issued.
  - b. It is property which the officer knows or has probable cause to believe is evidence of another crime.
7. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by department policy.
  - a. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
  - b. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
8. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person beyond a frisk for officers' safety.
2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.

3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

## **VII. PROCEDURES - Return of the search warrant**

- A. After an officer has finished a search, he or she shall perform the following:
  1. Note the date of execution on the search warrant.
  2. The officer must make an inventory of all the property seized and leave a copy with the person in charge of the premises.
  3. Within three days following the execution of the search (excluding Saturdays, Sundays, or legal holidays) make return of the warrant to the magistrate who issued the warrant. The following
    - a. The search warrant.
    - b. The affidavit.
    - c. Either the inventory of articles seized or a notation that nothing was seized during the search.
- B. Responsibility for property seized
  1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to identify all seizures.
  2. Officers shall place evidence in the proper storage area or locker reserved for the purpose prior to the end of shift.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.1 Prisoner Restraints</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 10.01	

**I. POLICY**

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and restraining devices. The SFDR Consolidated Independent School District Police Department requires officers to observe their own safety and that of the people they transport by carefully utilizing restraints on prisoners (except children) who must be taken to a jail or other location. See also Policy 8.2, Prisoner Transportation.

**II. PURPOSE**

To establish guidelines for the use of handcuffs and other restraining devices.

**III. PROCEDURES - Arrested Persons**

A. General

1. Officers shall handcuff all arrested adults unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury. If a prisoner is not handcuffed, they shall be transported in a vehicle with a prisoner cage and two officers shall conduct the transport. Officers must be able to justify exceptions without unduly risking safety.
2. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer.
3. Officers are reminded to refer to SFDR CISD PD Policy 11.6 – Communication with the Deaf and Hearing Impaired on how to handcuff someone who is deaf or hard of hearing.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions without unduly risking safety.

Some possible exceptions are:

- a. Children under 10 years of age;
  - b. Pregnant females;
  - c. Handicapped or disabled suspects; or
  - d. Elderly suspects.
2. Normally, officers shall handcuff a subject with the hands in back, but he may choose to handcuff hands in front due to the suspect's handicap or disability. If handcuffed in the front, officers should attempt to secure the handcuffs to the body by use of a belt if possible.
  3. When a suspect is handcuffed, officers should double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.
  4. Officers shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of handcuffs.
  5. Individuals will not be handcuffed to any portion of a police vehicle during transport.

#### C. Body Belt

The body belt allows the officer to handcuff the prisoner in front, yet restricts the movement of the prisoner's arms and hands. The body belt will be used when the officer deems it appropriate.

#### D. Ankle Shackles

Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk or when circumstances deem it appropriate.

#### E. Plastic Handcuffs

Plastic handcuffs shall be used when officers take several prisoners into custody, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can only be removed with scissors, or wire cutters and should never be cut off with a knife.

#### F. Hobble Technique

1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope around the prisoner's ankles and then extending the other end of the device onto the door jam and then shutting the vehicle door, thus holding the prisoner's feet in place.

2. The hobble device should only be applied to a prisoner's legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself or another with the use of his feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.
3. A prisoner that requires the hobble device requires a two officer transport so that one officer can monitor the status of the prisoner while in transport, e.g. prevent prisoner head strikes against windows etc.

#### **IV. PROCEDURES - Persons not arrested**

- A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to potential suspects while officers investigate an incident. Officers should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.
  1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.
  2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
  3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the investigation.
- B. If an individual is handcuffed or otherwise restrained for officer safety reasons during an investigation and later released, officers shall document their actions in an offense or incident report and include the reasons officers handcuffed the individual, the approximate length of time of the restraint, and the results of the investigation.

#### **V. SPECIAL CIRCUMSTANCES**

##### **A. Restraint prohibitions**

1. Officers shall not place subjects in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices.
2. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position. Suspects shall never be transported in a prone, face down position.
3. Intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when restrained. All suspects will be monitored during custody for indications of medical problems and medical treatment obtained if required.

4. Officers will be aware of the concerns associated with positional asphyxia and shall ensure an open airway of the suspect through upright posture as soon as possible after making a prone arrest.

## **B. Excited Delirium**

1. Excited Delirium is a condition brought on by the use of drugs or the lack of required medication. Subjects in this state have readily identifiable symptoms and behavioral patterns. For the safety of both the officers and the subjects, recognition of these signs is a must. This is especially true in cases when more than two or three of the symptoms are exhibited at the same time by the same person. Some of the symptoms to be aware of include, but are not limited to:
  - a. Bizarre and/or aggressive behavior such as self-inflicted injuries; jumping into water; shouting; hiding behind cars, trees, and bushes; public disrobing (due to high body temp)
  - b. Irrational or incoherent speech
  - c. Dilated pupils; shivering; profuse sweating
  - d. Fear; paranoia, or panic
  - e. Violence towards others; violence toward objects, especially glass, or violence in general
  - f. High resistance to pain
  - g. Unexpected physical strength
  - i. Officers should never go "one-on-one" with a subject displaying these symptoms.
  - ii. These subjects may resist violently and then may become extremely tranquil, appearing to have given up and accepting their fate. This term is called, "Sudden Tranquility" and usually occurs just prior to death. If this circumstance occurs, officers should be mindful that seeking immediate medical attention may be necessary.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.2 Prisoner Transportation</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 10.01, 10.10, and 10.12	

**I. POLICY**

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, such as the county jail, to a hospital, doctor, dentist, or other medical facility, to court, and for other reasons. Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of the SFDR Consolidated Independent School District Police Department to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody.

**II. PURPOSE**

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

**III. PROCEDURES (TBP: 10.01)**

A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.
2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan and shall use personal protective equipment when necessary.
3. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property. (TBP: 10.10)

#### C. Searching the police vehicle

The transporting officer shall search the vehicle immediately before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence. (TBP 10.01)

#### D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used in transporting prisoners have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners while transporting.
3. Vehicles used for transporting prisoners should be checked for proper security measures and any contraband at the beginning of each shift and before transporting prisoners.

#### E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 8.1.
2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A single officer shall never transport two or more suspects in a non-caged vehicle.



3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.
  - a. One officer shall position him or herself in the rear of the transporting vehicle behind the driver with the prisoner (seat belted) on the rear passenger side.
  - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear passenger side (seat belted) and the assisting officer should position himself behind the driver's seat in order to see the prisoners at all times and protect the driver.
4. Officers shall not transport prisoners who are restrained in a prone position as doing so increases the risks of medical complications.

#### 5. Control of prisoners while transporting

#### F. Observation and Medical Assistance (THP: 10.12)

1. During custody and transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
2. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently ill prisoner if he or she wishes medical assistance.
3. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical or mental health state.
4. Prisoners shall not be left unattended at any time during transport with the exception of situations in Section G. below.

#### G. Stopping to provide law enforcement services while transporting

1. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:
  - a. A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
  - b. A person has been injured and assistance is required immediately.
2. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
3. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

## H. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:
  - a. Location
  - b. Direction and method of travel, and means of escape
  - c. Name, physical description of escapee
  - d. Possible weapons possessed by the escapee
  - e. Pending charges
2. Try to recapture the escapee as soon as possible.
  - a. The transporting officer shall submit a written report to the Chief of Police as soon as practical explaining the circumstances of the escape.
3. Prisoner communication
  - a. The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

## I. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:

1. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle.
2. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

#### J. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. As a rule, officers should not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting with the on-duty supervisor. The supervisor shall observe the following procedures to ensure control of the prisoner:
  - a. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.
  - b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
  - c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then maintain the guard until the prisoner makes bond or the case is filed. When the case is filed attempt to transfer responsibility to the Val Verde County Sheriff's Office.
  - d. Until relieved by the Val Verde County Sheriff's Office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.
  - e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.
  - f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

#### K. Special transport problems

1. Transport of prisoners by officers of different sex than prisoners.
  - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
  - b. At a minimum the transporting officer shall:
  - c. Contact the dispatcher by radio and request that the time and odometer mileage be logged

- d. Go directly to the destination by using the shortest practical route
- e. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged

#### L. Prisoner with disabilities

1. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
2. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
3. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
4. Transportation of dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency or the sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

#### M. Documentation

Officers shall document all prisoner transports and shall note any unusual circumstances or events in the arrest report. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.3 Prisoner Processing</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 10.10, 10.12, 10.14, 10.15, and 10.22.	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department does not maintain or operate a holding facility. All persons taken into custody are taken directly to the GEO Detention Facility. The policy of our department is to process prisoners without delay and safely transport them to the GEO Detention Facility as soon as possible.

**II. PURPOSE**

To provide operational procedures for transport of prisoners to the County Jail.

**III. GENERAL ISSUES**

A. Supervision

The operational policies and supervision of the Val Verde County Jail is the responsibility of the Sheriff. Members of this agency will conform to their requirements when processing prisoners for holding in their facility. Any difficulties encountered by members of the SFDR Consolidated Independent School District Police Department should be brought to the attention of a supervisor as soon as possible.

B. Access to Facility

Access to the county jail is limited to authorized sworn personnel. Juveniles are prohibited from entering the facility at any time. Juveniles taken into custody are transported immediately to the juvenile’s home, to the juvenile processing room at the SFDR Police Department, or to the Juvenile Probation Office.

**IV. FACILITY SECURITY**

A. Firearms and Weapons

1. Weapons shall be secured in an appropriate lock box or secured in the officer's vehicle trunk prior to entering the facility. No firearms or other weapons are allowed in the jail area.
2. Weapons (that are not contraband) that are not part of an investigation, but are part of prisoner's property will not be placed in prisoner's property in the holding facility, but will be placed in the property room at the police department for safekeeping.

## **V. PRISONER PROCESSING**

### **A. Prisoner Control and Security**

1. All arrested persons shall be thoroughly searched for weapons and contraband at the scene of the arrest prior to being placed in a police vehicle. Any contraband located on the arrested person is considered evidence, is seized, and properly secured as evidence. Any property removed from a suspect shall be securely maintained by the arresting officer and released to the custody of Val Verde County Jailor GEO staff when the individual is booked into the jail. (TBP 10.10)
2. Persons arrested by this agency may be transported to the SFDRICISD Police Department for paperwork processing prior to transport to the Val Verde County Jail or GEO Detention Facility. At no time will any person arrested or detained be left alone while in custody in the police vehicle or while in the police department facility. \* This includes any interview room.
3. Persons to be detained in the Val Verde County Jail or GEO Detention facility are escorted into the facility through the holding facility door near or through the sally port.
4. Officers will take extra precautions to ensure that all items taken from a prisoner in the field are turned over to the jail staff for safekeeping so they may be released to the individual when they are released from jail.

### **B. Juvenile Detentions**

1. If a child is detained and transported to the SFDRICISD Police Department building, they shall only be detained in the areas designated as Juvenile Processing Offices. Under no circumstances will a child who is in custody be left unsupervised. All children held at the police facility remain out of sight and sound of adult prisoners.
2. A child who is being held for a status offense shall not be detained in a secured area or any locked room. Status offenders are to be held in a non-secured area, out of sight and sound of adult prisoners.

#### C. Medical Attention (TBP: 10.12)

1. Should an arrested person have obvious injuries or complain of injury or illness, the arresting officer will ensure the individual is examined by either EMS personnel or medical personnel before transport to the Detention Facility.
2. If the severity of medical conditions is unclear or if a prisoner requests medical attention, he shall be transported as soon as possible to a medical facility for evaluation. If available, the arresting officer shall be responsible for transporting the prisoner to and security of the prisoner while at a designated medical care facility.

#### D. Fingerprints and Photographs

1. Fingerprinting and Photographs will be conducted by County Jail or GEO Detention staff or under their direction.

#### E. Arrest Reports

1. All individuals detained will have an Arrest Report completed using the computerized offense and arrest report system.
2. Arrest reports contain information about the offense and the probable cause to believe the person committed the offense or a reference to an offense report where such information is provided.
3. Arrest reports are completed in the format provided in the computer system.
4. All arrest reports and related offense reports will be completed by the arresting officer prior to end of shift and copies provided to the County Jail personnel.
5. If County jail or GEO Detention supervisors do not believe there is sufficient probable cause to hold an individual, the on-duty or on-call supervisor should be contacted.

#### F. Transportation of Prisoner to other Agencies

1. SFDRCID Police Officers are not usually required to transport prisoners to other agencies. This function is usually carried out by the Transportation Section of the Val Verde County Sheriff's Office. If an SFDRCID PD Officer is required to transport a prisoner to another agency, they will:
  - a. Comply with the other agencies' rules including locking up all weapons prior to entering the facility
  - b. Ensuring the prisoner remains handcuffed until released to their custody

- c. Provide the receiving agency with all necessary paperwork and prisoner's property
2. Officers picking up prisoners from the county will inquire about any physical or mental problems the prisoner may have. All of the prisoner's property will be signed for by the prisoner and provided to the transporting officer for safekeeping. (TBP: 10.10)

## **VI. PRISONER RIGHTS**

### **A. Access to Consul (TBP: 10.22)**

1. Detainees shall be asked their country of citizenship following arrest if it is in question. Should a detainee be other than a U.S citizen, the detainee will be asked by the arresting officer if they wish their Consular to be notified. If so, the Consul will be notified by Communications using the list maintained in the communications office. Notification or refusal shall be noted in the arrest report.

### **B. DWI Blood Tests**

1. Suspects arrested for DWI have the right to request a Blood Test by a physician of their choice within two hours after their arrest per TRC 724.019. Individuals should be allowed access to a telephone for this purpose as soon as possible if requested.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.4 Juvenile Procedures</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 10.02 and 10.03	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The SFDR Consolidated Independent School District Police Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes.

**II. PURPOSE**

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses and those charged with criminal offenses.

**III. DEFINITIONS**

- A. *Child (Juvenile):* A person who is ten years of age or older and less than seventeen years of age.
- B. *Conduct in Need of Supervision:* Conduct, other than a traffic offense, that violates the penal laws of the state punishable by fine only, or violations of municipal ordinances, failure to attend school, and runaway.
- C. *Delinquent Conduct:* Conduct, other than a traffic offense (except DWI) that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.
- D. *Delinquent child:* A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 17th birthday.
- E. *Intake officer:* A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer.

- F. *Juvenile court*: The Court designated under Texas Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
  - 1. All juvenile offenses other than class “C” offenses occurring within the jurisdiction of SFDR CISD PD are heard in District Court.
- G. *Referral to Juvenile Court*: The referral of a child’s case to the official, including the intake officer, designated by the Juvenile Board to process children within the Juvenile Justice System.
- H. *Status Offender*: A juvenile who is charged with an offense that would not be a crime if committed by an adult.
- I. *Responsible Adult*: In the absence of a juvenile’s parents or legal guardian, a responsible adult is one who is responsible for the physical custodian of a juvenile or who is another adult acquaintance of the juvenile’s parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
- J. *Juvenile Processing Office*: The office(s) within the SFDR CISD Police Department or school facility, approved by the Juvenile Court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the Juvenile Detention Center.

**IV. PROCEDURES – General (TBP: 10.02)**

**A. Overview**

- 1. All members of the department shall cooperate with juvenile justice authorities and their support activities.
- 2. Juveniles have all the same constitutional rights as do adults and all requirements for protection of those rights apply to juveniles as well as adults. Additional rules are prescribed by the Texas Family Code. All department personnel are responsible for following the Family Code and this order.

**B. Handling of juvenile offenders - general**

- 1. A juvenile offender shall be handled with firmness and respect.
- 2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
- 3. All investigative detentions and enforcement actions involving juveniles will be documented, either by use of a written warning, citation, or incident report. If a

written warning or citation is issued and the circumstances of the contact are recorded on the form, no incident report is required. If no written warning or citation was issued, an incident report will be generated to document the contact and actions taken. If possible, all contacts with juveniles will be recorded as best possible on the in-car audio/video system.

#### C. Authority for Taking a Child into Custody

1. Section 52.01 of the Texas Family Code allows police officers to take children into custody:
  - a. Pursuant to an order of the Juvenile Court;
  - b. Pursuant to the laws of arrest;
  - c. For conduct which violates a penal law of this state or a municipal ordinance;
  - d. For Delinquent Conduct or Conduct Indicating a Need for Supervision, including truancy and runaway;
  - e. Pursuant to a Directive to Apprehend.
2. The section also authorizes officers to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent.
3. In making the decision to handle the juvenile either informally with a warning or formally by referral to the Juvenile Court, the officer shall consider the following:
  - a. Seriousness of offenses.
  - b. Prior record of child.
  - c. Child's age.
  - d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
  - e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

#### D. Enforcement Alternatives

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following, listed in order of severity:
  - a. release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult;

- b. field release with written warning or citation, limited custody and station house warning, arrest under non-secure custody, and release to parents with or without referral to Juvenile Court or First offender Program; and
  - c. arrest and secure custody, with transfer to detention and referral to Juvenile Court.
2. Enforcement criteria for the use of these alternatives is provided below.
  3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
  4. In all cases where a juvenile is believed to have committed a violation, regardless of the disposition, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances of the contact.

## **V. ENFORCEMENT CRITERIA**

- A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.
  1. Release without further action, release with verbal warning, referral to parents or responsible adult or informal counseling with contact of parents or responsible adult.
    - a. Appropriate in incidents where no violation was determined or where the violation was very minor and officers explained the law and consequences.
      - i. No property damage or personal injury was involved
      - ii. No prior record
      - iii. May include contact with parents if appropriate. Examples of these incidents include, but are not limited to curfew violations, minor liquor law violations, and disorderly conduct.
    - b. If a non-traffic citation is issued, the juvenile's parents may be contacted by telephone from the scene and advised of the offense and disposition. If the parents cannot be contacted, officers will make a copy of the citation and forward the copy to the SFDRCID PD secretary for mailing to the parents. On it, the officer shall give a complete description of the circumstances of the contact.
    - c. If officers detain a juvenile for a non-traffic offense and decide not to issue a warning or citation, officers shall complete an incident report and forward it to their supervisor.

2. Field release with written warning or citation, or limited custody and station house warning, arrest under non-secure custody and release to parents with or without referral to Juvenile Court or First Offender Program.
  - a. Officers may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the Juvenile Processing Office until he is released to a parent or guardian.
    - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
    - ii. there was property damage or minor injury not amounting to a felony;
    - iii. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;
    - iv. the youth fails to cooperate or to positively respond to police intervention and direction;
    - v. the youth's parents or responsible adults have apparently failed to provide appropriate control and supervision.
  - b. Officers may elect to file a referral to the Juvenile Court depending on the nature of the offense and prior history of the offender.
3. Arrest and secure custody, with transfer to detention and referral to Juvenile Court. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in section 2 above.
  - a. Officers should file delinquency charges against juveniles when they commit:
    - i. acts that if committed by an adult would be felonies;
    - ii. delinquent acts involving deadly weapons;
    - iii. serious gang-related offenses;
    - iv. delinquent acts involving serious assault;
    - v. delinquent acts while on probation or parole or when they have charges pending against them;
    - vi. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs;
    - vii. when it has been determined that parental or other adult supervision is ineffective.

4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.
  - a. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.
  - b. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
  - c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
  - d. Transportation of a juvenile in a caged vehicle is not considered secure custody.
  - e. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
  - f. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be under constant visual supervision; afforded reasonable access to toilets and washing facilities; provided food if in need of nourishment to include any special diets necessary for health or medical purposes; provided with reasonable access to water or other beverages; and allowed reasonable access to a telephone.

## **VI. JUVENILE PROCESSING**

### **A. Searching and Transportation of juveniles**

1. No juvenile under 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
2. Juveniles are searched and transported in the same manner as adults in compliance with Policy 7.11 Prisoner Transportation.
3. Juveniles are typically not handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer

### **B. Actions when taking a juvenile into Custody**

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.

2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:
  - a. Release the child to his parent, guardian, custodian, or other responsible adult upon that person's promise to bring the child before the Juvenile Court when requested by the court;
  - b. Bring the child to a Juvenile Processing Office designated by the Juvenile Court;
  - c. Bring the child before the office or official designated by the Juvenile Court;
  - d. Bring the child to a medical facility if the child is believed to suffer from a serious physical condition, illness, injury or mental condition that requires prompt treatment;
  - e. Referral of the child and/or parent, guardian or custodian to the appropriate social agency;
  - f. In cases of truancy, the child is immediately returned to the proper school official within the appropriate public or private school;
  - g. Take the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or
  - h. Release the child with no further action pending.

C. Notifications:

1. The arresting officer shall promptly notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas Family Code.
2. Notification of the parents or attempts at notification shall be documented in the arrest report.

D. Designated Juvenile Processing Area:

1. A juvenile may be detained in a holding area certified by the Juvenile Court. The SFDRCSISD Police Department approved Juvenile Processing Office is the interview room located near the dispatch office, and every CID office.
2. Juveniles are detained under the following conditions:
  - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
  - b. At no time will a juvenile who is in custody be left unsupervised in the juvenile holding area.

- c. All juveniles held in the Juvenile Processing Office are out of sight and sound of adult prisoners.
- d. No juvenile is held in custody longer than is reasonable to conduct an investigation, prepare a case, or to await the arrival of a parent or guardian.
- e. At no time will a juvenile be held in the Juvenile Processing Office longer than six hours. If not otherwise released, the juvenile will be taken to the Juvenile Detention facility within 6 hours of an arrest.

#### E. Taking a Runaway into custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Verify status as runaway
2. Take the child into custody.
3. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent. If a parent cannot be located, take the juvenile to the juvenile processing office and make contact with the Juvenile Detention Center Intake Officer for instructions.
4. The Juvenile Processing Office may not be locked when holding status offenders. An officer will remain with the juvenile until disposition is made.
5. Notify Communications to remove the runaway report from the computer system
6. In any event, officers shall complete incident reports for any runways taken into custody.
7. Out-of-town runaways, take the child into custody and verify runaway status with the other jurisdiction. If a detention order is on file, follow the instructions for serving a detention order.
  - a. Notify the intake officer of the juvenile court of the action taken. The intake officer will then determine what the next step will be. The officer shall:
    - i. Follow the intake officer's instructions for detention or child placement.
    - ii. Notify parents that the child is in custody.
    - iii. If the child is to be released and the parents cannot respond within a reasonable period of time, then [either contact a runaway house, if appropriate in your jurisdiction, or arrange to detain the juvenile].

#### F. Taking a Truant into Custody



1. When custody occurs because a juvenile is a reported truant by school officials, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
2. The officer shall complete an incident report which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

## **VII. PROTECTIVE CUSTODY**

A. A law enforcement officer may take protective custody of a child without a court order for the following reasons and no others:

1. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.
2. Upon the voluntary delivery of the child, by the parent, managing conservator, guardian, caretaker, or custodian who is entitled to possession of the child.
3. Upon personal knowledge of facts which would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
4. Upon information furnished by another which has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
5. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.
6. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.

B. Emergency Treatment For Juveniles

1. In the absence of the responsible parent or guardian, police officers are expected to immediately take custody of any juvenile found to be in need of emergency medical care and to see that the juvenile is taken to an emergency hospital for treatment.

### C. Procedures To Take Custody Of The Juvenile

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expedient manner:
  - a. The officer takes custody of the juvenile either in person or requests an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
  - b. The officer utilizes all available resources to immediately contact a parent or guardian (school officials, etc).
  - c. The officer then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
    - i. Name, race, and date of birth of the juvenile,
    - ii. Parent's name and address if available,
    - iii. What hospital the juvenile has been taken,
    - iv. What efforts have been made to contact the child's parents or guardian,
2. Follow-Up Investigation:
  - a. The officer conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.
  - b. The officer will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

### D. Persons Who May Consent To Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and surgical treatment of a child when the person having the right to consent as otherwise provided by law cannot be contacted and that person has not given actual notice to the contrary:

1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person, an adult who has actual care, control, and possession of the child and has written authorization to consent from the person having the right to consent.
2. A peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment, or

3. Any court having jurisdiction over the child.

## **VIII. INVESTIGATIVE PROCEDURES**

### **A. Custodial Interrogation Of Juveniles**

1. Custodial interrogation of juveniles by Department employees shall adhere strictly to procedural requirements established by the Texas Family Code and relevant court rulings.
2. The custodial officer or a detective interviews the juvenile. The officer explains to the juvenile the procedures that will relate to their case. The officer or detective may, at their discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.
3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

### **B. Written Confessions/Statements:**

Officers will follow the procedure outlined below while taking written statements/confessions from juveniles:

1. Written confessions are taken in compliance with the Texas Family Code.
2. A magistrate, outside the presence of law enforcement officers, first warns the juvenile.
3. An officer then takes the typed or handwritten statement, but leaves the statement unsigned.
4. The officer then returns the juvenile and the statement to the magistrate.
5. The magistrate will review the statement with the juvenile outside the presence of law enforcement officers.
6. The juvenile is then allowed to sign the statement in the magistrate's presence.

### **C. Fingerprinting And Photographing Juveniles:**

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.
2. Fingerprints and photographs of juveniles are destroyed as directed by the Texas Family Code.
3. Fingerprints are taken to comply with state reporting requirements. All juveniles placed in custody for cases classified as class "B" misdemeanor or higher are

fingerprinted and photographed. These records are maintained at the County Juvenile Detention Center and also in the State files.

4. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that they are those of a particular child, unless otherwise prohibited by law, the officer may fingerprint the child regardless of the age or case for the purpose of immediate comparison with the latent fingerprints.
5. Disposition of Fingerprints Taken: If the comparison is negative the fingerprint card and other copies of the fingerprints taken are destroyed immediately. If the comparison is positive and the child is referred to the Juvenile Court, the fingerprint card and other copies of the fingerprints are filed locally and with the State. If the child is not referred to the Court the fingerprints taken are destroyed immediately.

#### D. Required Notification of Schools

1. Officers that arrest or take into custody an individual that, because of age, may be enrolled in a primary or secondary school, as provided by Chapter 52, Family Code shall;
  - a. Attempt to determine if the individual is a student.
    - i. If the individual is known to or believed to be enrolled in a school mentioned above, and
    - ii. The child's alleged offense is an offense under section: 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code, or
    - iii. The Unlawful Use, Sale or Possession of a Controlled Substance, Drug Paraphernalia, or Marijuana, as defined by Chapter 481, Health and Safety Code; or
    - iv. The Unlawful Possession of any of the Weapons or Devices listed in Section 46.01(1)-(14) or (16), Penal Code; or a Weapon listed as a Prohibited Weapon under Section 46.05, Penal Code; or
    - v. Any felony offense.
  - b. If the individual meets these requirements the officer or detective assigned shall give oral notification to the Superintendent or the designee of the public school district within 24 hours after the arrest or detention of a child, or on the next school day.
  - c. Written notification shall be mailed within seven (7) days after the date of oral notification to the appropriate aforementioned school official, marked "Personal and Confidential" on the mailing envelope.

2. The complete text of this responsibility is found in Article 15.27 Code of Criminal Procedures.

E. Juvenile Records

All juvenile records are maintained separately from adult records and shall be stored securely.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.5 Domestic Violence and Protective Orders</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.08	

## I. POLICY

The SFDR Consolidated Independent School District Police Department assigns domestic or family violence calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in responding to cases of domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

## II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

## III. DEFINITIONS

- A. *Assault* - Intentionally, knowingly, or recklessly causes bodily injury to another including the person's spouse or threatens to cause imminent bodily injury to another including the person's spouse. This definition is not all inclusive as family violence may also entail aggravated circumstances, sexual assault, as well as other offenses. See Chapter 22 and 25 of the Texas Penal Code.
- B. *Domestic violence shelters/programs* - Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.
- C. *Family abuse* - Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury

and which is committed by a person against such person's family or household member.

D. *Family or household member*

1. Spouses, whether or not residing in the same home
2. Former spouses, whether or not residing in the same home
3. Persons who have a child in common, whether or not they have ever been married or resided together
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters half-brothers and half-sisters regardless of whether they reside in the same home with the suspect
5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect
6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect
7. (See Sections 71.003, 71.004, and 71.005 of the Texas Family Code.

E. *Protective order* - A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid for up to two years. Types of protective orders:

1. Emergency protective order
2. Protective order
3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present; a person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established the actor had been served with the order prior to the commission of the act(s) violating the order. In the event that an officer arrives and the actor is not aware of the order, the officer may assist the protected person in informing the actor subject of the existence of the order.

The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

#### **IV. PROCEDURES - General responsibilities**

- A. Department personnel shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.
- B. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

#### **V. PROCEDURES - Patrol responsibilities**

- A. Arrival at the scene
  - 1. Obtain all available information from the dispatcher before arrival.
  - 2. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
- B. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon on arriving officers.
- C. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
- D. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
- E. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
  - 1. Initial contact with occupant(s).



- a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). A Certain identity of the complainant, and ask to see him or her and any other person at the home.
  - b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.
  - c. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
  - d. Refusal of entry or no response to a knock at the door may require a forced entrance only if officers have a reasonable belief that the safety of people inside is in jeopardy.
  - e. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
  - f. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If both are present, either one may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
- F. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: officers believe that someone, perhaps the victim or a child, is in need of emergency assistance).
1. Officers shall evaluate the following elements when considering a warrantless entry:
    - a. The degree of urgency involved and the time required to get a warrant.
    - b. The possibility of danger to others, including officers left to guard the site.
    - c. Whether the suspected offense is serious or involves violence.
    - d. Whether officers reasonably believe that persons may be armed.
    - e. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.

2. Once inside, establish control by:
  - a. Inquiring about the nature of the dispute.
  - b. Identifying disputants.
  - c. Being aware of potential weapons in surroundings.
  - d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
  - e. Protect the victim from further abuse. Separate the victim and suspect and arrange for medical attention if either are hurt.

If the victim or suspect appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph all injuries if possible.

- f. Ascertain whether a protective order has been violated.
  - g. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.
  - h. Transporting family/household members to the hospital, safe shelter, or magistrate.
3. Officers shall transport victims to a safe location as they wish or as the circumstances require.
  4. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.

#### G. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, if identifiable.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.

3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption.  
  
(This may help the parties relieve emotional tension.) Although the disputants may be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allow the parties to point out anything that might be misrepresented).
6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

#### H. Interviewing the victim

Ascertain the following information from the victim:

1. What happened
2. Any injuries, who caused them, and what weapons or objects were used
3. Relationship to suspect
4. Any threats made against victim or others
5. Forced sexual contact against victim's will
6. Any court cases pending against suspect or any protective orders in effect
7. Is suspect on probation or parole
8. Did suspect threaten others, particularly children, damage property, or hurt pets

#### I. Interviewing witnesses

1. Interview any witnesses to the incident including children, other family members, neighbors as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.

4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

#### J. Collection of Evidence

Officers should ensure they treat a family violence offense with the same seriousness as other criminal offenses and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence.
2. Photograph any damages or injuries received by any parties.

### **VI. PROCEDURES - Arrests**

- A. Officers may make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person's family or household. Further, the department promotes a policy of arrest when the elements of an appropriate offense are present.
- B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
- C. In cases where the conditions of a protective order have been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists.
- D. Officers making arrests for family violence may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.
- E. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).
- F. In determining probable cause, the officer shall not consider:
  1. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
  2. Whether the complainant has not sought or obtained a protective order.
  3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.

4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
5. That the complainant has not begun divorce proceedings.
6. Assurances of either disputant that violence will stop.
7. The lack of visible bruises or injuries.
8. Denial by either disputant that violence occurred.

G. Factors favoring the decision to arrest

1. Arrest is the most appropriate response when these factors are present:

- a. Serious, intense conflict.
- b. Use of a weapon.
- c. Previous injury or damage.
- d. Previous court appearance against the offending party.
- e. Previous attempt to sever the relationship.
- f. Previous calls for law enforcement help.
- g. When a felony has occurred.
- h. Evidence of drugs or alcohol use at the assault.
- i. Offenses committed with the officer present.
- j. Valid warrants on file for other crimes.
- k. A protective order has been violated.
- l. Aggressive behavior toward anyone, pets, or any other threatening behavior.

H. Making the arrest

1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-

lookout" message describing the suspect if necessary and arrange for an arrest warrant.

3. If an arrest must be made because a protective order has been violated, verify its validity by:
  - a. Examining the victim's copy, if available.
  - b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.
    - I. If the abusive person is not arrested
      1. Complete an incident report and give a copy or arrange to have a copy given to the victim.
      2. Inform the victim that the department will begin proceeding to procure a warrant for the offender if an offense occurred.
      3. Advise the victim of the importance of preserving evidence.
      4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
      5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.
      6. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency
      7. Assure the victim that the Department shall assist in future emergencies and explain measures for enhancing his or her own safety.
    - J. Gathering evidence:
      1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
      2. The victim's account of injuries sustained should be corroborated by a physician if possible.
      3. When feasible, take photographs of injuries.
      4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.

5. Collect evidence according to the same principles as applied to any crime scene.
6. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
7. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

K. Documenting the incident

1. All incident reports on domestic violence shall follow general reporting procedures.
2. Include in all reports of domestic violence:
  - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
  - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
  - c. The victim's statements as to the number of prior calls for law enforcement assistance.

L. The disposition of the investigation.

1. In any case involving domestic violence thoroughly document probable cause to arrest.
2. If an arrest is not made for domestic violence the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
  - a. What referral information was given
  - b. The name of any counselor contacted
  - c. Why no arrest was made, nor any warrant issued
3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services
4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.

M. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this department, the responding officer shall summon the field supervisor, who shall in turn notify his or her chain of command and the Chief of Police immediately.
2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
3. The on-call investigator shall be summoned who shall begin an internal and/or criminal investigation.
  - a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.
  - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
  - c. The investigator shall speedily present the case to the district attorney.
4. Upon termination of the criminal investigation, the Chief may assign an officer to undertake an internal administrative investigation into the incident consistent with Policy 2.4. The Chief may suspend the employee pending the outcome of the investigation.
  - a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
  - b. If the internal administrative investigation supports a violation of agency policy, the sheriff shall take appropriate action consistent with Policy 2.5. Further, if the investigation confirms that domestic violence occurred, the Chief of Police may require counseling, psychological evaluation, demotion, or termination of employment.
  - c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification, which would lead to termination of employment.
  - d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued



weapons. Failure by an officer to notify the Chief of Police that they are subject to a protective order will result in discipline.

## **VII. PROCEDURES - Issuing an emergency protective order**

### **A. Emergency protective orders (EPO) (domestic violence)**

1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrate's own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.
  - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the District Attorney.
  - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
  - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, or possessing a firearm, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO.
4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provided with a copy and informed of its requirements.
5. A copy is also delivered to the Chief of Police and communications center for the jurisdiction where the victim resides.

### **B. Protective Orders from Other States**

Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

<b>S.F.D.R C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.6 Vehicle Operation</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.15, 7.20, and 7.24	

**I. POLICY**

All personnel operating SFDR Consolidated Independent School District Police Department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

**II. PURPOSE**

To establish procedures governing the operation of police vehicles.

**III. DEFINITIONS**

- A. *Emergency driving.* Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency driving with emergency lights and siren activated allows officers to disregard certain traffic regulations but officers must still drive with due regard for the safety of the officer and others.
- B. *Emergency equipment.* Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- C. *Normal or routine driving.* That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."

**IV. GENERAL PROCEDURES FOR ALL RESPONSES (TBP: 7.15)**

## A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Texas Transportation Code authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for failure to use reasonable care in such an operation.

## B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty supervisor to conduct an investigation.
2. Accidents involving members of this department will be investigated by the sheriff's department, DPS, or other neighboring police agency. Drivers shall also write a memorandum detailing the circumstances.
3. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report.
4. Vehicles used in routine or general patrol service shall be conspicuously marked unless being used for covert patrol operations.
5. Unmarked cars shall not be used in any pursuit but may be used for patrol. They may be used to stop vehicles provided they are equipped with emergency lights and a siren.
6. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights may be used at any time the department vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles.
7. Seat belts and shoulder straps shall be worn by all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible.(TBP: 7.20)
  - a. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release the seat belt.

8. Any young children transported in a police vehicle will be transported in the manner prescribed by the Texas Transportation Code using Infant/Child car seats when necessary.

#### C. Inspection (TBP: 7.24)

1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be reported to the supervisor.
2. Officers shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering. Officers shall also check tires for tread wear and proper inflation.
3. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to the on-duty supervisor.
4. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
5. Officers who discover a department vehicle in need of repairs shall immediately inform their supervisor.
6. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
7. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.
8. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and tail-light lenses are kept clean, insofar as circumstances permit.
9. No officer or employee shall operate any department vehicle which he or she believes to be unsafe.

#### D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.

2. A department vehicle shall not be left unattended with the engine running nor shall the vehicle be left unlocked when the officer has left it to handle other business.
3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly.
4. Officers responding to certain crimes-in-progress may discontinue the use of the siren upon approaching the location of the occurrence. While this is allowed by Texas law and this policy, officers shall understand that to do so means that they are no longer operating in a manner that would warn other traffic and should remember that they still have a duty to drive with due regard to other motorists and pedestrians.
5. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
6. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.
7. Regardless of the seriousness of the situation to which the officer is responding, and exempting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
8. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.
9. Operators of department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

## **V. PROCEDURES FOR EMERGENCY DRIVING**

### **A. General**

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. Section 546.005 of the Texas Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount; the responding officer must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

#### B. Response codes

1. Calls for service are classified as Code 1 or 3 depending on circumstances. Code 3 calls are authorized by the dispatcher, a field supervisor, or the patrol officer, subject to the considerations discussed below. The codes are defined as follows:
2. Code 1 responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Units responding to Code 1 calls shall respond to the location without delay, complying with all traffic regulations and shall not use emergency warning devices.
3. Code 3 responses are authorized for any emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
4. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.

#### C. Dispatcher assignments

1. The dispatcher shall assign Code 3 classification to those calls for service which meet the description under B.3 above, which indicate a crime involving violence is in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Some felonies-in-progress that do not apparently involve violence are dispatched as Code 3.

Examples of Code 3 calls (not all inclusive) include:

- a. An officer who needs urgent help

- b. A burglary in progress
  - c. A robbery in progress
  - d. A serious-injury or fatal accident or hit/run
  - e. A riot or large disturbance with fighting or injuries or damages occurring
  - f. An apparent homicide
  - g. A fight or an assault-in-progress
  - h. A sex offense in progress
  - i. Domestic dispute with an assault in progress, or just occurred with a suspect still on location
  - j. An in-progress suicide attempt
- D. Officer's response to call
1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or canceled.
  2. All units responding to robbery-in-progress and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights. Officers are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
  3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
  4. Officer-initiated response.
    - a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.
    - b. Examples include:

- i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
- ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
- iii. Responding to Code 1 calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
- iv. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.
- v. In response to an officer's emergency request for assistance.
- vi. For pursuit, see Policy 8.7

E. Use of emergency warning devices in non-emergencies

1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.7 Vehicle Pursuits</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.13, 7.14, 7.18, and 7.19.	

**I. POLICY**

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 8.7 when involved in vehicle pursuits.

**II. PURPOSE**

To establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

**III. DEFINITIONS**

- A. Boxing in. A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.
- B. Caravanning. Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.
- C. Emergency driving. Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation.
- D. Emergency equipment. Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

- E. Normal or routine driving. That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."
- F. Primary pursuit vehicle. Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- G. Pursuit. An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect, who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.
- H. Risk. The degree of danger or hazard to the public or officers.
- I. Roadblock. Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- J. Support vehicles. The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

#### **IV. PROCEDURES FOR PURSUITS (TBP: 7.13)**

##### **A. Justification for pursuit:**

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension for a felony, by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
2. Pursuits will not be initiated for traffic offenses or misdemeanors alone.
3. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
4. In deciding whether to initiate pursuit, the officer shall take into consideration:

- a. road, weather and environmental conditions;
- b. population density and vehicular and pedestrian traffic;
- c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
- d. the seriousness of the offense; and
- e. the presence of other persons in the police vehicle.

**B. Primary officer responsibilities**

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment shall pursue.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. The officer shall notify the dispatcher of the following:
  - a. The location of the officer and the suspect's vehicle.
  - b. The direction of travel.
  - c. The license number (and state) of the suspect's vehicle.
  - d. The description of the suspect's vehicle.
  - e. The reason for the pursuit.
4. The officer will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
5. Whenever the risk to the public or the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.

**C. Supervisor's responsibilities**

1. The on-duty supervisor shall monitor the pursuit by ensuring compliance with department policy, directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.

2. The on-duty supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. Supervisor will make every reasonable effort to acknowledge with dispatch that they are monitoring the status of the pursuit.
4. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
  - a. The nature of the offense.
  - b. The number of suspects.
  - c. The number of officers currently participating as primary or support vehicles.
  - d. Any injuries or property damage already sustained as a result of the pursuit.
  - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
5. After the incident, the supervisor shall critique the pursuit with all of the officers involved and direct all participants to submit reports.
6. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
7. The supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph 12 below.

#### D. Supporting officers' responsibilities

Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.

#### E. Dispatcher's responsibilities

1. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
2. Record all pertinent information about the pursued vehicle.

3. Advise all other officers of the pursuit and the information given by the pursuing officer. Assist in directing back-up units to strategic locations.
4. Alert all other nearby law-enforcement agencies of the pursuit and information given by the pursuing officer when continuing beyond the city or county.
5. Query MVD, TCIC, and NCIC for license data and any warrants.

F. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in shall be performed only at low speeds and under the direct authorization of the on-duty supervisor and then only if the participating officers have been trained in the technique.
3. Caravanning is prohibited. Only two department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
4. Officers shall not fire their weapons from a moving department vehicle.
5. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
6. The use of a stationary or rolling roadblock is prohibited. (TBP: 7.18)
7. When accompanied by civilian passengers, other than ride-a-long participants who have signed a waiver, officers shall not pursue.
8. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
9. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's

location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.

10. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.

11. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:

- a. Slow and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the officer's presence.
- b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.

12. Tire Deflation Devices (TBP: 7.19)

- a. Officers who have been trained in the use of Tire Deflation Devices are authorized to deploy the devices when approved by a supervisor.
- b. Deployment must be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
- c. Deployment is made per manufacturer's instructions, always keeping the deploying officer safe from possible vehicular danger.
- d. The device must be retracted prior to departmental vehicles running over them.
- e. Officers deploying the device will notify on coming departmental vehicles of the deployment location so that they may slow to avoid running over the devices.

G. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into our jurisdiction, department officers shall enter the pursuit only if the other agency specifically requests help and the on-duty supervisor approves our participation. Any non-

pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.

4. When the fleeing suspect is apprehended, the pursuing officer shall take the arrested person before a magistrate if it is more expeditious to do so. If the suspect is apprehended in another jurisdiction, the suspect shall be taken before a magistrate of that jurisdiction. The officer shall then go before a magistrate to obtain a warrant and ensure that a teletype is sent to the apprehending jurisdiction as soon as possible, acting as a detainer.
5. When a fleeing suspect from another jurisdiction is apprehended within this County, the apprehending officer may take the arrested person before a Val Verde County magistrate. The on-duty supervisor shall confer with the other jurisdiction to determine which jurisdiction shall maintain custody of the suspect and arrange magistration.

#### H. Terminating pursuits

1. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
2. Officers shall discontinue a pursuit under the following circumstances:
  - a. The on-duty supervisor orders it.
  - b. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
  - c. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
  - d. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
  - e. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.
3. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should

the individual stop and remain in the vehicle, officers will not rush the vehicle. Appropriate felony stop procedures should be used.

4. Any officer may terminate any pursuit at any time.

**V. FOLLOW-UP REQUIREMENTS** (TBP: 7.14)

- A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped. The initiating officer will complete a departmental Pursuit Report. Other officers involved will prepare a supplemental report or memorandum documenting their participation. Reports shall be completed before the end of the officer's tour of duty.
- B. The supervisor shall collect and secure all video of the pursuit and shall review the pursuit for compliance with policy and forward all documentation to the Chief of Police for review.
- C. The Pursuit Report with supervisory review will be forwarded to the Chief of Police. The Chief will also review the report and determine compliance with policy. The Chief of Police will inform the supervisor of his findings. Should a policy violation be identified, the Chief will direct an investigation to be conducted as necessary.
- D. Annually, the Chief of Police will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the department.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.8 Vehicle Impoundment and Inventory</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

A motor vehicle is an important piece of personal property that must be properly managed and supervised if it enters police custody. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and members of our community view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. When towing is performed at an owner's request, the owner will be given the option of specifying a towing company. The SFDR Consolidated Independent School District Police Department will request a tow company in other cases. Towing companies will be used on a rotational call list of those in good standing with the department. Officers will also request a tow company if there is a traffic hazard and an individual's tow company cannot arrive in a timely manner.

**II. PURPOSE**

To establish procedures for towing and inventory of vehicles.

**III. AUTHORITY TO TOW**

A. Accident

1. Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information. Vehicles shall be removed from the shoulder without unnecessary delay.
2. Vehicles may be removed to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel on the roadway. Officers shall not use departmental vehicles to push cars unless equipped with push bars and the officer has been trained in its use.

3. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.
4. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may, but do not necessarily involve custody of the operator.
5. Following motor vehicle crashes, an officer may request impoundment when the operator is unwilling or unable to take charge of the vehicle, and
  - a. The vehicle cannot be legally parked and sufficiently secured at the scene, or
  - b. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

#### B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, traffic accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles being used by radio, T.V., and press are exempt unless they obstruct police, fire, or rescue operations, or create an unreasonable traffic hazard.

#### C. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense.

#### D. State/county/municipal vehicles

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.

#### E. Abandoned vehicle

1. Whenever any motor vehicle is abandoned upon a public street or right of way, the officer may order it towed at the owner's expense. (UC Chapter 10.40.010)
2. A vehicle may be presumed to be abandoned if it lacks a current license plate, a current state registration certificate, or a valid state inspection, and it has been left unattended on a public street or right-of-way for more than 72 hours.

F. Removal from private property

1. No removal shall be ordered from private property.
2. Property or business owners, including the District, may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without permission.

G. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or involved in the commission of a crime shall be towed at the request of the officer to the SFDR Police Department or other specified location at department expense.
2. Impoundment of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:
  - a. The owner cannot be contacted,
  - b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
  - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.
3. Officers should document reasonable efforts to contact owners with means readily available. Towing of reported stolen vehicles is at the owner's expense.

H. Prisoner's vehicles

1. Vehicles belonging to arrested persons, if left at the scene of the arrest may be at substantial risk of theft or damage to the vehicle or personal property contained therein. It is therefore the policy of the SFDR Consolidated Independent School District Police Department

to tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle, unless:

- a. There is a friend or relative at the scene, and the arrestee wishes to release the vehicle to them, they possess a current drivers license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.
  - b. The arrestee agrees to lock and leave the vehicle in a legal parking space, where a parking violation will not occur before arrangements can be made to recover the car.
2. A vehicle shall be towed if a subject is arrested and one of the following circumstances exists:
- a. The vehicle was used in a crime.
  - b. The vehicle contains evidence of a crime that cannot be processed at the scene.
3. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
4. A "hold" may be placed on any vehicle impounded for evidence for such a period of time necessary to complete evidence collection.
- a. Holds on vehicles must be approved by a lieutenant.
  - b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

#### I. Impoundment for Forfeiture

Officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law. Officers should contact the District Attorney's Office before initiating forfeiture proceedings and shall follow forfeiture procedures.

### **IV. TOWING PROCEDURES**

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a

means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).

- B. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Officers shall know under which provisions (subparagraphs A-L above) and laws the vehicle shall be towed.
- E. If possible, use the vehicle owner's or operator's choice of towing company.
- F. If the owner/operator does not wish to specify a towing company or is not available to make a choice, the officer shall ask the dispatcher to send a wrecker.
- G. In an emergency involving major traffic congestion due to a disabled vehicle, the officer shall notify the dispatcher and shall request a wrecker.
- H. If the vehicle involved in an emergency is larger than a normal passenger vehicle or pickup size, the officer shall advise the dispatcher who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log each instance of calling a tow service. The dispatcher shall log the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any other subsequent problems.
- K. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of District property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed vehicle log.
- L. Contracted towing companies agree to respond to scenes within 15 minutes of a call. If a wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and order a second wrecker from another company.

## **V. INVENTORY**

#### A. Authority and purpose

1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:
  - a. The vehicle has been lawfully seized or impounded.
  - b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

#### B. Inventory vs. search

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search.
2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest.
3. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle, and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.
4. Before the vehicle is removed, officers shall obtain the signature of the tow truck driver on the inventory report and provide the tow driver a duplicate copy of the report.

#### C. Inventory procedures

1. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.

2. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. Locked items that are not searched will be noted on the vehicle inventory report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
3. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.
4. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.9 Communicable Diseases</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

The SFDR Consolidated Independent School District Police Department bears an obligation to the public and to its own personnel to increase awareness about risks, modes of transmission, and procedures for handling communicable diseases such as hepatitis B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections.

Officers cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the officer's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law-enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks. Officers shall act responsibly in minimizing the risk of infection when dealing with any person regardless of age or sex, or in the handling of any bodily fluids. A few simple precautions, however, will avoid the risk of infection almost entirely.

The department shall provide employees with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The department has instituted post-exposure reporting, evaluation, and treatment for all members exposed to communicable diseases.

## II. PURPOSE

The purpose of this order is to establish guidelines and procedures to be followed when a member of the department is exposed to a communicable disease with a risk of major illness or death, and for handling of evidence or property that may be contaminated.

## III. DEFINITIONS



- A. AIDS (Acquired Immune Deficiency Syndrome - A communicable disease caused by the Human Immunodeficiency Virus.
- B. ALT - Alanine Aminotransferase, an enzyme found in human blood. ALT is measured to see if the liver is damaged or diseased. Low levels of ALT are normally found in the blood. When the liver is damaged or diseased, it releases ALT into the bloodstream, which makes ALT levels go up. Most increases in ALT levels are caused by liver damage.
- C. ARC (AIDS-Related Complex) - A condition caused by the AIDS virus (HIV) and has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.
- D. Body Fluids - Fluids that have been recognized by the Centers for Disease Control and Prevention as directly linked to the transmission of HIV and/or HBV and/or to which Universal Precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
- E. Exposure control program - A written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents, and identifies at-risk tasks and assignments.
- F. HAV - Hepatitis A Virus, a viral form of hepatitis normally spread by fecal contamination and generally not a significant risk for emergency care providers.
- G. HBV - Hepatitis B Virus, a viral form of hepatitis spread through blood contact, and also as a sexually transmitted disease. Hepatitis B is a significant risk for emergency care workers. Infection may result in death, chronic hepatitis, liver cancer, or cirrhosis of the liver. A vaccine to prevent the spread of hepatitis B is available.
- H. HCV - Hepatitis C Virus, a recently identified viral form of hepatitis spread via blood contact.
- I. Texas Health and Human Services Department. Texas HHSD is statutorily responsible for obtaining blood specimens from subjects who have exposed emergency responders to their blood.
- J. HIV - Human Immunodeficiency Virus, the causative agent of AIDS, HIV type 1 (HIV-1) causes most cases of AIDS. A second virus, HIV-2 is a less common cause of the disease.
- K. PCR - Polymerase Chain Reaction; a PCR test is very useful to find a very recent infection, determine if HIV infection is present when antibody test results were uncertain, and screen blood organs for HIV before donation.

- L. Personal protective equipment (PPE) - Specialized clothing or equipment worn or used by employees for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.
- M. Prophylaxis - A defined preventive drug treatment that may stop infection from developing.
- N. Seroconversion - A change in the status of one's serum test. For example, someone initially tests negative for HIV, then tests positive at a later date.
- O. Seropositivity - Refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.
- P. TB - Tuberculosis, a communicable disease caused by the bacteria *Mycobacterium tuberculosis*, usually affecting the lungs. The incidence of TB as a multi-drug resistant infection has increased since the advent of AIDS.
- Q. Universal precautions - Controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious.

#### **IV. GENERAL RESPONSIBILITIES**

- A. The Chief of Police shall ensure that adequate supplies are available for communicable disease control within the department. Supervisors are responsible for maintaining continuously an adequate supply of Personal Protective supplies for all affected personnel within their purview. Further, supervisors must ensure that:
  1. Personal protective equipment and supplies (PPE) can be found in sufficient quantities at advertised locations.
  2. Hypoallergenic gloves and other materials are available for employees allergic to standard-issue gear.
  3. Supplies are routinely inspected, replaced, and cleaned.
  4. Disinfectant hand soap or cleaner are available both in the department and for the individual officer to carry with them.
  5. First Aid supplies and disinfectants are always available.

- B. Officers using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible. Officers shall maintain disposable gloves in their personal possession at all times.
- C. The Chief of Police or his designee shall cause to be maintained at the department office the following:
  - a. supply of disposable latex gloves
  - b. liquid household bleach
  - c. disposable towels/towelettes
  - d. buckets, mops
- D. Personnel shall use protective equipment under all appropriate circumstances unless the officer can justify otherwise.

Officers who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practicable for department review.

- E. All personnel whose skin comes into contact with bodily fluids of another shall begin disinfection procedures immediately: these procedures range from simple soap-and-water washing to the use of alcohol or antiseptic towelettes. All open cuts and abrasions shall be covered with waterproof bandages before personnel report for duty.

## **V. GENERAL PRECAUTIONS**

### **A. General**

Whenever possible, officers shall wear disposable latex gloves when doing any of the following:

1. Handling persons or items with any blood or bodily fluid products (hypodermic needles, syringes, or surfaces soiled with blood or body fluids, gun or knife wounds).
2. Packaging and handling such items as evidence.
3. Cleaning up blood or other secretions which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

### **B. Specialized devices**

1. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger contamination through the eyes, nose, or mouth.

Masks may be worn with other protective devices such as goggles. Gowns, jackets, coats, aprons, or coveralls shall be worn as determined by the degree of exposure anticipated.

#### C. Handling people

1. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves or after contact with the subject. If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin.
2. Penetration resistant gloves or their equivalent shall be worn when searching persons or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques shall be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons.
3. Officers will ensure that gloves are not torn prior to use. Rings, jewelry or long fingernails may compromise the strength of the gloves. Officers should properly dispose of used gloves; they should not be reused. Gloves should not be left at the scene of a call or arrest.
4. Officers will dispose of "sharps" in a biohazard approved storage container kept in the Patrol Room or the trunk of the patrol car. The Evidence Technician will maintain the Patrol Room biohazard storage container.

#### D. Transporting Procedures

1. When transporting prisoners do not put fingers in or near any person's mouth.
2. Transport persons with bodily fluids on their persons in separate vehicles from other persons. A person who is bleeding or producing a fluid may have to wear a protective covering.
3. Notify other support personnel or law-enforcement officers during a transfer of custody that the suspect has fluids on his or her person, or that the suspect has stated that he or she has a communicable disease. Booking forms should so state.
4. If the arrested person is uninjured, but contaminated, they will be transported directly to the GEO Detention Facility.
5. After transporting, officers will inspect the vehicle to determine if it is contaminated by blood or body fluid. Should either substance be found, officers will notify their supervisor who will supervise clean up. Arresting or transporting officers are responsible for cleaning vehicles. The affected area should be washed with a solution of one part bleach and nine parts water. The bleach and buckets are

available in the janitor's supply closet with extra supplies located in the outside storage.

6. Special precautions are required when transporting and arresting persons suspected of carrying tuberculosis (TB). Persons having TB can cough up disease carrying droplets. If another person inhales these droplets, they can become infected. The most notable symptom of TB is a persistent cough in which the person is coughing up phlegm. Police officers are most likely to encounter infected persons when dealing with transients, aliens and IV drug users. Officers can best safeguard against exposure by ensuring adequate ventilation when interviewing or transporting suspected carriers of TB.
7. Should an arrested person, or former arrested person, claim that they were exposed to a reportable disease while in the custody of the SFDR CISD Police Department, the claimant may request that the person who exposed them to the disease submit to testing and be entitled to diagnostic testing, as otherwise permitted by law.

#### E. Handling objects

1. Objects contaminated with bodily fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.
2. Evidence that is stained with bodily fluids or blood will be transported in a plastic bag. If wet, it will be allowed to air dry.
3. Contaminated items to be disposed of shall be placed in Biohazard bags and sealed.
4. Officers shall use extra care when handling any sharp objects. If officers find syringes, they shall not bend, recap, or otherwise manipulate the needle in any way. Officers will dispose of "sharps" in a biohazard approved storage container kept in the Patrol Room or the trunk of the patrol car. The Evidence Technician will maintain the Patrol Storage biohazard container.

#### F. Handling fluids

1. All blood spills will be considered contaminated. Clean up blood spills or other bodily fluids with bleach diluted 1 part bleach to 9 parts water (or use undiluted bleach, if easier). Buckets for mixing are available in the janitor's supply closet.
2. Wear latex gloves during this procedure.
3. A soiled uniform (by blood or bodily fluids) should be changed as soon as possible. Wash in hot water and detergent or dry clean. If dry cleaning, advise the dry cleaning company staff of the biohazard.

4. Departmental vehicles within which bodily fluids are spilled require immediate disinfection procedures. Employees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible.
5. All police vehicles will be cleaned with disinfectant as part of a routine, scheduled washing and maintenance check.

#### G. Precautions when bitten

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.
2. Wash the area thoroughly with soap and hot running water.
3. Seeking medical attention if the skin is broken.
4. Advise your supervisor, make a report, and fill out a First Report of Injury form. Upon completion of the First Report of Injury form, the form will be scanned by the supervisor receiving the form, and the scanned document will be emailed to Human Resources. The completed form will be forwarded to the office of the Chief of Police where it will be placed in the internal mail and sent to Human Resources.

#### H. Precautions when punctured by needles or knives

If an officer is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes: wash wounds thoroughly with soap and water.
2. Seek medical attention immediately after the injury. A physician will then decide the proper treatment.
3. Advise your supervisor, make a report, and fill out a First Report of Injury form. Upon completion of the First Report of Injury form, the form will be scanned by the

supervisor receiving the form, and the scanned document will be emailed to Human Resources. The completed form will be forwarded to the office of the Chief of Police where it will be placed in the internal mail and sent to Human Resources.

I. Precautions at major crime scenes

1. At the crime scene, officers and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.
  - a. Officers will not smoke, eat, drink, or chew gum at a crime or accident scene.
  - b. The best protection is to wear disposable latex gloves. Any person with a cut, abrasion, or any other break in the skin on the hands should never handle blood or other body fluids without protection. Officers shall carry latex gloves on their persons at all times.
  - c. Latex gloves should be changed when they become torn or heavily soiled or if an officer leaves the crime scene (even temporarily).
  - d. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over latex gloves.
  - e. Hands should be washed after gloves are removed, even if the gloves appear to be intact. Officers shall take care to avoid contact between skin and soiled gloves.
  - f. Always keep a plastic bag available to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. The bag should be clearly marked with either the word biohazard, the biohazard symbol, or with the words "Contaminated Material."
  - g. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene, or use protective disposable shoe coverings.
  - h. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of bodily fluids may strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.
  - i. Crime scene search personnel will wear full coveralls, protective goggles, shoe covers, gloves, and particulate masks when entering a crime scene where large amounts of blood or other bodily fluids are expected.
2. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.

3. Use tape--never metal staples--when packaging evidence.
4. If practicable, use only disposable items at a crime scene where blood or other bodily fluids are present.
5. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health department for advice.
6. Warning labels must be placed on all plastic evidence bags containing bio-hazard material.

## **VI. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES**

### **A. Notification**

1. As soon as practicable, all employees shall document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure.
2. Examples of such exposure include:
  - a. Direct contact with bodily fluids on chapped or open areas (cuts, scratches) on the skin or on mucous membranes (i.e., eyes, mouth).
  - b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.
  - c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

### **B. Testing**

1. If a member of the department is exposed to the bodily fluids of a person who has or is suspected to have a communicable disease, the member must be evaluated for evidence of infection by a departmentally approved physician.
  - a. The person whose bodily fluids came into contact with an officer may state that he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DWI arrest), although, in fact, he or she is not infected at all. While the department cannot coerce an individual--suspect or otherwise--to take periodic tests for infection, the department shall try to convince the subject who may have transmitted the infection to do so.
  - b. Texas Health & Safety Code Section 81.48 states that if a law enforcement officer (among other emergency personnel) brings a person into the hospital who tests positive for a reportable communicable disease, that the officer will be notified of the positive test results. These results will be given by the hospital to the local



health authority, from the local health authority to the Chief of Police, and from the Chief of Police to the employee.

- c. Texas Health & Safety Code Section 81.050 states that if any person or employee has been exposed to bodily fluids, the person or employee whose fluids were involved will be requested by the agency to consent to HBV or HIV testing and disclosure of results.
  - d. Texas Code of Criminal Procedures (CCP) Section 18.22 provides for the testing of individuals for communicable diseases after certain arrests. The certain arrests are any felony or misdemeanor arrests where a peace officer comes into contact with that person's bodily fluids. Testing can be ordered after either the motion of the court, or at the request of the officer. The court will order the results to be provided to the local health authority, who will release the results to the peace officer.
  - e. CCP Section 21.31 provides measures whereby a person charged with any crime involving sexual assault, or particular offenses against children, may be ordered to submit to HIV testing.
  - f. Personnel should understand the difficulty of transmitting HIV and hepatitis B. If infection control measures have been followed, the risk is very low.
  - g. In order to obtain testing of subjects who have exposed an officer to the risk of infection from a communicable disease, an officer must prepare an affidavit requesting testing. The supervisor will forward the request to the court, which will review the request, and may direct that the testing be done (CCP 18.22). Affidavits for this procedure accompany this policy.
- C. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other bodily fluids). The following information details testing methods and their reliability.
- 1. AIDS/ARC/HIV
    - a. Blood tests can detect HIV antibodies (produced by the body's immune system).
    - b. The two common tests for HIV antibodies are the EIA (Enzyme Immunoassay) and Rapid HIV Antibody Tests.  
  
If the EIA or the Rapid HIV Antibody Test identifies the person as seropositive, a second test is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.
  - c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection.

Typically, there is an elapsed time following an infection for a positive reaction to occur therefore testing should be done at 6 weeks, 3 months, and one year. Personnel should be aware that false positives can occur during testing and that follow up testing should be done to obtain confirmation.

- d. Other tests that can be done are antigen tests, which require a blood sample and can provide results within one to three weeks, and the PCR (polymerase chain reaction test). The PCR detects the genetic material of HIV in the blood itself, and can provide results in two to three weeks.
- e. One must be tested, then, immediately following the incident (for a baseline) and then six weeks, three months, and twelve months later.

## 2. Hepatitis B

A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure. Note that different tests exist for hepatitis B depending on the reason for testing.

## 3. Tuberculosis

- a. This disease is detected first by a skin test, and then confirmed by an x-ray.

## D. Confidentiality

1. Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about his/her health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or hepatitis B). The department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.
2. Under most circumstances, medical authorities will retain confidential records unless the employee tested requests it or state law requires it.

## E. Positive test results

1. Any person who tests positive for HIV or hepatitis B shall not be summarily removed from duty.  
The department shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between coworkers in the department). The department shall alter an employee's assignment only when he or she can no longer perform the required duties.
2. The department shall ensure continued testing, if necessary, of members for evidence of infection, and shall provide psychological counseling if necessary.

3. Any person who tests positive for tuberculosis may be restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the person has contracted and if he/she is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says he/she is non-communicable. (Tuberculosis is easily transmitted. After exposure to tuberculosis, a person may, after a medical evaluation, take medicine to help prevent the disease.)

#### F. Job performance

1. Infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the department.
2. Where feasible, an employee who has medical complications from a communicable disease will either be reassigned to another job or have his/her job restructured so that he/she can remain employed, in accordance with applicable law. As necessary, medical documentation shall support requests for job restructure or reassignment. All personnel shall treat such employees in the same manner as employees who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.

The department may require an employee to be examined by a physician to determine if he or she is able to perform his/her duties without hazard to him/herself or others.

#### G. Discrimination

The department expects all personnel to continue working relationships with any fellow employee recognized as having AIDS/ARC, hepatitis B, or non-communicable tuberculosis. The department will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the department's mission.

#### H. Records

The SFDR Consolidated Independent School District Human Resources Department shall maintain a record for each employee detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the Director of Human Resources in secure storage for the duration of tenure of employment, and shall not be disclosed or reported without the express written consent of the employee.

## **VII. AIDS-RELATED CONCERNS OF PERSONNEL**

**ISSUE****INFORMATION**

Human Bites

A person who bites is typically the one who gets the blood; viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk the wound to make it bleed, wash the area, and seek medical attention.

Spitting

Viral transmission through saliva is highly unlikely.

Urine/feces

Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.

CPR/first aid

To eliminate the already minimal risk associated with CPR, use masks/airways; avoid blood-to-blood contact by keeping open wounds covered and wearing gloves when in contact with bleeding wounds.

Body removal

Observe the crime scene rule: do not touch anything. Those who must come into contact with blood or other bodily fluids should wear gloves.

Casual contact

No cases of AIDS or HIV infection attributed to casual contact.

Any contact with blood or bodily fluids

Wash thoroughly with soap and water; clean up spills with 1:10 solution of household bleach.

Minnesota Department of Health, Infectious Disease Epidemiology Prevention and Control Division, STD and HIV Section (2013) "Facts on AIDS: A Law Enforcement Guide". St. Paul, MN.

University of Texas (2011). University of Texas Police Department Policy A -4 Communicable Diseases.

AIDS.gov (2013). <http://aids.gov/hiv-aids-basics/prevention/hiv-testing/hiv-test-types/>

**SWORN AFFIDAVIT REQUESTING TESTING FOLLOWING AN EXPOSURE**

Person Making Request:

\_\_\_\_\_  
(Last Name, First Name, MI)

EMPLOYED BY OR VOLUNTEERS FOR EMERGENCY RESPONSE PROVIDER

Employer

Name:\_\_\_\_\_

Employer Contact:

\_\_\_\_\_

Employer Address:

\_\_\_\_\_

Employer Phone:

\_\_\_\_\_

FIRST RESPONDER'S INFORMATION:

I, (Name) \_\_\_\_\_ do attest that in the course of my

duties as an employee or volunteer emergency responder, the following circumstances occurred on

(month) \_\_\_\_\_, (day) \_\_\_\_\_, 20\_\_\_\_ at approximately (time) \_\_\_\_\_ am/pm.

In the space below describe the incident. If body fluids were involved, specific on type(s) of fluids, the approximate amounts involved in the exposure, and the route of entry.

If airborne transmission is thought to have occurred, state whether the exposure was in a closed space, the approximate duration of exposure, and other circumstances (e.g. CPR) which may have increased the risk of transmission.

If respiratory secretions are thought to have been the mode of transmission, state how secretions were expelled (e.g. cough, sneezing, talking/yelling, drooling), the distance between the potential transmitter and yourself and the duration of exposure. Also, relate other relevant circumstances such as if CPR or intubation was attempted.

**SWORN AFFIDAVIT REQUESTING TESTING FOLLOWING AN EXPOSURE**

SOURCE INFORMATION (source is the person who was responsible for this exposure)

Name: \_\_\_\_\_

— (Last Name, First Name, Date of Birth)

Address: \_\_\_\_\_

Present location, if known: \_\_\_\_\_

\_\_\_\_\_  
Responder's Signature

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Date

**SWORN AFFIDAVIT REQUESTING TESTING FOLLOWING AN EXPOSURE**

NOTARIZED:

State of Texas

County of Val Verde

I, \_\_\_\_\_ do solemnly affirm that the person listed above did personally appear as stated above, and is known to be the person whose name is subscribed to the foregoing documents and , being by me first duly sworn, declare this statement herein is true and correct.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature

**SPECIAL INSTRUCTIONS TO ANY TEXAS PEACE OFFICER NOTARIZING  
A SWORN AFFIDAVIT REQUESTING TESTING FOLLOWING AN EXPOSURE**

**Officer**, by acting as the Notary, **ALL** the following **MUST** apply:

I have identified the above Signature as being that of the Peace Officer who is making the above request.

I have no relation to and I am not a party to this incident (possible exposure) in any manner. Relation includes both victim and witness.

Because I am not a party to this incident, I do not have the ability to testify to any facts or circumstances regarding the incident; the ONLY facts that I can testify to are witnessing the above Signature and confirming the identity of the signing Officer.

State of Texas

County of Val Verde

I, \_\_\_\_\_, do solemnly affirm that the person listed above did personally appear before me as stated above, and is known to me to be the person whose name is subscribed to the foregoing documents and, being by me first duly sworn, declare the statements contained herein are true and correct.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notarizing Officer Name (Print)

\_\_\_\_\_  
Police Agency



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 9.1 Patrol Operations</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. The SFDR Consolidated Independent School District Police Department expects officers to conduct patrol vigorously to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, and prevent crime.

**II. PURPOSE**

To define and outline general procedures for patrol operations. Procedures for handling specific calls for service are presented in the Patrol Standard Operating Procedures.

**III. ORGANIZATION AND ADMINISTRATION**

A. Hours of Operation

The Patrol Division operates primarily on an 8 hour / 5 day week schedule. (TBP: 7.01)

B. Patrol Division Responsibilities

1. Responsible for the preliminary investigation of calls for police services, accident investigation, traffic enforcement, crime prevention, those duties which by their very nature require the actions of a police officer, and assignments which may be given by a commanding officer.

**IV. PROCEDURES - Conduct while on patrol**

- A. Officers shall acquaint themselves with the geography of their patrol assignment, and particularly the location of campuses and other District facilities, highways and traffic hazards. Officers shall also become familiar with the names and addresses of habitual criminals and law violators, first aid stations, hospitals, fire and rescue stations, magistrates, general district and county courts, medical examiners, public

and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.

- B. Officers shall promptly respond to all calls dispatched to them. Calls which appear to be a risk to the physical well being of a person take precedence over calls which are reporting danger or loss of property. In all cases, when dispatched to a call, the officer will respond directly and expediently.
- C. Officers shall initiate investigations into suspicious activities to prevent criminal activity. Patrol Officers are responsible for the Preliminary Investigations of criminal offenses occurring in the district.
- D. When an officer observes a violation of the law, subject to the authority and discretion discussed in Policy 1.2, he or she shall either (1) warn and release, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.
- E. Without exception, officers transporting non-department civilians (non-employees) shall notify the dispatcher of the transport. The report shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving, the officer shall notify the dispatcher and give the odometer reading. The communications operator shall log the information and record the time of each notification.
- F. To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 9.2 Traffic Enforcement</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.21, 7.22, and 7.28	

## I. POLICY

Traffic law enforcement involves all activities or operations, which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of the SFDR Consolidated Independent School District Police Department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic. (TBP: 7.28a)

## II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and citing motorists in a manner that promotes equitable and consistent treatment.

## III. PROCEDURES

### A. Legal Basis for Stopping Motor Vehicles

1. Officers have legal justification for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Without such justification, evidence of illegal activity discovered during the course of a stop may be inadmissible in court.
2. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.

3. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.
4. Officers should avoid arrests solely for minor vehicle infractions even if permitted by law when a citation in lieu of arrest is a reasonable alternative.
5. Officers are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. Officers are encouraged to use good judgment, understanding and compassion in making a decision on the proper enforcement activity. (TBP: 7.28b)

## B. Types of enforcement actions

### 1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement.

### 2. Physical arrest (TBP: 7.28d)

- a. In compliance with Texas Transportation Code Section 543.002, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that
  - i. the violator has committed a felony; or
  - ii. the violator has failed to stop at the scene of an collision involving property damage or committed any other violation where the punishment is greater than a fine only; or
  - iii. the violator refuses to give a written promise to appear under Texas Transportation Code Section 543.005 (Promise to Appear).
  - iv. A violator may not be physically arrested, but may be issued a citation for offenses of Speeding or violation of the Open Container law. An arrest may be made for these violations should the offender refuse to sign a written promise to appear, even though an arrest would not normally be made for those violations. The charge will be the actual violation and the officer will document in his arrest report that the offender refused to give written promise to appear.

## C. Handling special categories of violators

### 1. Juveniles

Juvenile traffic offenders are prosecuted in Municipal Court. Juveniles over the age of 14 may be issued citations for offenses committed in motor vehicles. Juveniles over the age of 10 may be issued citations for offenses on motorcycles, motorized scooters, or ATVs. Officers issuing traffic citations to juvenile offenders shall advise them that a parent or guardian must accompany them when they appear before the court. Juveniles must appear in court with their parents, no prepayment is allowed.

## 2. Foreign diplomatic or other consular officials

- a. Diplomatic immunity is granted by the United States government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.
- b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.
- c. An officer who stops a person or issues to them a notice to appear in connection with a violation of the Texas Transportation Code Title 7 Subtitle C Section 543, Texas Penal Code sections 49.03, 49.04, 49.07, or 49.08, involving operation of a motor vehicle and who presents to the peace officer a driver's license issued by the United States Department of State or claims immunities or privileges under 22 U.S.C. Chapter 6 shall:
  - i. record all relevant information from any driver's license or identification card presented by the person or any statement made by the person relating to immunities or privileges and promptly deliver the record to the Chief of Police.
  - d. The Chief of Police or their designee as required under Texas Transportation Code section 543.011 shall as soon as practicable contact the United States Department of State to verify the person's status and immunity, if any and not later than the fifth working day after the date of the stop or issuance of the notice to appear, send to the Bureau of Diplomatic Security Office of Foreign Missions of the United States Department of State the following:
    - i. a copy of any notice to appear issued to the person and any accident report prepared; or
    - ii. if a notice to appear was not issued and an accident report was not prepared, a written report of the incident

## 3. Members of Congress

- a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
- b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The officer may then obtain a summons for the member of Congress covering the observed violation

and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 9.3 Crash Investigations</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.16	

**I. POLICY**

An objective of the SFDR Consolidated Independent School District Police Department is the reduction of motor vehicle crashes in areas on and near District campuses. To accomplish this, the department performs a variety of functions such as providing emergency service to the injured, protecting the crash scene, conducting crash investigations and follow-ups, preparing reports, and taking proper enforcement action. The purpose of collision investigation is to determine the cause of an automobile crash and use the information to develop enforcement that will reduce crashes. Crash reports are used by the Department of Public Safety and the Department of Transportation at the state level, and by the city locally to study the frequency of crashes at a given location and time, their cause, and the road conditions that existed at the time. The reports are also used to develop selective traffic enforcement programs, engineering studies, and to promote street and highway safety.

**II. PURPOSE**

The purpose of this policy is to establish guidelines for the proper handling of traffic crashes and for the collection and use of data that will reduce automobile crashes resulting in property damage, injury, or death.

**III. PROCEDURES – General** (TBP: 7.16)

A. Crash report and investigation, general

1. Texas Transportation Code (TRC) requirements concerning the reporting of traffic crashes include:
  - a. TRC Section 550.026 The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify law-enforcement officials.
  - b. TRC Section 550.062 A law-enforcement officer who investigates an accident resulting in injury or death or total property damage to an apparent amount of \$1000 or more shall make a written report of it to the Texas Department of Transportation.

- c. TRC Section 550.062 Officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and elsewhere, by interviewing participants or witnesses, shall within 10 days after completing the investigation, forward a written report of the accident to the Texas Department of Transportation.
2. An officer shall respond to and prepare a report of a crash (CR3) involving any of the following:
  - a. Death or injury
  - b. Property damage in excess of \$1000 on a public street
  - c. Hit and run
  - d. Impairment due to alcohol and drugs
  - e. Hazardous materials
  - f. Any crash involving District property, vehicles, equipment, or facilities
  - g. Any crashes where either driver cannot produce a driver's license or proof of liability insurance
3. Officers shall also be assigned to respond to any crash involving disturbances between drivers/passengers or which create major traffic congestion as a result of the crash or where vehicles are damaged to the extent that towing is required. Officers may be assigned to any other crash not listed above, to assist persons involved with information exchange. Time permitting, officers may investigate and report these crashes as supervisors direct.

#### B. Responding to the Crash Scene

1. Officers shall respond to minor crash scenes Code one (non-emergency response), unless the dispatcher or supervisor directs otherwise.
2. Officers shall respond Code three (emergency lights and siren) to major crashes where there exist injuries or major road or highway blockages, or where information provided indicates the immediate need for an officer at the scene.
3. The officers responding shall park their vehicles as necessary to protect victims and the crash scene, while still leaving room for egress for emergency services.

#### C. Crash scene responsibilities

1. The first officer to arrive at an crash scene shall perform the following:



- a. Administer emergency medical care (basic life support measures) pending arrival of rescue personnel
  - b. Summon additional help as required (officers, rescue, wreckers).
  - c. Protect the crash scene.
  - d. Preserve short-lived evidence (broken parts, skid marks).
  - e. Establish a safe traffic pattern around the scene.
  - f. Locate witnesses and record key crash information.
  - g. Expedite removal of vehicles, persons, and debris from the roadway except for fatal crashes.
2. The officer assigned to a crash shall have the responsibility and authority to request assistance from any other officers or agencies as needed. They become the primary investigating officer in charge at the scene, unless the supervisor deems it more appropriate to assign another officer these responsibilities.
  3. In the case of crashes that occur on private property, crash reports need not be filled out if property damage does not exceed \$1000, unless the supervisor directs.
  4. In case of extremely inclement weather where a crash involves only property damage, the dispatcher or officer may, with the supervisor's approval, perform the following:
    - a. Obtain information over the phone to complete the crash report and request that the involved drivers come to the department and file a report in person within 48 hours of the incident.
    - b. Complete a report showing the name, address, operator license number, and telephone number of each driver.

#### **IV. PROCEDURES - Crash scene**

##### **A. Collecting information**

1. At the scene of the crash, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
  - a. Interview principals and witnesses and secure necessary identity/address information.
  - b. Examine and record vehicle damage.

- c. Examine and record the effects of the crash on the roadway or off the roadway on private or public property.
- d. Take measurements as appropriate.
- e. Take photographs as appropriate.
- f. Collect and process evidence.
- g. Exchange information among principals.

#### B. Follow-up activities

1. Follow-up activities which may be necessary include the following:
  - a. Obtain and record formal statements from witnesses.
  - b. Reconstruct the crash.
  - c. Submit evidentiary materials for laboratory examination, if appropriate.
  - d. Prepare or offense reports to support charges arising from the crash.
2. In a particularly serious crash involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor.
3. At the crash scene, the officer may take immediate enforcement action and issue a citation for observed violations or violations where probable cause exists that a violation occurred.
4. If the officer suspects that the crash involved a driver that was intoxicated at the time of the incident, the officer shall initiate a DWI investigation.
5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes the driver was intoxicated, an arrest warrant shall be obtained. If the driver is hospitalized, then the warrant will be served when the driver is released.
6. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. The citation can be issued at the hospital after the crash scene has been processed.

#### C. Crash scene procedures

1. Upon notification of a crash, the officer assigned shall proceed promptly depending on injuries. The patrol vehicle shall not be parked at the scene in a manner that

would endanger other pedestrians or motorists. The officer shall consider using the vehicle as a shield to protect the scene as well as him or herself. The officer shall leave the vehicle emergency lights on.

2. At all times when investigating a crash on the streets or highways, the officer shall wear a reflective safety vest. Officers may use flares or other directional devices when available to create an illuminated warning pattern to alert other drivers. Note that flares may be dangerous at crashes where hazardous materials are present.
  3. In case of fire danger from leaking or ruptured gas tanks or where the crash may involve hazardous materials, the on-scene officer shall summon the fire department.
    - a. All patrol vehicles will be equipped with a copy of a current HAZMAT guide to aid in identifying vehicles carrying hazardous materials. The guide shall illustrate hazardous materials placards and identify and describe the relevant hazard, appropriate emergency procedure, and evacuation procedure.
    - b. Any officer arriving at the scene of such a crash who sees hazardous materials placards shall immediately summon the fire department. The Fire Chief will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the crash shall begin after approval by the Fire Chief.
  4. Any property belonging to crash victims shall be protected from theft or pilferage and, if owners are not present, it shall be taken into custody if possible, tagged, and held for safekeeping until the owners claim it.
  5. SFDRICISD PD requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substance dropped upon the highway. Where the quantity of crash debris is too great for the wrecker operator to do this, the city Public Works Department shall be requested. The fire department shall assist in washing down combustible substances.
  6. If either driver is not present at the crash scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.
    - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
    - b. Process the crash scene as a crime scene.
- D. Crash report
1. A report shall be filed on all crashes that occur on public property, or publicly accessed private property within the District if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involves

government-operated vehicles). Public property is any highway, roadway, street, or public parking lot maintained by the state, county, or city.

- a. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
2. In the event of a crash that occurs on private property, a crash report may be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involves government-operated vehicles).
3. Crashes that do not meet reporting requirements may still be reported by the vehicle operators using the Texas Blue Form.

#### E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle unless the patrol vehicle is equipped with a department-approved push bar and the officer has been trained in its use.
2. Owing to the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a person's vehicle. Summon a wrecker if a jump-start is required.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 10.1 Investigations</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.04, 7.05, 7.09 and 7.10	

## I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender and to organize and present the facts for a successful prosecution. The single most important criteria which determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness immediately after the crime. The SFDR Police Department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

Not every preliminary investigation will result in the identification of a suspect, an arrest, or the recovery of property. The solution of crimes often is a function of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are therefore necessary. Because our resources are limited, prioritization of investigative resources is a necessity. The SFDR Consolidated Independent School District Police Department will therefore strive to investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

## II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

## III. PROCEDURES - PRELIMINARY INVESTIGATIONS

### A. General

The preliminary investigation begins when the first officer arrives at the scene of a crime (or a District constituent requests help) and continues until a specialized investigator arrives and assumes responsibility. Patrol officers are responsible for the preliminary offense report in all cases unless specifically directed by a supervisor.

## B. Caution

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present; or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim.

## C. After forming an impression of the entire scene and ensuring that no threat exists, the officer shall proceed with the preliminary investigation which consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. Erect barricade tape, rope, or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence, or the actions of witnesses, victims, or suspects at the scene.
3. Determining if an offense has actually been committed and, if so, the exact nature of the offense.
4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit in accordance with all other applicable policies of the Department.
5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.
6. Determining the identity of all witnesses.
7. Collecting evidence. Patrol officers who have been trained in collecting evidence will collect physical evidence to the limit of their ability and training. When additional evidence requires collection, is beyond the capabilities or training of the officer, or is evidence in a serious crime, the patrol officer shall contact appropriate Crime Scene Investigation officers from other agencies, as needed.
8. Obtaining written statements from the victim, witnesses, and suspects.
9. Arranging for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely recording all pertinent information on the prescribed report forms.

## D. Follow-up

1. The initial stages of all preliminary investigations, including crime scene processing in some cases, shall be conducted by patrol officers.
2. Patrol officers will conduct follow-up investigations in most misdemeanor crimes. In certain serious crimes as defined in Section IV below, detectives shall assume responsibility for completion of the investigation.

#### E. Supervisory responsibilities

1. The on-duty supervisor or Chief of Police shall ensure that an adequate and complete preliminary investigation has been made and shall review, screen, and approve the officer's preliminary report. Screening shall include a review of facts to ensure that all essential information is included, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports.
2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other officers of the department, other agencies, or members of the community, regardless of rank or position.
3. The supervisor shall authorize the call-out of a trained evidence technician or detective, if appropriate. This includes requesting such support from other agencies.
4. The supervisor may enlarge the preliminary crime scene if necessary by assigning officers to canvass the area for possible witnesses or suspects.

#### **IV. ASSIGNMENT OF FOLLOW-UP INVESTIGATIONS**

- A. All felony offenses, all sex crimes, all crimes involving juveniles as victims, and all domestic violence and hate crimes shall be followed up by an investigator. Officers who conduct preliminary investigations of these offenses shall contact an investigator as soon as practicable. The initial responding officer is responsible for completing the original offense report with all details of the preliminary investigation included in the report. If the investigator is unable to respond to the scene, the report will be forwarded to the Chief of Police.
- B. All other offenses will be investigated by the responding officer unless otherwise directed by the on-duty supervisor.  
Should the responding officer believe the follow-up investigation is beyond their ability (either because of lack of expertise, shift assignment, or other reason) they will contact their supervisor for direction.

#### **V. PROCEDURES: FOLLOW-UP INVESTIGATIONS**

- A. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty supervisor shall determine whether the investigation should be discontinued until the assigned officer's next

tour of duty, assigned to the next available officer or an investigator, or overtime authorized.

- B. Except where the investigation might be jeopardized by its temporary discontinuance, the original assigned officer shall handle the case.
- C. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he or she works on it. A supplement recording the investigating officer's activity, information developed, and case status shall be prepared at least every 10 days and forwarded to Chief of Police or designee. The officer or investigator shall maintain a case file to include supplemental reports.
- D. Officers and detectives conducting follow-up investigations shall continue the investigation of criminal offenses until conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property. If the officer's time is limited, follow-up of cases will be prioritized by seriousness of the crime and likelihood of identifying a suspect. Officers shall consult with their supervisor for additional assistance if cases with workable leads are unable to be completed.
- E. Victims will be kept informed of the status of the case periodically and when the case is closed or suspended.
- F. Supervisors shall maintain a log of cases being worked by officers under their command. This log will be updated regularly when 10 day status supplements are received or when the case is closed or suspended. Officers, detectives, and supervisors will keep the Chief of Police informed of the status of significant criminal cases.
- G. A follow-up investigation consists of, but is not limited to, the following activities:
  - 1. For most non-criminal cases:
    - a. Interviewing complainants and witnesses.
    - b. Locating missing persons.
    - c. Determining if information or suspicious activity relates to criminal activity.
    - d. Distributing information to the proper persons or agencies.
    - e. Locating lost property and returning the same to the owner.
    - f. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed.
    - g. Making necessary notifications or conducting necessary inspections.



- h. Recording information.
- 2. For most Criminal Cases
  - a. Reviewing and analyzing reports of preliminary investigations.
  - b. Recording information.
  - c. Reviewing departmental records for investigative leads.
  - d. Seeking additional information (from other officers, informants, contacts in the community, and other detectives/agencies).
  - e. Interviewing victims and witnesses.
  - f. Interrogating suspects.
  - g. Monitoring Social Media sites of potential suspects, victims, and witnesses for information related to the case.
  - h. Monitoring posted comments to on-line news stories about an offense.
  - i. Arranging for the dissemination of information as appropriate.
  - j. Planning, organizing, and conducting searches.
  - k. Collecting physical evidence.
  - l. Recovering stolen property.
  - m. Arranging for the analysis and evaluation of evidence.
  - n. Reviewing results from laboratory examinations.
  - o. Identifying and apprehending the offender.
  - p. Checking the suspect's criminal history.
  - q. Consulting with the District attorney in preparing cases for court presentation and assisting in the prosecution.
  - r. Notifying victims and witnesses when their presence is required in court.
  - s. Testifying in court.
  - t. Arranging for polygraph examinations, if necessary.

## **VI. REPORT WRITING**

#### A. Field notes

All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events
2. To aid the investigation
3. To ensure accurate testimony in court
4. To protect the officer from false accusations

#### B. Formal reports shall include the following information:

1. Date, time of arrival at the scene
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd)
3. Circumstances of how the crime was discovered and reported
4. Identity of other officers or emergency personnel at the scene
5. Physical evidence present at the scene and the officers responsible for its collection
6. Names, addresses, telephone numbers of victims or witnesses
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects
8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist
9. Recommendations for further investigation

### **VII. SOURCES OF INFORMATION**

#### A. Informants

Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it

#### B. Interviews and interrogation

## 1. Field interviews

Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.

## 2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.

## C. Interrogation of suspects

### 1. Custodial Statements and Confessions.

- a. *Miranda* warnings are required and shall be administered prior to “custodial interrogation.”
- b. The following represent examples of situations that are not “custodial” and do not require issuance of *Miranda* warnings.
  - i. Investigatory stop and frisk.
  - ii. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
  - iii. During voluntary appearances at the police facility.
  - iv. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

### 2. Administering Miranda.

- a. Miranda warnings shall be read by officers from a card or form containing this information to all persons subjected to custodial interrogation.
- b. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
- c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney.

Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.

- d. Waivers of one or both of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
- e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
- f. Officers arresting suspects who they believe may have limited English proficiency shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.

### 3. Invoking the Right to Silence

- a. When a suspect invokes his right to remain silent, all interrogation shall terminate immediately.
- b. Officers may interrogate a suspect who has previously invoked his right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning Miranda warnings shall be re-administered and a waiver obtained.

### 4. Invoking the Right to Counsel

- a. If a suspect waives his right to counsel, a written waiver shall be obtained prior to questioning. When a suspect makes reference to counsel but his intentions are unclear, officers may question the suspect further to clarify his intentions. When a suspect invokes his right to counsel, all interrogation shall cease immediately.
- b. The suspect may not again be interrogated about the crime for which he is charged, other crimes, or by other officers (from this or other agencies) unless the suspect's attorney is present at the questioning; or
- c. There has been a break in custody of more than 14 days and the individual is re-advised of his Miranda rights and indicates he is waiving his right to counsel (written waiver), or
- d. The suspect initiates new contact with the police. In this later case, Miranda rights must again be administered and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.

- e. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.

#### 5. Other Interrogation Requirement

- a. Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged. Officers will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Officers should honor a child's request to speak to a parent or guardian before waiving his or her rights.

Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained

- b. The number of officers engaged in the interrogation shall be kept to a minimum. The interrogation shall be as short as possible.
- c. This policy and section concerns only juveniles who are being interrogated by officers in connection with a crime, and does not apply to District administrators handling discipline matters in school.

#### D. Recording of Statements and Confessions

- 1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes, but is not necessarily limited to;
  - a. location, date, time of day and duration of interrogation;
  - b. the identities of officers or others present;
  - c. Miranda warnings given, suspect responses and waivers provided, if any; and
  - d. the nature and duration of breaks in questioning provided the suspect for food, drink, use of lavatories or for other purposes.
- 2. Officers shall electronically record custodial interrogations conducted in a place of detention involving major crimes as defined by this department. Officers are not required to record noncustodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation but may do so where deemed necessary, in accordance with law and departmental policy.
- 3. Electronic recording of juveniles shall be conducted if at the time the crime was committed, the juvenile suspect could be charged with a major crime as an adult.
- 4. If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation, or for other reasons deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be

documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.

5. Transporting officers need not refrain from questioning a suspect who has indicated a willingness to talk either at the scene or en route to the place of detention.

However, officers shall not purposefully engage in custodial interrogations involving major crimes as defined by this policy in order to avoid this department's requirement for electronic recording.

6. Recording Protocol

- a. Suspects do not have to be informed that they are being recorded unless required by law.
- b. The office of the prosecutor, the investigative case manager, or other authorized department official may direct that specific interrogations be recorded that do not meet the criteria of major crimes as defined by departmental policy.
- c. The primary interrogator shall, where possible, obtain a signed waiver from the suspect before beginning interrogation. If the suspect elects not to be recorded or refuses to engage in the interrogation, the suspect's rejection shall be recorded when reasonably possible.
- d. Interrogations and confessions shall be recorded in their entirety starting with the interrogator's entrance into the interview room and concluding upon departure of the interrogator and suspect.
- e. When commencing the recording, the primary interrogator shall ensure that voice identification is made of officers, suspects, and any others present, and that the date, time, and location of the interrogation is verbally recorded.
- f. When beginning a new recording, the interviewer shall announce the date and time that the interrogation is being resumed.
- g. An authorized member of the department shall be assigned to monitor recording time to ensure the recording does not run out.
- h. Each recording shall include the following:
  - i. Declaration of the time the recording began.
  - ii. Declaration of the start of the interrogation.
  - iii. Concurrence by the suspect that the interrogation has begun.
  - iv. Administration of Miranda warnings, even if the recording is a follow up to a prior interview or the suspect has been previously Mirandized.

- v. Notation of the time the interrogation ends.
- vi. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption. Recording attorney-client conversations is prohibited.
- vii. At the conclusion of the interrogation, the interrogator shall state that the interrogation is concluded and note the date and time of termination. The recording shall continue until all parties have left the interrogation room.
- i. Recordings of interviews are considered evidence and shall be handled as such. In addition, the following shall apply:
  - i. Unused recording media shall always be used for interrogations.
  - ii. Both the original and copies of all recording media shall be protected from re-recording.
  - iii. Only one interrogation shall be recorded on each recording media.
  - iv. Before submitting the original recording to a secure evidence storage area a copy of the recording shall be made. Copies shall be maintained in the investigative unit case file.
  - v. The identifying information items supplied on the recording label shall be completed and the recording marked either as an original or a copy.
  - vi. The reporting detective's follow-up report shall note if and how the interview was recorded.
  - vii. All recordings shall be governed by this department's policy and procedures for the handling and preservation of evidence.

E. Collection, preservation, and use of physical evidence

- 1. Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
- 2. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

**VIII. CONSTITUTIONAL REQUIREMENTS: GENERAL**

Compliance with constitutional requirements during criminal investigations

1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall ensure that:
2. All statements or confessions are voluntary and non-coercive.
3. All persons are advised of their rights in accordance with this general order.
4. All arrested persons are taken promptly before a magistrate for formal charging.
5. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
6. Prejudicial pretrial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

#### **IX. RELATIONSHIP WITH PROSECUTING ATTORNEY**

- A. All personnel shall respond to requests for appointments from the prosecuting attorney, be on time, and have the subject for discussion ready.
- B. In every contested case, misdemeanor or felony, the officer involved shall make an appointment with the prosecuting attorney or his or her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the prosecuting attorney. Questions on law-enforcement procedures shall be addressed to the Chief of Police.
- D. The prosecuting attorney may advise the Chief of Police of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling or error by an officer.

#### **X. DISPOSITION OF CASES**

- A. The officer or investigator shall maintain files of all cases assigned to him or her. All case files shall be appropriately labeled with the date of incident, name of victim, or name of suspect or arrested person. The file shall contain the original incident report, any supplementary reports, statements, photographs, lab reports, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, arrest reports, and anything else the investigator deems pertinent.
- B. When the investigation is complete, the investigator shall close the case under (and include in the file a statement giving) one of the following labels:
  1. Cleared by Arrest - An arrest has been made in this case.
  2. Cleared - Minor case closed at the patrol level that does not involve an offense.



3. Cleared Internally – Class “C” misdemeanor case referred to Del Rio Municipal Court thru citation or complaint.
4. Exceptionally Cleared - The identity and address or exact location of the culprit may be known and sufficient evidence to obtain a warrant may or may not exist. However, due to some reason outside the control of the department, no arrest will be made.

Examples: Complainant will not prosecute; District attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.

5. Unfounded - The offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open.
6. Suspended - All leads have been exhausted. No further investigation is possible or practical until new leads develop.

C. The officer's or investigator's supervisor shall approve the case closure.

D. Upon closing the case, the case file is forwarded to the records custodian for filing.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 10.2 Evidence Collection / Crime Scene Processing</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 12.02	

**I. POLICY**

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or detective shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

**II. PURPOSE**

To establish responsibilities for officers/investigators in processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

**III. DEFINITIONS**

- A. Chain of custody - The chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are officers who handled the evidence, and where and when they did so.
- B. Exclusionary rule - The exclusionary rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment rights cannot be admitted in court.

- C. Evidence - Any substance or material found or recovered in connection with a criminal investigation.
- D. Evidence custodian - The evidence custodian is the employee designated by the Chief to have administrative oversight over all found or confiscated property which comes into departmental possession.

#### **IV. PROCEDURES - General crime scene processing**

- A. Depending on the nature of the crime and the type of evidence present, patrol officers will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally officers will collect and submit evidence on misdemeanor offenses and some felony offenses where a document and or video evidence is the only physical evidence present.
- B. Officers may contact dispatch and request an investigator from another agency when the offense is a felony, any sex crime, and child abuse, where photographs are needed, or where the evidence present is beyond the capabilities of the officers training or equipment.
- C. The officer/investigator responding to a crime scene shall make a determination of equipment needed for processing. The department maintains a complete evidence collection kit to include a camera, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints, tire tracks).
- D. The property and evidence form shall be used to document all property and evidence coming into custody of the department.
- E. Officers and investigators shall use the following general order of processing crime scene unless reason dictates otherwise.
  - 1. Before moving objects or collecting evidence at major crime scenes (except where necessary to help a victim, apply first aid, or handle a suspect), officers will photograph the scene. Photographs should start at the edge of the property and progress into the scene as needed to show the scene and relationship of the evidence present. Close up photographs of each piece of evidence will be taken with and without a measuring device in the picture.
  - 2. At major crime scenes, officers will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.
  - 3. Before collecting any item of evidence, take measurements using triangulation or the coordinate method and record.

4. Collect perishable evidence first. Perishable evidence such as fresh blood, blood-stained objects, physiological stains and tissue, or biological material shall be collected only by a trained evidence technician who shall arrange to submit the material to a lab.
5. If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting in a logical sequence, trying to avoid disrupting other items of evidence.
6. Collect comparison samples: The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items of hairs, fibers, paint, glass, soil, and tool marks.
7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on it, then the evidence shall be processed for prints at the scene.
8. Take overall measurements, obtaining wall, room, and building measurements is one of the last operations to be performed in processing the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.
9. Conduct a final organized search. Conduct a final, thorough search of the crime scene in case evidence may have been overlooked. Wherever possible, on a final search use an officer who has not participated in processing the scene.
10. The officer processing the crime scene shall list each item collected on the evidence recovery log. Note the following information for each item.
  - a. A complete description of the item (including make, model, and serial numbers, if any);
  - b. The source (from whom or location from which the item was obtained); and
  - c. The name of the person collecting the item.
11. The officer/detective processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.
12. All evidence shall be properly and prominently tagged or identified. In addition to the property and evidence form, the recovering officer shall complete a chain of custody form for the property custodian.

13. Officers shall observe principles regarding the legal use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, then the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

## **V. PROCEDURES - Evidence and property control**

### **A. Collection of evidence**

1. When collecting evidence, the officer shall use tongs or tweezers where possible. The officer shall avoid touching the evidence with his hands or anything that might contaminate the item.
2. Officers shall wear latex gloves while processing any crime scene. When collecting tissue or bodily fluid evidence, officers shall discard the gloves and put on a new set after collecting each separate evidentiary item.
3. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly combustible materials. The evidence custodian in consultation with an evidence technician shall decide the best disposition of such items.
4. If a firearm is present at the crime scene, do not unload it. The evidence technician shall unload the weapon: the evidence technician must examine the weapon in its exact condition as when it was discovered.

### **B. Marking evidence**

1. In many instances, marking and labeling evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence to include the officer's name, date, time, location of recovery, item number, and case number.
2. In other instances, the small size or nature of the item collected will not permit complete information to be noted directly on the item. In these instances, the container or attached tag shall be marked with appropriate information.
3. The officer searching the crime scene shall mark similar items in the same place to save time and embarrassment in looking for the identifying marks when asked to identify the evidence in court.
4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or where labels are used, ballpoint pens.

5. The officer who collects the evidence shall mark it.
6. Each officer or investigator shall develop his own identifying mark, normally his or her initials.

C. Packaging items of evidence

1. The officer who collects the evidence shall choose a container suitable to the type of evidence for packaging. Considerations in choosing the proper container include:
  - a. The size and weight of the item.
  - b. Whether the item is moist or wet (which could rot or deteriorate if packaged in plastic or an airtight container for an extended time).
  - c. Avoid any contamination of evidence by packaging all items separately.
  - d. Pack the item to minimize interior movement within the package.
  - e. Seal the package with evidence tape and initial or sign across the seal.
  - f. Label the exterior of the package before placing the evidence within it.
2. Special circumstances

Weapons

- i. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
- ii. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage.
- iii. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/TCIC files.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 10.3 Property and Evidence Management</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 12.01, 12.03, 12.04, 12.05, 12.06, 12.07 and 12.08.	

## I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The purpose of Property and Evidence Management is to maintain those property items coming into the possession of the SFDR Consolidated Independent School District Police Department in such a manner as to secure them from theft, loss, or contamination, and to maintain them for easy retrieval as needed.

## II. PURPOSE

The purpose of this order is to establish property room procedures and protect the integrity of the Property and Management system.

## III. ORGANIZATION AND ACCOUNTABILITY

- A. The Chief of Police will be the primary and will appoint an alternate Property Custodian. The Property Custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The alternate serves as backup when the assigned Property Custodian is unavailable.
- B. The Property Custodian shall satisfactorily complete a TCOLE approved basic course on the management of the property function, on the job training, and other related training courses, seminars and/or conferences as appropriate annually.
- C. Duties Responsibilities
  - 1. The primary duty of the Property Custodian is to log, classify, store, dispense, destroy, and release property and evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include, but are not limited to the following:

- a. Maintain evidence or property in such a manner that the individual items are secure from theft, loss, or contamination, and can be located in a timely manner.
- b. Maintain property reports and other documentation associated with the “chain of custody” for all property.
- c. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the Police Department.
- d. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
- e. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
- f. Release of property for court, auction, disposal, or person legally entitled to the item.
- g. Provide in-service training to department personnel regarding the appropriate logging, packaging, documenting, and storage of property and evidence.
- h. Provide effective liaison between the department and local, county, state and federal law enforcement agencies.
- i. Represent the department while attending state and local associations involved with the management of property and evidence.
- j. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
- k. Maintain a clean and orderly property storage facility

#### **IV. FACILITIES SECURITY (TBP: 12.04)**

##### **A. Access**

1. The Property Storage is maintained as a secure location. Access to the Property Storage and all other temporary or long-term property storage areas is restricted to the Property Custodian, and alternate Property Custodian. All other entry into the property storage by any person is noted in the Property Storage entry log.
2. Other department personnel do not enter property storage areas unless escorted by a Property Custodian. Except for the Property Custodians, all Department personnel, visitors, contractors, etc. who enter the Property Storage must be listed on the visitor’s log (citing the date, duration and purpose of the visit).



3. Property or evidence is only removed from its storage location by the Property Custodian.
4. The doors, gates, or other closure devices to any storage area are secured whenever the Property Custodian or other authorized personnel leave or are not present.

#### B. Key Control

1. The Property Custodian and the Chief of Police are the only individuals with keys to the Property Storage.
2. The Chief of Police will issue restricted security keys to the Property Custodian. One set of keys are secured in the Police Chief's safe at all times. The duplication or unauthorized possession of keys to the secured property storage area is strictly prohibited.
3. A complete set of other storage facility keys, safe combinations are in a sealed property envelope, initialed and dated by the Property Custodian and The Chief of Police. That envelope will stay with the Chief of Police as a backup for property room personnel. Inspection of this envelope is part of all property room audits and inventories.
4. Property room personnel may not relinquish property room keys, combinations to anyone other than authorized personnel.
5. When Property Custodians leave their assignment, the Chief of Police ensures that all locks, keys, combinations, and codes are returned or changed if security is otherwise compromised.
6. In the event that keys, locks, combinations, and codes are lost or security is otherwise compromised. New locks, combinations, and codes will be installed.

#### C. Storage Systems

1. Firearms storage is separate from other property in the property room, secured in the evidence room in a long gun storage wall. The evidence room remains locked at all times unless property is being stored, removed, or inventoried.
2. Controlled substances storage is separate from other property in the property room and secured in the narcotics locker.  
The narcotics locker remains locked at all times unless property is being stored, removed, or inventoried.
3. Money is separate from other property in the property area and secured in a holding account as soon as possible by the Property Custodian. In rare cases, If the Property Custodian is unable to secure the money into the holding account. The money will be secured in a safe that remains locked at all times until the Property Custodian is able to deposit the money into a holding account.

## **V. CATEGORIES OF PROPERTY**

- A. For the purpose of these procedures, property in police custody falls into these categories:
1. Evidence. Evidence is property that comes into the custody of a police department employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. Evidence or assets seized for forfeiture are handled in the same manner as other evidence.
  2. Found Property. Found Property is property of no evidentiary value, which comes into the custody of a department employee, and whose rightful owner may, or may not, be known to the finder or the department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property in a time and manner prescribed by law.
  3. Safekeeping. Safekeeping is property of no evidentiary value surrendered to an employee of this agency for temporary custody. This arrangement comes with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period, unless disposition by the Department, in a manner prescribed by law, is requested by the owner(s).

## **VI. DOCUMENTATION & RECEIPT OF PROPERTY (TBP: 12.01)**

### **A. Documentation of Property**

The police employee accepting that property documents the details upon taking property into the department. That report contains a description of the item, along with all other pertinent details of how the item came into possession. The report must also include complete information on the person who found the property, or from whom it was seized or recovered.

### **B. Receipt of Property**

1. The Property Custodian provides a receipt to any person when taking property regardless of the classification of that property.

### **C. Computer Inquiry & Entry**

1. All employees make the appropriate inquiries to the TCIC on all serialized or identifiable items collected or seized prior to placing the item into storage. This determines if the property is reported stolen or otherwise entered into the statewide system.
2. Dispatch verifies all "hits" prior to confiscating the item. After verification, a dispatcher sends the "locate" information.

3. The offense and property report reflects the status of the property items. The report also indicates that a "locate" was sent to the originating agency. It is the originating agency's responsibility to update the TCIC information from stolen to recovered status.

#### D. Property Forms

The property and evidence function requires the use of the following forms:

##### 1. Evidence Bags and Boxes

- a. Evidence Bags and boxes serve as the primary method for submitting property for storage. A listing of the case number, date, location, applicable names, description of property and officer's name and ID number properly identify the property and its origin.
- b. Chain of Custody Form submitted with each property container (bag, box, etc), tracks the movement or release of the item.
- c. Property Tag. Officers affix a property tag securely to items that do not fit into evidence bags or boxes. This tag designates the case number, date of submission, and name and ID number of the submitting officer.
- d. Money. Cash is defined as coin and/or currency. Checks, credit cards or other negotiable items. The Property Custodian does not accept money not packaged or logged appropriately, according to the following procedures:
  - i. Itemize money by denomination, listing subtotals and total amounts.
  - ii. All money logged into the property room requires at least two officers or employees to verify the count and noted on the case report.
  - iii. All money envelopes must be secured in an evidence bag verifying the amount listed and enclosed. The entering officer and verifying officer sign their names on the front of the seal evidence bag.
  - iv. Extremely large amounts of coin and/or currency seized which, because of the container or quantity of money, make it impractical to package in a money envelope (e.g., coins stored in a large piggy bank or bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the container as is. However, the need for a money count and money form still applies. Officers submitting the money secure the container with evidence tape to prevent tampering and tape the money form to the container. The currency is then placed into a secured evidence locker.
  - v. Suspected counterfeit bills have no cash value. Officers will make a notation on the outside of the evidence bag reflecting that the contents contain suspected counterfeit bills.

- e. Property Receipt Form. The Property Receipt Form serves as a receipt for property taken into custody and documents the release of property to other entities. The Property Release Form also authorizes the release of property. No property is released without a completed Release Form.

## **VII. LOGGING PROPERTY & EVIDENCE**

- A. Officers who seize property and are able to determine ownership in the field may release the property immediately to the owner if the property is not needed for prosecution in a criminal case. Officers should make contact with the investigating officer or the District Attorney's office if necessary to determine prosecutorial need. If the property can be released in the field, the officer will complete a Property Release Form and have the owner sign for receipt of the property. The form will be turned into the property room where the Property Custodian will enter the property into the system and show it released in the field. The Property Release Form will be forwarded for inclusion in the case file. (TBP: 12.06)
- B. Property that is seized by the department and not immediately released to the owner will be entered into the computer system and secured in the Property Storage as soon after seizure as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Officers will log all property and evidence into the property room before the end of their shift. (TBP: 12.03)
- C. Maintaining property/evidence in a case file may be acceptable when it is necessary for the proper investigation of the case by the assigned detective; however, the property/evidence must first be logged into the property system and then signed out. The detective signing out the property /evidence is responsible for the evidence until returning it to the property room. The detective is also responsible for the integrity of the evidence while checked out.
- D. Marking and Packaging
  - 1. All collected property is marked for identification and packaged to avoid contamination.
  - 2. Permanent and distinctive marks such as initials, ID numbers, and case numbers should be marked directly on objects collected (when possible) without damaging the evidence.
  - 3. When unable to mark the exhibit itself (such as in the case of stains, hair, blood, controlled substances, etc.), place the item in a vial, envelope, container or other suitable package, then seal and mark the container.
  - 4. There are a variety of containers and materials for use in packaging physical evidence and other property. Officers strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies for this packaging are near the book-in counter. The Property Custodian is responsible for maintaining property packaging and storage supplies.

5. Always package **FIREARMS, MONEY AND CONTROLLED SUBSTANCES** separately from other property or evidence items.
6. Firearms Evidence - The collection of firearms is appropriate for both criminal and non-criminal cases. Due to the very nature of these items, extreme care is taken to ensure the safe handling of the weapon and preservation of its evidentiary value.

**NEVER PLACE A LOADED FIREARM INTO AN EVIDENCE STORAGE LOCKER.**

Exception: Officers who cannot unload a weapon due to a mechanical defect must attach a warning note to the weapon indicating it is loaded. The Property Custodian arranges for the range master (or qualified designee) to unload the weapon prior to placing it in storage or transporting it to the laboratory. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun.

Weapons are unloaded **ONLY** after noting the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc.

7. Hazardous Materials / Devices: **NEVER** transport or store any unexploded (or suspected unexploded) device in or about the police facility. **NEVER** transport or store any Class A explosive such as dynamite, desensitized nitroglycerin, large quantities of fireworks or more than one pound of black powder in or about the police facility.
8. Sharp Instruments - Instruments such as razors, scissors or broken glass should be encased before being placed into an evidence bag. The items may be wrapped with paper and placed into a paper bag. Large knives will be packaged in the boxes dedicated for that item, located on the top cabinet in the patrol room. Butterfly and pocket knives are to have tape placed around the knife to ensure that it cannot open. It will then be placed in plastic packaging. The bar code should be placed on the handle of the knife by the property tech. The length of the knife blade should be noted on the property sheet and report. Photos or a copy of the knife should be placed with the offense or arrest report for case filing.
9. Biohazard Materials - When packaging such items, disposable rubber gloves and/or aprons should be worn. Cuts or abrasions should be covered by bandages or dressings. Hand contact with mouth, eyes or nose should be avoided. All blood, urine, semen and any other possible infectious material shall be labeled "Biohazard". All of these type evidence samples will be refrigerated except for any subject to DNA testing, in which the sample should be kept frozen by the Evidence Technician.
10. Bloodstained Items - Bloodstained items shall be allowed to air dry before being placed in paper sacks if possible. Plastic bags should not be used for bloodstained items. Care must be taken to package items separately so as to avoid cross contamination of other evidence. The submitting officer should use caution in handling bloodstained items due to the possibility of disease contamination.

Bloodstained items shall be allowed to air dry before being placed in paper sacks if possible.

11. Blood Samples - In the event that a blood sample is taken as the result of a D.W.I. arrest, the officer shall obtain a blood sample kit. This kit will be provided to the hospital personnel taking the blood sample. The officer will then complete the report provided in the kit and secure the blood sample in the evidence locker. The Property Technician will prepare the sample for mailing or personally deliver it to the lab.
12. Semen/Urine Samples - Samples should have evidence seal placed over the container for proof of tampering. Initial and date seal. Package and tag according to guidelines. Samples should then be placed in the evidence locker. The Evidence Technician will fill out the lab submission form and prepare the sample for mailing or personally deliver it to the lab for testing.
13. Samples for DNA Testing - Evidence samples that may be subject to DNA testing should be kept in a frozen state to avoid deterioration. Wet items should be air dried before packaging. Never use dry heat, it will destroy any evidence for DNA testing. These items should be bagged in paper and labeled according to guidelines. Then place such items in the evidence locker. The Evidence Technician will fill out a lab submission form and prepare the samples for mailing or personally deliver it to the lab for testing.
14. Money: Itemize all monies by denomination and quantity on the approved money form before placing it into a property locker.
15. Jewelry: Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate.
16. Food: Photograph items recovered and enter photo as evidence. Return items back to the owner or contact owner for pickup. Do not attempt to store perishable items into the evidence locker. Food items that may attract ants, mice, or other insects should never be submitted into storage.
17. License Plates: License plates are the property of the Department of Motor Vehicles (DMV) from the state of jurisdiction. The public is permitted to use the license plate when the annual fees have been paid. License plates maintained as evidence are logged into evidence. Officers attempt to return found license plates to their owner. If that is not feasible, the officer logs the plate into property. The Property Custodian is then responsible for returning the plates to the owner or DPS.
18. Alcohol: Open containers of alcohol are not logged into the property room. The investigating officer pours out the contents at the scene. The officer then describes the condition of the container and its contents in the police report. Officers avoid booking large quantities of alcoholic beverages into evidence. In rare situations when a sample of the evidence is necessary for prosecution,

retain one unopened container (bottle, can, etc.), photograph, and destroy the remainder on video.

19. Drugs/Paraphernalia: All drugs will be counted and weighed, if applicable, before being placed in a property bag. Drugs should be logged in separately from paraphernalia and other evidence. A photograph of the paraphernalia will be taken. The photo will be attached to the citation to be forwarded to the Municipal Court. Officers will indicate on the property sheet in Officer's comments that a photo was taken of the paraphernalia.

## **VIII. TEMPORARY STORAGE FACILITIES**

1. Hazardous Materials Storage Locker
  - a. The officer consults with a member of fire services on any unknown substance prior to securing the substance. Officers ensure contact with supervisors to determine appropriate measures for storage or destruction.
  - b. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning in water and physical destruction in view of a video recording device with a supervisor or temporarily stored outside the police facility annex until the Property Custodian is able to drown in water.

## **IX. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE**

### **A. Property Collection**

1. The Property Custodian or alternate also complete the following:
  - a. Assigns a bar code label or item number to each property item submitted,
  - b. Makes the appropriate entries into the automated property system,
  - c. Stores each item in the approved locations.
  - d. Arrange for transportation to the laboratory for examination as required, and
  - e. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.

### **B. Property Inventory**

1. The Property Custodian accounts for every item submitted into the property system. This process begins at intake.
  - a. The Property Custodian or alternate compares items listed on the property forms with those actually found in temporary storage. If any item is missing, the Property Custodian immediately notifies the Chief of Police through their chain of command.

- b. If the Property Custodian cannot find a missing item(s), he enters the item into the “Unable to Locate” (UTL) file and notifies the Chief of Police via email, explaining the circumstances surrounding the missing property. Property connected to the case will not be processed until the missing item(s) are found or the discrepancy has been corrected.

#### C. Improperly Submitted Property – “Right of Refusal”

1. Officers submit every item into property in a safe and thorough manner consistent with these guidelines and policy.
  - a. The Property Custodian has the authority to refuse acceptance of any property item submitted in an unsafe, incomplete, or otherwise improper manner as defined in this manual.
  - b. Property Storage personnel **SHALL NOT** accept any money or controlled substances in which the seal, envelope, packaging or container has been opened, tampered with, or otherwise improperly submitted.
  - c. The Property Custodian immediately notifies the Chief of Police, who follows up with the submitting officer's supervisor.
  - d. All personnel immediately correct a breach in safety protocol.

#### D. Property Storage

The following types of property and evidence are stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as the Property Custodian determines.

1. Firearms
  - a. The Property Custodian stores all firearms in containers (boxes) specifically designated for handgun, rifle and/or shotgun. Exceptions can be made for those weapons which, due to size or other considerations, are not compatible for storage in such containers.
  - b. The Property Custodian segregates all firearms from other types of property retained. All firearms, **REGARDLESS OF PROPERTY CLASSIFICATION**, are stored on the firearms wall located inside the property room. The property room remains locked at all times unless property is being stored, removed, inventoried, or inspected. **NEVER** store ammunition with firearms. All ammunition is stored in the ammunition bin.
2. Controlled Substances
  - a. The Property Custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, **REGARDLESS OF PROPERTY**



CLASSIFICATION, are stored in the narcotics locker inside the property room. The narcotics locker remains locked at all times unless property is being stored, removed, inventoried, or inspected.

- b. Officers count, verify, test, and weigh controlled substances (or suspected controlled substances) prior to sealing them in containers or evidence bags. The officer then weighs the bag and notes "BW" (for bag weight) and the total weight in grams on the outside of the bag. The bag weight is entered in the property description line as "Marijuana BW 13 grams" or similar.
- c. Property Custodian only opens sealed containers to facilitate the transportation and/or destruction of the item.

### 3. Money

- a. The Property Custodian segregates all money from other types of property retained. All money, REGARDLESS OF PROPERTY CLASSIFICATION, is deposited into a holding account. In rare cases, if the Property Custodian is unable to deposit the money, the money will be placed in a safe until the Property Custodian is able to have the money placed in a holding account.
- b. The Property Custodian deposits money with the appropriate District Employee either the same or next working day. The Property Custodian seals the receipt in the original property envelope with the Money Form and returns it to the safe. The Property Custodian then makes notations in the computer system, showing the money transferred to the cashier.
- c. When the money itself is evidence, subject to forfeiture (drugs), or examination, it is deposited into the District Attorney's Holding Account until the money is ordered to be returned or awarded by the Courts.
- d. The Property Custodian only opens sealed containers to release the money to its rightful owner or transfer the money to a financial institution. At least one other police employee is present when opening any money envelope.
- e. The Property Custodian secures negotiable stocks, bonds, or bank securities in the safe with other money items. He assigns no value to the securities for purposes of showing a recovery value.

### 4. Homicides

- a. The Property Custodian stores all items of evidence associated with a homicide case together, unless that evidence requires storage elsewhere for additional security, safety, or preservation measures.
- b. All homicide cases remain segregated from other types of property retained by the Department.

### 5. Hazardous Materials

- a. The Property Custodian transfers and stores all hazardous materials in containers designated for that purpose.
- b. The Property Custodian segregates all hazardous materials from other types of property retained. All hazardous materials, REGARDLESS OF PROPERTY CLASSIFICATION, remain stored and clearly marked as hazardous materials.

#### 6. Photographs

- a. The Property Custodian stores undeveloped film canisters separate from other types of evidence the Department retains.
  - b. Upon an investigator's request, the Property Custodian transports film and negatives to a private vendor for processing.
  - c. The investigator submits a Property Form and enters the prints into evidence. A set of prints remain with other items associated with the case. The investigator may retain a separate set of prints as a working copy during follow-up. After finishing, the investigator forwards the prints to the District Attorney as a part of the case file, or destroys them.
7. Property Management. Nothing in this manual prevents the Property Custodian from organizing property as deemed necessary for the efficient operation of the property function.

#### E. Computer Entries - Computerized Property System

1. The Property Custodian enters all incoming property into the computerized property system as soon as possible. Information entered into this system includes:
  - a. Classification of property
  - b. Type/Description of property
  - c. Quantity
  - d. Case number
  - e. Officer submitting property
  - f. Location property stored
  - g. Chain of evidence

#### F. Disposition of Property

1. The Property Custodian updates the status of all property retained in inventory as necessary.

2. The Property Custodian retains a complete “hard copy” file on each piece of property as a back up to this computer system. The backup files facilitate regular inspections, audits and inventories.
3. TCIC / NCIC
  - a. Upon request, dispatch personnel check property items with serial numbers in the TCIC/NCIC system.
  - b. In all cases when releasing a firearm, detectives and or the Property Custodian conduct a criminal history check of the person receiving the weapon. This establishes whether restrictions exist that prevent the release of the firearm to that individual. Additionally, detectives request a stolen check through TCIC/NCIC to confirm the status of the firearm.

## **X. PROPERTY & EVIDENCE RELEASE GUIDELINES**

### **A. Persons Authorized to Release Property**

1. The following persons may authorize the release of property under the provisions of this manual:
  - a. The investigating officer,
  - b. The Chief of Police,
  - c. A magistrate,
  - d. The District Attorney’s Office, and
  - e. In cases of found property and property impounded for safekeeping, the impounding officer.

### **B. Release Authority**

1. A court order is required for the release or disposal of property seized pursuant to a search warrant.
2. Court action involving all suspects must be final and the District Attorney’s Office must approve the release.
3. All evidence or property collected in homicide cases is stored until the death of the defendant(s) or 99 years from the date of incident or with the District Attorney’s Office signed approval by the Courts allowing the Property Custodian to dispose of the evidence or property.
4. Upon approval, the Property Custodian disposes of property on no-lead cases after the statute of limitations is past. The Statute of Limitations for felonies is as follows:

- a. No Limit Murder, Manslaughter, FSRA with Death
  - b. 10 Years Theft of Estate by Administrator, Theft by Public Servant, Forgery, Indecency with a Child, Injury to a Child , Sexual Assault
  - c. 7 Years Misapplication of Fiduciary Property
  - d. 5 Years Burglary, Theft, Robbery, Arson, Kidnapping, Abandoning a Child
  - e. 3 Years All other felonies.
5. The District Attorney approves of property disposed or released purely in the interest of justice when the statute of limitations has not expired. This applies to any felony or misdemeanor cases.
6. The Property Custodian retains any property requested for civil litigation until approved by the Chief of Police.
- C. Disposition Instructions (Non-evidence)
1. Found Property
- a. The investigating officer attempts to determine and contact the owner(s) of found property. Officers call that person instructing them to contact the Property Custodian to schedule an appointment and claim their property.
  - b. The owner has 90 days to establish ownership and claim the property.
  - c. Exception: If sufficient evidence exists to file an asset forfeiture case, funds likely coming from illegal activity are retained. In addition, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or prohibited from possessing a weapon, the Chief of Police determines the type of release or destruction of the firearm.
  - d. Pursuant to Code of Criminal Procedure Art. 18.17, any found property having a value of \$500 or more and the owner is unknown, will be advertised as found in a newspaper of general circulation prior to forfeiture to the city or destruction.
  - e. The Property Custodian processes all unclaimed property for auction, disposal, or transfer for Departmental use.
2. Safekeeping
- a. The Property Custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The Property Custodian disposes of unclaimed property after 90 days.
  - b. Prior to release of firearms, the Property Custodian requests a criminal history check on the owner or person who intends to pick up the weapon.

- c. The Chief of Police determines the disposition of firearms if the owner is not legally entitled to the weapon or is prohibited from possessing a weapon.
- d. The Property Custodian requests a TCIC/NCIC stolen check on the firearm prior to release.
  - i. If stolen, an attempt is made to return the firearm to the rightful owner.
  - ii. If the owner cannot be found, the weapon is destroyed per court order.
- e. When releasing a weapon to the owner, the owner presents a photo ID and provides proof of ownership, if requested. The owner must sign the property release form.
- f. All other types of property held for safekeeping are returned to the owner as soon as possible.

D. Non-Essential Property/Evidence:

- 1. With the concurrence of the District Attorney, property that is not essential to a prosecution or future prosecution is released to the owner as follows:
  - a. Property that has no market or investigative value as determined by the District Attorney may be destroyed upon completion of the investigation with the District Attorney's permission; e.g., glass fragments, mutilated bullets not suitable for comparison purposes.
  - b. Property held as evidence but not introduced during the trial is released to the owner upon receipt of a court disposition, provided the prescribed time for appeal has elapsed. In misdemeanor and felony cases, 90 days is allowed for an appeal.
  - c. In all cases, the person who receives the property must present a photo ID and sign the property receipt.

E. Court Releases

Officers needing evidence or property for court presentation complete a Property Release from the Property Custodian. The form indicates "release" for court. The officer gives the form to the Property Custodian, who then completes the chain of custody form and releases the item to the officer. In all cases, the person receiving the property must present a photo ID and sign the property receipt.

**XI. INTERIM RELEASE OF PROPERTY GUIDELINES**

- A. To facilitate the need for officers to remove evidence temporarily from the property room for further investigation, examination, court, etc, the following procedures are established:

1. The officer completes a property release form, has it signed by a supervisor who ensures appropriate need, and forwards it to the Property Custodian (at least 24 hours - weekends and holidays excluded - in advance when possible).
  2. If exigent circumstances exist, property may be released to the officer with less prior notification.
  3. Officers checking out evidence for court sign and date the chain of custody form for all evidence released.
  4. Officers immediately return all evidence to the property room, unless that evidence is held by the court.
  5. Officers repackage or reseal evidence as necessary to ensure the integrity of the item. Whenever evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag with the evidence with the chain of custody on the old bag visible.
- B. The Property Custodian tracks evidence checked out for court and its return. After 72 hours, notification is given to the officer who has not returned the property.

## **XII. DISPOSAL GUIDELINES (TBP: 12.05)**

- A. Disposal of items held in the property room is made in a manner authorized by statute and as provided in policy.
- B. The Property Custodian disposes of no property item until receiving a release authorization from the assigned officer, Chief of Police, a court order, or written instruction from the District Attorney's Office.
- C. Upon receipt of a Court Order, the Property Custodian disposes of property in the manner indicated in that order.
- D. Disposition of Property to be Destroyed
1. Property of little or no auction value is disposed of in an appropriate trash receptacle except as otherwise directed below:
    - a. Papers of a sensitive nature will be shredded.
    - b. The contents of open alcoholic beverage containers are poured down the drain before disposing of the container in the trash.
    - c. Property of value (except firearms, money, ammunition, controlled substances, and hazardous materials) is sold at auction, destroyed, or designated for department use.
    - d. Handguns and assault weapons are destroyed or may be designated for department use.

- e. Hunting rifles and shotguns may be sold at auction or destroyed.
- f. Ammunition is disposed of through pre-approved, designated agencies or designated for department use.
- g. Controlled substances are burned or otherwise disposed of as a hazardous waste material.
- h. Hazardous materials are disposed through an authorized, pre-approved hazardous waste disposal firm.
- i. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in the same manner as firearms.
- j. All unclaimed money is deposited in the District General Fund, except rare coins or paper money that may be sold at public auction.

## 2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owner with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon written approval of the Superintendent. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits. Weapons of intrinsic collectable value or long guns (not handguns) of sporting value may be auctioned by the District during a regular auction process or other applicable District policy. Destruction process will proceed as follows:

- a. The Property Custodian ensures the recording of the make, model, serial number, and involved case report number in the property management computer system.
- b. The Property Custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
- c. All firearms are inventoried prior to destruction.
- d. The Property Custodian updates the new status on all related documents and computer files.
- e. The Property Custodian, accompanied by an armed police officer and a community volunteer, transports the firearms to a destruction facility. The Property Custodian, officer, and volunteer witness the destruction of each weapon and sign a certificate certifying the destruction.
- f. The Property Custodian retains all written documentation of destruction transactions and scans them into the case file along with the photos of the destruction.

## 3. Destruction of Ammunition

a. Department Use / Disposal

- i. Surplus small arms and rifle ammunition may be retained by the department for official use.
- ii. Ammunition retained for department use is transferred to the range master, who signs receipts for the items and maintains records of the inventory and use of such ammunition.
- iii. No ammunition of this nature is used for duty purposes.
- iv. The range master has final discretion on the means of ammunition destruction. That officer decides if the ammunition lends itself well to training or other range use.
- v. The department employee receiving the ammunition signs the property report. The property report is then forwarded to the Property Custodian.

4. Destruction of Narcotics/Controlled Substances

- a. The Property Custodian destroys controlled substances and narcotic paraphernalia after receiving authorization for such disposal.
- b. If a controlled substance is evidence in a criminal case filed with the District Attorney, destruction may not take place until the case is disposed of and authority for disposal is given by the prosecutor assigned to the court. This authorization may be verbal and noted on the Request for Disposal form. Other controlled substances may be disposed of summarily by the department.
- c. Items to be destroyed are pulled from their storage locations and placed in boxes labeled "Narcotics Destruction." Each box is sealed, labeled and numbered.
- d. The Property Custodian prepares a list of applicable case numbers for each box, and attaches a copy of the related property reports.
- e. The Property Custodian sets an appointment for disposal (crush or burn) and obtains the necessary permits in advance.
- f. At least one non-police witness examines each item set for destruction.
- g. An officer accompanies the Property Custodian and a person not connected with the department while transporting the controlled substances to the disposal facility. Each attendee witnesses the destruction of the controlled substances and signs a statement to that effect. The contents of the statement comply with the Texas Administrative Code, Title 37, Rule 13.163.

5. Disposal of Hazardous Materials



The disposal of hazardous materials falls under a number of State and Federal statutes. In practice, most disposals are regulated by law. Whenever questions arise regarding the proper procedures for waste disposal, the Property Custodian consults with the Texas Department of Public Safety Crime Laboratory for direction and assistance with disposal efforts.

### **XIII. AUCTION OF UNCLAIMED PROPERTY**

#### **A. Disposition of Unclaimed Property**

1. Found property of value not claimed within 90 days is subject to auction. Stolen or embezzled property is subject to auction if unclaimed by the owner after notification of a 90-day limit to reclaim the item.
2. Unclaimed property, not governed by statute, after being held 90 days from the date the owner was notified to claim the property, is subject to auction, destruction, or diversion to department use.

#### **B. Auction of Unclaimed Property**

1. Unclaimed property may be auctioned by the District or may be auctioned by a private company contracted by the District.
2. To avoid conflict of interest, or any appearance of conflict of interest, no employee of this department purchases any item at such auction, either personally or through a third party.

### **XIV. INSPECTIONS (TBP: 12.07)**

For purposes of this manual, an inspection is defined as a brief, informal, usually unannounced, review of procedures, records, or facilities to ensure adherence to policy and established protocol.

- A. The Chief of Police shall appoint an individual to conduct an inspection of the Property Room at least biannually and forwards a report of the inspection to the Chief of Police in detail.
- B. The inspection should concentrate on how the policies, procedures and practices are followed. This inspection should be conducted by a supervisor or other personnel not involved in the operation of the property room. The person inspecting the Property Room should become familiar with this policy and determine if these policies are being followed. The Inspection should include inspection of the security of the property room, the proper use of the sign in log, the proper and up to date processing of property both intake and disposal, the cleanliness and orderliness of the Property Room, and any unusual circumstances. The inspection will also require the Property Custodian to find a minimum of 6 items randomly selected by the person inspecting from the property log, to include at least one weapon, one drug and one money item, if available.

- C. The Chief of Police may conduct frequent unscheduled, unannounced inspections of the property room and property function as deemed appropriate. Documentation of these inspections reflects the date and results of that inspection.

**XV. PROPERTY INVENTORIES (TBP: 12.08)**

- A. It is the policy of police services to receive and safely store evidence, found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The division uses the inspection and inventory process as a means to ensure the integrity of this policy.
- B. For purposes of this manual, an inventory is defined as a physical inspection and verification of the presence of a property item maintained by the division against the agency's records.
  - 1. A sampling inventory of individual items stored in the Property Room at least once a year, anytime a personnel change is made in the property room, or when requested by the Chief of Police.
    - a. The Chief of Police will assign an officer not connected to the operation of the Property Room to assist and observe the inventory. The Property Custodian will conduct the inventory with the assistance of the assigned individual.
    - b. Sampling will include the following - A complete inventory of all Guns, Drugs and Money and at least ten (10) other items located inside the Property Room. The inventory should be conducted by creating a list of all the Guns, Drugs and Money that is shown by records to be in the Property Room, then locating the items in the Property Room. The final part of the inventory will be done in two parts. The first part will be done by randomly selecting the paperwork for 5 of the 10 items and locating them in the Property Room. The second part will be done by randomly selecting 5 more items in the Property Room and locating the item's paperwork to test the record keeping system.
    - c. A copy of the Inventory Report is completed after each inventory and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The Chief of Police makes a determination if an investigation into the loss is warranted.
- C. Whenever any firearm, money or controlled substances are discovered missing, the Chief of Police is notified immediately and an investigation initiated.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 10.4 Eyewitness Identifications</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.32	

## I. POLICY

Eyewitness identification is a frequently used investigative tool. This policy is designed to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and which conforms to established legal procedure.

## II. PURPOSE

It is the purpose of this policy to establish department guidelines for photographic line-up identification and field identification procedures. The procedures in this policy are applicable when a person is known to an investigator and is suspected of criminal involvement in the incident under investigation.

## III. DEFINITIONS

- A. *Administrator*. The person charged with presenting a photographic line-up to a witness.
- B. *Assigned Investigator*. The officer primarily responsible for investigating an incident.
- C. *Blind Administrator*. An administrator who does not know the identity of the suspect or the suspect's position in the photographic line-up.
- D. *Blind Manner*. The presentation of a photographic line-up by either a blind administrator or a blinded administrator.
- E. *Blinded Administrator*. An administrator who may know the identity of the suspect, but does not know the suspect's position in the photographic line-up.

- F. *Field Identification*. The presentation of a suspect to a witness following the commission of a crime for the purpose of identifying and/or eliminating a possible suspect.
- G. *Fillers*. The photographs used in a photographic line-up whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect.
- H. *Folder Method*. A photographic line-up where the photographs are placed in separate folders or envelopes and randomly shuffled prior to presentation so that the Assigned Investigator does not know which photograph the witness is viewing.
- I. *Illiterate Person*. An individual who speaks and understands English but cannot read and write English.
- J. *Interpreter*. An individual with the necessary skills that enable them to communicate with an illiterate person or a person with limited English proficiency to the degree they can ensure the person clearly understands all instructions given them prior to viewing a suspect in any identification procedure.
- K. *Live Lineup*. The presentation of individuals, including a suspect, in person to a witness, usually in a manner preventing the individuals from seeing or identifying the witness, for the purpose of identifying and/or eliminating suspects.
- L. *Person with Limited English Proficiency*. An individual who is unable to communicate effectively in English with a level of fluency that is typical of a native English speaker. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to write.
- M. *Photographic Line-up*. A collection of photographs including a suspect photograph and *filler* photographs that are placed in random order and shown to a witness for the purpose of identifying and eliminating suspects.
- N. *Sequential Viewing*. An identification procedure in which photographs are shown one at a time to a witness.
- O. *Simultaneous Viewing*. An identification procedure in which all photographs are shown at the same time to a witness.
- P. *Suspect*. An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.
- Q. *Witness*. A term referring to a complainant, victim, eyewitness, or any other form of witness to an incident.

#### **IV. GENERAL PROCEDURES FOR LINE-UPS**

- A. Live line-ups will not normally be used due to the difficulty of administration and the difficulty in obtaining a sufficient number of individuals with similar physical characteristics.

Should an investigator determine a need for a live line-up, the investigator should contact the District Attorney for procedural and technical assistance and the line-up should be carried out with the intent of this policy in mind.

- B. Photographic Line-ups are approved for use by this department if the following procedures are followed. Photographic identification of suspects by witnesses should supplement other investigative actions and/or evidence.

#### **V. PREPARING PHOTOGRAPHIC LINE-UPS**

- A. The Assigned Investigator is responsible for:

1. Preparing the photographic line-up, including selecting the fillers and ensuring each of the photographs are numbered or lettered for later reference.
2. Determining before any presentation if the witness is deaf, illiterate, or has limited English proficiency. If the witness is deaf, illiterate, is non-English speaking, or has limited English proficiency, the investigator will arrange for assistance to translate the Photographic Lineup Form in the language of the witness or otherwise assist the witness in understanding the instructions before proceeding. The identification of the assisting individual will be documented as well as the assistance provided.
3. Obtaining a sworn law enforcement officer who is familiar with the contents of this policy and understands the line-up presentation process to act as a blind administrator of the line-up.
4. Preserving the photo line-up, whether an identification is made or not, together with full information about the identification process for future reference, by placing the photos in their original condition, the Photographic Lineup Form, and any audio/video recording of the administration process into evidence after the procedure.
5. Preparing the photographic line-up; the Assigned Investigator should:
  - a. Include only one suspect in each identification procedure.
  - b. Select fillers that generally fit the witness' description of the perpetrator. Fillers should be selected where no person stands out from the others.

- c. Use photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race. Avoid use of fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- d. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect's description or appearance at the time of the incident.
- e. Include a minimum of five fillers per identification procedure.
- f. Avoid reusing fillers in lineups shown to the same witness if showing a new suspect.
- g. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. Do not mix color and black and white photos.
- h. Use photos of the same size and basic composition. Mug shots should not be mixed with other photos. If mug shots are to be used, cover any portions that provide identifying information about the subject.
- i. All individuals in the photographic line-up and/or the origin of the photos should be known to the investigator, if possible.
- j. Photos should be reasonably contemporary.
- k. Do not use more than one photo of the same suspect.
- l. If there is more than one suspect, include only one suspect in each line-up presentation.
- m. View the array, once completed, to ensure that the suspect does not unduly stand out.

B. The Administrator is responsible for:

1. Ensuring they are familiar with the contents of this policy and the line-up presentation process.
2. Ensuring the photographic line-up is presented in a manner consistent with this policy.
3. Documenting the conduct and results of the line-up presentation in the manner approved within this policy.
4. Returning all line-up materials and documentation to the assigned investigator.

## **VI. PRESENTING PHOTOGRAPHIC LINE-UPS**

- A. It is the intent of this department to present all photographic line-ups to witnesses using blind or blinded administrators.
- B. Blind or blinded administrator may use sequential viewing employing the folder method but a simultaneous viewing will only be conducted by a blind administrator. An officer from another agency may assist as a blind administrator if a Department officer is not utilized.
- C. If a member of another local agency is used, the assigned investigator preparing the lineup should ensure the assisting officer is aware of the procedures prior to presenting a lineup to a witness.
- D. Persons present at the presentation will not make any suggestive statements, or take any other actions that may influence the judgment or perception of the witness.
- E. Prior to beginning the presentation, determine if the witness has seen the suspect at any time since the crime occurred (whether in person, in newspaper, television reports, etc). If so, the assigned investigator will contact the DAs office to determine if the identification process should continue.
- F. Provide the witness with a Photographic Line-up Form and explain the instructions for the line-up. Read the instructions and admonitions verbatim from the form, and obtain the witness' signature indicating they understand the procedure, and sign the form as Line-up Administrator. Ensure the witness understands the instructions before proceeding.
- G. Show the witness the photographs in a random order, one at a time, and document the order shown when utilizing sequential viewing. Retrieve the photograph from the witness before providing a new one. Allow the witness to see only one photograph at a time. Do not allow a witness to re-review a photograph unless they specifically request to do so. The witness must re-review all photographs rather than a specific photograph(s).
- H. If utilizing simultaneous viewing with a blind administrator, show the witness the folder and simply ask if they see the person who committed the crime. Report the findings to the assigned investigator after the completion of the procedure.
- I. If the witness identifies a suspect, record the number or other identification of the photograph and ask the witness for a statement of how confident they

are about their identification. Show the remaining photographs even if a suspect has been identified when employing sequential viewing.

- J. Complete the Statement of Victim/Witness portion of the form, including documenting the witness' confidence statement in their own words, regarding how certain they are of the identification. Have the witness complete and sign the appropriate portion of the form. A blind administrator will return all files, photographs and forms to the assigned investigator and complete a supplement on the identification procedure.
- K. Do not provide any feedback of any kind at any time during the procedure. If the witness asks whether they picked the right person, a blind administrator will respond that he or she is unaware of which photograph is a suspect and which are fillers and a blinded administrator will advise it would compromise the case to inform a witness of the procedure's results.

## **VII. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS**

All photographic line-ups will be documented in the method reasonably available to the administrator at the time of presentation. Acceptable methods of documentation include:

- A. Video and Audio Recording – two (2) copies of the lineup recording will be generated, one of which will be placed into evidence and the other with the case file. Additional copies should also be provided to the prosecutor's office when the case is presented.
- B. Audio Recording– two (2) copies of the lineup recording will be generated, one of which will be placed into evidence and the other with the case file. Additional copies should also be provided to the prosecutor's office when the case is presented.
- C. Written documentation of the Line-up Presentation process.

In all cases, the administrator will, at a minimum, document in an offense supplement report the details of the line-up presentation process and result, and return the supplement, the Photographic Line-up Form, any video/audio recordings, and all original photographs and documents to the assigned investigator.

## **VIII. FIELD IDENTIFICATION PROCEDURES**

The use of field identification should be avoided whenever possible in preference for the use of a photographic lineup. If there is some question regarding whether an individual stopped in the field may be the right suspect, an attempt at field identification may prevent the arrest of an innocent person. Therefore, when



circumstances require the use of field identification the following guidelines should be followed:

#### A. Procedures to Using Field Identifications

1. Supervisory approval should be obtained prior to any Field Identification. The officer is responsible for ensuring the witness is able to understand the instructions given by officers. If the witness is deaf, illiterate, or has limited English proficiency, the officer will provide for an interpreter or other assistance, or not continue with the field identification.
2. Single suspect field identification shall not be used if there is adequate probable cause to arrest the suspect.
3. A complete description of the suspect should be obtained from the witness prior to conducting a field identification. If the witness indicates they are unsure if they can identify the individual, a field identification will not be done.
4. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
5. Field identifications should not be attempted more than two hours after the commission of a crime.
6. Field identification should not be conducted when the suspect is in a patrol car, handcuffed, or physically restrained by police officers, unless such protective measures are necessary to ensure safety.
7. Field identification should only be conducted with one witness present at a time. If the field identification is conducted for more than one witness it should be done separately. If one witness positively identifies the individual, consider making an arrest and using the above photographic lineup procedures for other witnesses.
8. The same suspect should not be presented to the same witness more than once in either field or photographic line-ups.
9. Field identification suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
10. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator will be avoided.

#### B. Documentation of Field Identifications

1. The officer conducting a field identification, after supervisory approval, should use the Field Identification Form to inform the witness of the procedure and obtain evidence of their understanding of the procedure.
2. The Officer will video/audio tape the witnesses viewing using the squad car video and audio recording system and document the witness' comments regarding the suspect on the Field Identification Form. The Form will be given to the assigned investigator who will include the Form in the original Case Report. The Video/Audio recording will be pulled and placed in evidence and the time, date, and the patrol unit utilized for the recording included in the offense or supplement report.

**S.F.D.R.C.I.S.D. POLICE DEPARTMENT**  
**Photographic Lineup Form**

**Admonition: Read the following to the witness:** Case Number: \_\_\_\_\_

1. You will be shown a number of photographs.
2. I have been asked to show these photographs to you, but I do not know the identity of the perpetrator.
3. These photographs are numbered, and I will show them one at a time, in a random order. Please take as much time as you need before moving to the next photograph.
4. All of the photographs will be shown even if you make an identification.
5. The person who committed the crime may or may not be in this lineup and you should not feel compelled to choose anyone.
6. Regardless of whether you make identification, we will continue to investigate this incident.
7. If you recognize anyone, please tell me which photograph you recognize and how or why you recognize the individual.
8. You should not discuss the identification procedure or its results with other eyewitnesses involved in the case and should not speak with the media regarding any identification you may make.
9. If you make an identification, I am required to ask you to state in your own words, how certain you are if you make an identification.

I, \_\_\_\_\_ understand the above information.

Lineup Administrator: \_\_\_\_\_

Order of Photographs shown: \_\_\_\_\_

**Statement of Victim/Witness:**

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ 0'clock (\_\_\_\_.m), I viewed a Photo lineup.

This lineup contained photographs of \_\_\_\_ persons.

\_\_\_ I did identify the person with the number \_\_\_\_\_.

Identification comments / Level of certainty: \_\_\_\_\_

\_\_\_ I was unable to positively identify any of the persons in the lineup.

Viewer's Signature \_\_\_\_\_

Other persons in attendance during lineup and any translator used.

Name and Address: \_\_\_\_\_

Name and Address: \_\_\_\_\_

**S.F.D.R.C.I.S.D. POLICE DEPARTMENT**  
**Field Identification Form**

Case Number: \_\_\_\_\_

**Read the following to the witness:**

1. You will be advised of the procedures for viewing the field identification.
2. The fact that an individual is being shown to you, should not cause you to believe or guess that the guilty person(s) has been identified or arrested.
3. This may or may not be the person who committed the crime.
4. You are in no way obligated to identify anyone. It is as important to clear the innocent as it is to identify the guilty.
5. Regardless of whether you make an identification, the police will continue to investigate this incident.
6. If you recognize anyone, please tell me how you recognize the individual. We are required to ask you to state in your own words, how certain you are of any identification.

I, \_\_\_\_\_ understand the above information.

I understand the need to describe my level of certainty regarding identification and after viewing the person(s) shown have identified them as \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Viewer's Signature: \_\_\_\_\_

Officer's printed name: \_\_\_\_\_

Officer's signature: \_\_\_\_\_

Other persons in attendance during field identification.

Name and Address: \_\_\_\_\_

Name and Address: \_\_\_\_\_

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 11.1 Unusual Occurrences and Special Events</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 2.22, 8.07, 8.08, 8.09, and 8.11	

## I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances such as riots, disorders, spontaneous violence, or labor disputes. While these occurrences are uncommon, the SFDR Consolidated Independent School District Police Department must not only deploy personnel in the field but must coordinate the responses of other law-enforcement agencies as well as other agencies. Department personnel must act quickly, decisively, and knowledgeably to mitigate disorder or disaster by restoring order and control, and by protecting lives and property.

## II. PURPOSE

To establish general guidelines for planning and deploying personnel for unusual occurrences.

## III. DEFINITIONS

- A. *Unusual Occurrences:* Includes natural and man-made disasters as well as civil disturbances, unusual police events such as hostage or barricaded persons and even planned special events.
- B. *After Action Reports:* A report outlining the department's planning and response to an unusual occurrence, providing a critical look at operations and developing suggestions for future planning and policy issues.
- C. *Emergency Response Plan:* A County or Regional Emergency Response Plan that outlines the responsibilities of all public agencies in time of natural or man-made disasters.

## IV. PROCEDURES

- A. Administration

1. The Chief of Police is responsible for overall planning of the law-enforcement response to unusual occurrences and for department participation in the county or regional emergency operation plan.
2. The Chief of Police is responsible for coordinating all law enforcement plans with the municipal, county, or state officials charged with emergency activities. A copy of the Emergency Operations Plan will be maintained in the Office of the Chief, the Communications Division of the SFDR Police Department, and campus SFDR CISD PD Offices. (TBP: 8.07)
3. At least annually, the Chief of Police is responsible for ensuring the internal review of the Law Enforcement Appendix to the Emergency Response Plan and the other departmental procedures for unusual occurrences. (TBP: 8.09)

#### B. Special events

1. The Chief of Police is responsible for the proper planning of the law enforcement operations for any Special Event held within the District.
2. Special event plans shall include, at a minimum:
  - a. Anticipated personnel needs and assignments
  - b. Special qualification requirements, if any
  - c. Command structure
  - d. Written estimates of traffic, crowd, or crime problems anticipated
  - e. Clearly written traffic flow plans
  - f. Logistics requirements
  - g. Coordination with outside agencies

#### C. Unusual Police Incidents

1. Unusual Police Incidents include:
  - a. Bomb threats or incidents where an evacuation is performed or a device is located
  - b. Hostage taking where the victim is held after police arrival
  - c. "Active Shooter" situations
  - d. Barricaded Persons with ERT callout
  - e. Hazardous Warrant Service

- f. Other major incidents where more than three units and a supervisor are utilized
  2. The Chief of Police is notified immediately if any unusual police events occur.
  3. The Standard Operating Procedure provides officers direction in handling many unusual police incidents.
- D. Use of National Incident Management System (NIMS)
1. The department trains all personnel in their appropriate level of NIMS courses for understanding of their role in the management of an incident. (TBP: 8.11)
  2. The NIMS process of Incident Command will be utilized in handling all unusual occurrences where more than three units are utilized.
- E. Mobilization of additional resources
1. In any emergency or special operation where additional law enforcement resources are required, the Chief of Police may:
    - a. Hold over the shift due to go off so that personnel of two shifts are available
    - b. Call back additional personnel
    - c. Request assistance through mutual aid
    - d. Request state assistance through the Governor's Office (Superintendent requests)
  2. Some special operations are planned weeks in advance and, where possible, additional personnel required will be given advance notification of time, place, uniform, duties, etc. For other operations such as raids, security considerations may limit advance notification to minutes.
  3. All members of the department are subject to immediate recall in the event of an emergency. Failure to respond to an order to report to work shall be grounds for termination. (TBP: 2.22)
  4. The Chief of Police shall assign personnel called back as required, using the skills, knowledge, and abilities of recalled officers where appropriate.
  5. Call-back time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.
- F. After Action Reports (TBP: 8.08)
1. After Action Reports are required after any natural or man-made disaster or any unusual event as listed in C. 1. above.

2. After Action Reports are required at the conclusion of any unusual occurrence within 10 days of completion of the event. Unless otherwise assigned, the preparation of the report is the responsibility of the supervisor in charge of the event.
3. The After Action Report should include a discussion of:
  - a. A detailed description of the event;
  - b. The prior planning for the event, if any;
  - c. The number and identity of personnel assigned;
  - d. A chronological description of the event and problems encountered or successes accomplished;
  - e. A critical review of operations and what policy, equipment or procedures need to be changed to better respond to a similar problem or event in the future.
4. The After Action Report should be prepared in memorandum format and forwarded to the Chief of Police for review.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 11.2 Missing Persons</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

Reports of missing persons, especially missing children, can be among the most difficult, challenging, and emotionally charged cases a law-enforcement agency will ever experience. It is the policy of the SFDR Consolidated Independent School District Police Department to thoroughly investigate reports of all missing children in cooperation with the municipal agency within whose jurisdiction the incident occurs. Further, SFDR CISD PD holds that every child reported as missing will be considered at risk until significant information to the contrary is confirmed.

**II. PURPOSE**

It is the purpose of this policy to define the departmental response to the report of missing persons or missing children.

Reporting/Classification of Missing Persons

- a. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.
- b. A person may be declared “missing” when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans or routines.
- c. An individual may be considered “missing-critical” who meets the foregoing criteria and, among other possible circumstances:
  - i. There exists a reasonable suspicion the individual may be the subject of foul play,
  - ii. The missing person is under 13 or over 65 and may be unable to properly safeguard or care for himself/herself,

- iii. The individual suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
- iv. They are a patient of a mental institution and considered potentially dangerous to their self or others:
- v. Have demonstrated the potential for suicide; or
- vi. May have been involved in a boating, swimming or other sporting accident or natural disaster.
- d. On any Critical Missing, an officer will remain on Special Assignment attempting to locate the individual until the individual is found or until the assignment is lifted by the Chief of Police or their designee.
- e. Reports of juveniles who have voluntarily left home (i.e., “runaways”) should be classified as such only after thorough investigation.

## 2. Initial Report Taking

- a. The responding officer must gather as much pertinent information as quickly as possible in order to properly classify a missing person report and initiate a proper response. This includes the following information:
  - i. Name, age and physical description of the subject and relationship of the reporting party to the missing person.
  - ii. Time and place of last known location and the identity or description of anyone accompanying the subject.
  - iii. The extent of any search for the subject.
  - iv. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
- v. Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness.
  - i. The current physical condition of the subject and whether the person is currently on prescription medication.
  - b. If the missing person is a child, inquiry should also determine if the child
    - i. is or may be with any adult who could cause him/her harm;
    - ii. may have been the subject of a parental abduction;

- iii. has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time.
- iv. The current custodial status of the child.
- c. A supervisory officer shall also respond to all missing persons cases.

## 2. Preliminary Investigation

- a. The preliminary investigation is intended to gather information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:
  - i. Complete description of the subject and a recent photograph.
  - ii. Officers will conduct a complete and thorough consensual search of the missing person's home and surrounding property as soon as possible. Many children have been found hiding, trapped or asleep in their home. On occasion, evidence of a crime involving the person has also been located.
  - iii. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to their disappearance.
  - iv. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.
  - v. Indications of missing personal belongings, particularly money and other valuables.
  - vi. Any suggestions of foul play or accident.
- b. In the case of missing children, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as:
  - i. the presence of behavioral problems;
  - ii. past instances of running away;
  - iii. signs of an abusive home environment or dysfunctional family situation;
  - iv. whether the child is believed to be with adults who may pose a danger; and
  - v. the name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
- c. When possible, officers should gain permission to search a missing child's school locker, as appropriate.

- d. Upon verification of a missing person, a missing persons report shall be completed and appropriate entries made aware as soon as possible in state and national information databases in accordance with established NCIC and TCIC procedures. "Suzanne's Law" (42 USC 5779) requires immediate entry into NCIC for any missing person under 21 years of age.
- e. In the case of persons designated as "missing- critical," a supervisory officer may direct that:
  - i. The agency utilizes the "Amber Alert" or "Silver Alert" System, the "A Child is Missing" system, or other local notification systems.
  - ii. the dispatcher broadcast to all persons on duty all information necessary to identify the missing person.
  - iii. Regional and statewide missing person reports will also be made as directed by a supervisor.

### 3. Search Procedures

- a. The responding supervisor will organize and direct the search for the person/child unless relieved by high ranking personnel.
- b. Should significant search efforts be required, additional personnel will be requested and use of the Incident Management System shall be employed.
- c. Canine search may be requested, however canines that are trained in "find and bite" shall not be used to search for missing persons/children unless in an extreme or life threatening emergency and then only on a controllable leash.

### 4. Criminal Investigations will:

- a. Request release of dental records and any fingerprints available.
- b. Contact area hospitals and coroner's offices as appropriate for injured or deceased persons fitting the description of the missing person.
- c. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.
- d. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, runaway or parental kidnapping.
- e. Provide identification and related information to all elements of the department, the state police missing persons' authority, nearby law enforcement agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.

- f. Decisions to use local media to help locate missing persons shall be made with the approval of the police chief or their designee and the missing person's family.
- g. The lead investigator shall maintain routine on-going contact with the missing person's closest relatives concerning the progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.

#### 5. Recovery of Missing Persons and Case Closure

- a. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:
  - i. advise them that they are the subject of an attempt to locate investigation;
  - ii. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
  - iii. make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.
- b. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
- c. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.
- d. In cases involving juveniles, officers shall ensure that:
  - i. the juvenile receives medical attention, if necessary, in a timely manner;
  - ii. initial questioning of the youth should be done to identify the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/ or whether an abusive or neglectful home environment was a contributory factor, and
  - iii. that parents, guardians and/or the person reporting the missing youth are notified in a timely manner.
- e. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.
- f. The officer will ensure that the missing person/juvenile is removed from NLETS/TLETS as soon as possible after the subject is located.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 11.3 Assisting the Mentally Ill</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## **I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department to protect an emotionally or mentally unstable person from harming themselves, others, or property. Police work brings officers into contact with persons who are emotionally or mentally unstable. This instability may be due to any number of factors, including alcohol/drug dependency, emotional trauma, or some form of mental illness. Our primary concern in these cases is the safety and welfare of that person, the community, and the officer. When an officer has probable cause to believe that an emotionally or mentally unstable person presents an immediate threat of harm to them or another person, that person shall be taken into protective custody and transported to a facility where trained professionals can evaluate the emotional and mental status of that person.

## **II. PURPOSE**

To provide officers with guidance on the handling of calls involving the mentally ill.

## **III. PROCEDURES**

### **A. Recognizing Abnormal Behavior**

1. Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to make judgments of mental or emotional disturbance, but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs and symptoms of behavior that may suggest mental illness although officers should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances that are situationally motivated. Officers should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and need for intervention absent the commission of a crime.
2. Degree of Reactions. Mentally ill persons may show signs of strong and unrelenting fear of persons, places, or things. The fear of people or crowds, for

example, may make the individual extremely reclusive or aggressive without apparent provocation.

3. Appropriateness of Behavior. An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally ill. For example, a motorist who vents his frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.
4. Extreme Rigidity or Inflexibility. Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.
5. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:
  - a. Abnormal memory loss related to such common facts as name, home address, (although these may be signs of other physical ailments such as injury or Alzheimer's disease);
  - b. Delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ.") or paranoid delusions ("Everyone is out to get me.");
  - c. Hallucinations of any of the five senses (e.g. hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.);
  - d. The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time; and/or
  - e. Extreme fright or depression.

#### B. Determining Danger

1. Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself, the officer, or others. These include the following:
  - a. The availability of any weapons to the suspect.
  - b. Statements by the person that suggests to the officer that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threat that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
  - c. A personal history that reflects prior violence under similar or related circumstances. The person's history may be known to the officer, or family, friends, or neighbors may be able to provide such information.

- d. Failure to act prior to the arrival of the officer does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger.
- e. The amount of control that the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching oneself or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.
- f. The volatility of the environment is a particularly relevant factor that officers must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

#### **IV. APPROACH AND INTERACTION – General Guidelines**

- A. The following general guidelines detail how to approach and interact with a person who may have mental illnesses and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Officers, while protecting their own safety, the safety of the person with mental illnesses, and others at the scene should:
  - 1. Recognize that these events are dangerous and officers must be prepared to protect themselves and others. The person may be suffering from mental instability, extreme emotions, paranoia, delusion, hallucinations or intoxication;
  - 2. Remain calm and avoid overreacting, surprise may elicit a physical response, the person's "fight or flight" may be engaged;
  - 3. Approach the individual from the front, be helpful and professional;
  - 4. Provide or obtain on-scene emergency aid when treatment of an injury is urgent;
  - 5. Check for and follow procedures indicated on medical alert bracelets or necklaces;
  - 6. Indicate a willingness to understand and help, use active listening, and paraphrase responses;
  - 7. Use the person's name and your name when possible, speak slowly, simply and briefly, and move slowly;
  - 8. Remove distractions, upsetting influences and disruptive people from the scene;
  - 9. Understand that a rational discussion may not take place;
  - 10. Recognize that sensations, hallucinations, thoughts, frightening beliefs, sounds ("voices"), or the environment are "real" to the person and may overwhelm the person;
  - 11. Be friendly, patient, accepting, and encouraging, but remain firm and professional;



12. Be aware that their uniform, gun, and/or handcuffs may frighten the person with mental illnesses and attempt to reassure him or her that no harm is intended;
  13. Attempt to determine if the person is taking any psychotropic medications;
  14. Announce actions before initiating them;
  15. Gather information from family or bystanders;
  16. Use patience and communication to control, use physical force only as a last resort;
  17. Don't be afraid to ask direct questions about what the person is experiencing, e.g. "Are you hearing voices? Are you thinking of hurting yourself? Are you in need of something?"
- B. While each incident will be different when dealing with a person who may have mental illnesses, officers should be aware that their own actions might have an adverse effect on the situation. Actions that officers should generally avoid include:
1. Moving suddenly, startling the person, giving rapid orders or shouting;
  2. Forcing discussion;
  3. Cornering or rushing;
  4. Touching the person (unless essential to safety);
  5. Crowding the person or moving into his or her zone of comfort;
  6. Expressing anger, impatience, or irritation;
  7. Assuming that a person who does not respond cannot hear;
  8. Using inflammatory language, such as "mental" or "mental subject";
  9. Challenging delusional or hallucinatory statements;
  10. Misleading the person to believe that officers on the scene think or feel the way the person does.

## **V. EMERGENCY APPREHENSION AND DETENTION**

- A. Texas Health and Safety Code Section 571.003 defines "Mental illness" as an illness, disease, or condition, other than epilepsy, senility, alcoholism, or mental deficiency, that:
1. substantially impairs a person's thought, perception of reality, emotional process, or judgment; or
  2. grossly impairs behavior as demonstrated by recent disturbed behavior.
- B. HSC Section 573.001 empowers peace officers to take into custody a person, without a warrant, if the officer:

1. has reason to believe and does believe that:
  - a. the person is mentally ill; and
  - b. because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and
  - c. believes that there is not sufficient time to obtain a warrant before taking the person into custody
2. A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by:
  - a. the person's behavior; or
  - b. evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty
3. The peace officer may form the belief that the person meets the criteria for apprehension:
  - a. from a representation of a credible person; or
  - b. on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found
4. A peace officer who takes a person into custody shall immediately transport the apprehended person to:
  - a. the nearest appropriate inpatient mental health facility; or
  - b. a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available
5. A jail or similar detention facility may not be deemed suitable except in an extreme emergency
6. A person detained in a jail or a non-medical facility shall be kept separate from any person who is charged with or convicted of a crime

#### C. Juvenile Mentally Ill Patients

1. The emergency detention procedure for juveniles is the same as for adults

### **VI. TAKING A PERSON INTO CUSTODY FOR EMERGENCY DETENTION**

- A. If an officer determines that an Emergency Detention is necessary, the following procedures will be utilized:
  1. A minimum of two officers should be present before any action is taken to take the subject into custody.
  2. Should a patient refuse an officer entry into their home for the purpose of apprehending him, the officer will not force entry unless a life is in immediate danger.

3. Take the person into custody and apply handcuffs for transport. Explain that handcuffs are necessary for everyone's protection. Use the front cuff with belt restraint if possible. (If officers believe the subject will not resist, inform the subject of your intentions beforehand and explain your reasoning. If officers believe the subject will resist, immediate forceful action may be necessary to restrain the individual. Officer safety is paramount.)
4. Officers are reminded that the use of force is authorized to the extent necessary to take the subject into custody.
5. Proceed to the mental health facility and turn the subject over to the center staff.
6. Complete an Application for Emergency Detention. The application should detail the actions of the subject that led you to believe he was a danger to himself or others.
7. Complete an Incident Report detailing the event and a copy of the petition shall be attached to the report. The offense will be Emergency Mental Health Detention.
8. Consider providing the mental health facility with a copy of your vehicle DVR recording for review by the interviewing doctor.

**B. Physically Ill Mentally Disturbed Persons**

1. When a Mentally Ill person is also physically ill or injured requiring transport by ambulance, an officer will ride in the rear of the ambulance with the person.

**VII. CRIMINAL OFFENSES INVOLVING THE MENTALLY ILL**

- A. Individuals who commit criminal acts, but are believed by the officer to be exhibiting symptoms of mental illness and that are an immediate danger to themselves or others should be taken into custody and taken to the mental health facility under an Application for Emergency Detention. The officer will prepare an offense report providing all the details of the offense and the subject's behavior. Should the individual be determined to be competent after their evaluation, they shall be filed on for the offense and a warrant obtained for their arrest.
- B. Individuals who commit criminal acts and are believed by the officer to be exhibiting symptoms of mental illness, but there is no evidence that the person is an immediate danger to themselves or others:
  1. if the offense is a misdemeanor, be released to a competent adult caregiver or booked into jail. If booked into jail, every attempt will be made to locate a caregiver and to release the person to the caregiver on personal recognizance.
  2. if the offense is a felony, the individual will be booked into jail and every attempt will be made to contact a caregiver. The individual will be required to make a bond.
  3. in cases of family violence, a supervisor or the Chief of Police should be consulted to determine an appropriate response.

4. In any case where a suspected mentally ill individual is booked into jail, they shall not be housed with other inmates. Every effort will be made to monitor their safety and process them as quickly as possible to remove them from the facility.
5. Suspected mentally ill, non-violent juveniles who are being cared for by a responsible person will not be detained unless a felony has been committed.
6. Suspected mentally ill, violent juveniles or juveniles who are suspected will engage in serious self-harm and/or suicide, or those who have committed a felony, will be transported to a mental health facility.

## **VIII. REPORTING**

- A. If a criminal incident involving a mentally ill person is reported, all pertinent information involving the offense must be included in that report.
- B. Certain individuals may habitually display unusual behavior which is and may become well known to the police department. Whenever contact is made with these individuals, a Field Interview (FI) should be completed.
- C. Any information which is requested to be included into the Computer Aided Dispatch (CAD) regarding a mentally ill person who is a hazard to police officers should be accomplished in writing by a supervisor to the Communications Supervisor of the Del Rio Police Department and this department.

## **IX. REFERRALS TO MENTAL HEALTH FACILITIES**

- A. When a police employee receives a telephone call and the caller appears to be mentally disturbed or irrational:
  1. Obtain the caller's name, telephone number, and address or location from where the individual is calling.
  2. If the caller indicates that their or another life may be in danger, an officer will be sent and the on-duty patrol supervisor advised of the situation.
  3. If the caller is not an immediate threat to themselves or others, a suggestion can be made to contact a local mental health center for assistance.
  4. Attempted Suicide: When an officer is dispatched to a call in which a person has attempted suicide or is threatening suicide, the officer shall make certain that the immediate situation is stabilized. The officer shall also attempt to locate a relative, close friend, or other responsible party that is available. The officer shall then contact the appropriate mental health facility/provider for assistance and/or emergency detention. An Incident Report shall be completed regarding the attempted suicide.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 11.4 Assisting the Developmentally Disabled</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

Persons afflicted with developmental disabilities are limited in their ability to effectively communicate, interact with others, and make reasoned decisions on their own. While the symptoms may appear similar to individuals with mental illness, the reason for their behavior is different. Therefore, it is the policy of the SFDR Consolidated Independent School District Police Department that officers understand the symptomatic behavior of such persons and be prepared to deal with them in a manner that will best serve their needs and this department, the community and the individual.

## II. PURPOSE

It is the purpose of this policy to provide officers with information on the symptoms and effects of developmental disabilities so that officers may better recognize and deal with such persons in enforcement and related capacities.

## III. DEFINITIONS

- A. *Developmental Disability:* A potentially severe, chronic disability attributable to a physical or mental impairment or combination of impairments, resulting in substantial functional limitations to major life activities such as understanding and expression of language, learning, mobility, self-direction, self-care, capacity for independent living, and economic self-sufficiency.

Developmental disabilities, (such as those experienced by persons who have developmental delays, autism, or Tourette's syndrome) are not the same as and should not be confused with forms of mental illness such as schizophrenia or the more common mood disorders.

While many of the symptoms may appear to be similar to those with a mental illness, a developmental disability is one that slowed or halted the individual's normal development and may be permanent in nature; whereas mental illness may occur to individuals who have fully developed mentally, but have illnesses which impact their behavior.

#### **IV. PROCEDURES**

A. Common Symptoms. There are numerous forms of developmental disabilities. Many of the persons who have such disabilities have other related but distinct disorders as well (such as Asperger syndrome, Fragile X syndrome, and Rett syndrome). Although officers are not in a position to diagnose persons with such disabilities, officers shall be alert to the symptoms that are suggestive of such disorders. These include but are not limited to the following symptoms in various combinations and degrees of severity:

1. Difficulty communicating and expressing oneself
2. Communication by pointing or gestures rather than words
3. Repetition of phrases or words
4. Repetitive body movements—may be harmful to themselves (movements may include, but are not limited to, swaying, spinning, clapping hands, flailing arms, snapping fingers, biting wrists, or banging the head). They may have little or no eye contact
5. Tendency to show distress, laugh, or cry for no apparent reason
6. Uneven gross or fine motor skills
7. Unresponsiveness to verbal commands; appearance of being deaf even though hearing is normal
8. Aversion to touch, loud noise, bright lights, and commotion
9. No real fear of danger
10. Oversensitivity or under sensitivity to pain
11. Self-injurious behavior

B. Common Encounters. Officers may encounter persons who have developmental disabilities in a variety of situations commonly involving persons without such disabilities. However, due to the nature of developmental disabilities, following are some of the most common situations in which such persons may be encountered:

1. Wandering - Developmentally delayed, autistic, or other developmentally disabled persons sometimes evade their parents, supervisor, caregiver, or institutional setting and may be found wandering aimlessly or engaged in repetitive or bizarre behavior in public places or stores.

2. Seizures - Some developmentally disabled persons, such as those suffering from autism, are more subject to seizures and may be encountered by police in response to a medical emergency.
  3. Disturbances - Disturbances may develop and a caregiver may be unable to maintain control of the disabled person who is engaging in self-destructive behavior or a tantrum.
  4. Strange and bizarre behavior - Strange or bizarre behavior may take innumerable forms prompting calls for service, such as picking up items in stores (e.g., perceived shoplifting), repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment.
  5. Offensive or suspicious persons - Socially inappropriate or unacceptable acts, such as ignorance of personal space, annoyance of others, or inappropriate touching of others or oneself, are sometimes associated with the developmentally disabled who often are not conscious of acceptable social behavior.
- C. Handling and Deescalating Encounters. Some persons with developmental disabilities can be easily upset and may engage in tantrums or self-destructive behavior or may become aggressive. Fear, frustration, and minor changes in their daily routines and surroundings may trigger such behavior. Therefore, officers shall take measures to prevent such reactions and de escalate situations involving such persons in the course of taking enforcement and related actions.
1. Speak calmly; use non threatening body language. Using a stern, loud, command tone to gain compliance will have either no effect or a negative effect on a developmentally disabled person. Use non threatening body language; keep your voice calm and your hands to your sides. Be aware that such persons may not understand the Miranda warning even if they say they do.
  2. Keep the commotion down. Eliminate, to the degree possible, loud sounds, bright lights, and other sources of overstimulation. Turn off sirens and flashers, ask others to move away, or, if possible, move the developmentally disabled person to more peaceful surroundings.
  3. Keep animals away. Keep canines in the police vehicle and preferably away from the area, and ensure that other dogs or animals are removed, unless such animal is a service dog.
  4. Look for personal identification. Look for medical ID tags on wrists, neck, shoes, belt, or other apparel.  
Some persons carry a card noting that they are developmentally disabled and possibly nonverbal. That card should also provide a contact name and telephone number.

5. Call the contact person or caregiver. The person's caregiver or institutional or group home worker is an officer's best resource for specific advice on calming the person and ensuring the safety of the person and the officer until the contact person arrives on the scene.
6. Prepare for a potentially long encounter. Dealings with such a person cannot be rushed unless there is an emergency situation. De-escalation of the situation using calming communication techniques can take time, and officers should inform their dispatcher or supervisor or both that this might be the case if circumstances dictate.
7. Repeat short, direct phrases in a calm voice. For example, rather than saying "Let's go over to my car where we can talk," simply repeat "Come here," while pointing until the person's attention and compliance is obtained. Gaining eye contact in this and related situations is essential. Be direct by repeating, "Look at me," while pointing to the person's eyes and yours.
8. Be attentive to sensory impairments. Many persons who have autism have sensory impairments that make it difficult for them to process incoming sensory information properly. For example, some may experience buzzing or humming in their ears that makes it difficult for them to hear. Should an officer identify a sensory impairment, he or she should take precautions to avoid exacerbating the situation:
  - a. Don't touch the person. Unless the person is in an emergency situation (e.g., has been seriously injured or is in imminent peril), speak with the person quietly and in a nonthreatening manner to gain compliance.
  - b. Use soft gestures. When asking the person to do something, such as look at you, speak and gesture softly. Avoid abrupt movements or actions.
  - c. Use direct and simple language. Slang and expressions (e.g., "spread 'em") have little or no meaning to such persons. Normally, they will understand only the simplest and most direct language (e.g., come, sit, stand).
  - d. Don't interpret odd behavior as belligerent. In a tense or even unfamiliar situation, these persons will tend to shut down and close off unwelcome stimuli (e.g., cover ears or eyes, lie down, shake or rock, repeat questions, sing, hum, make noises, or repeat information in a robotic way). This behavior is a protective mechanism for dealing with troubling or frightening situations. Don't stop the person from repetitive behavior unless it is harmful to him or her or others.
  - e. Be aware of different forms of communication. Some developmentally disabled persons carry a book or electronic device of universal communication icons. Pointing to one or more of these icons will allow these persons to communicate where they live, their mother's or father's name, address, or what he or she may



want. Those with communication difficulties may also demonstrate limited speaking capabilities, at times incorrectly using words such as "You" when they mean "I."

- f. Don't get angry at antisocial behaviors. For example, when asked a simple question like "Are you all right?" the person may scream, "I'm fine!" Many such persons don't understand that this is not appropriate.
- g. Maintain a safe distance. Provide the person with a zone of comfort that will also serve as a buffer for officer safety.

D. Taking Persons into Custody. Taking custody of a developmentally disabled person should be avoided whenever possible as it will invariably initiate a severe anxiety response and escalate the situation. Therefore, in minor offense situations, officers shall explain the circumstances to the complainant and request that alternative means be taken to remedy the situation. This normally will involve release of the person to an authorized caregiver. In more serious offense situations or where alternatives to arrest are not permissible, officers shall observe the following guidelines:

1. Contact a supervisor for advice.
2. Avoid the use of handcuffs and other restraints unless unavoidable. Use of restraints will invariably escalate panic and resistance.
3. Summon the person's caregiver to accompany the person and to assist in the calming and intervention process. If a caregiver is not readily available, summon a mental health crisis intervention worker if available.
4. Employ calming and reassuring language and de-escalation protocols provided in this policy.
5. Do not incarcerate the person in a lockup or other holding cell if possible.
6. Do not incarcerate the person with others.
7. Until alternative arrangements can be made, put the person in a quiet room with subdued lighting with a caregiver or other responsible individual or another officer who has experience in dealing with such persons. Provide the person with any comfort items that may have been in his or her possession at the time of arrest (e.g., toys, blankets, foam rubber objects). If applicable, when dealing with District students who receive special education services, follow the student's individual education plan as much as practicable, if available.

E. Interviews and Interrogations. Officers conducting interviews or interrogations of a person who is, or who is suspected of being, developmentally disabled should

consult with a mental health professional and the prosecuting attorney's office to determine whether the person is competent to understand his or her right to remain silent and to have an attorney present. If police interview such persons as suspects, victims, or witnesses, officers should observe the following in order to obtain valid information:

1. Do not interpret lack of eye contact and strange actions or responses as indications of deceit, deception, or evasion of questions.
2. Use simple, straightforward questions.
3. Do not employ common interrogation techniques, suggest answers, attempt to complete thoughts of persons slow to respond, or pose hypothetical conclusions, recognizing that developmentally disabled persons are easily manipulated and may be highly suggestible.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 11.5 Limited English Proficiency</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

Our country has always been a melting pot of cultures. Throughout our history, individuals with limited English proficiency have found it difficult to clearly understand important rights, obligations and services. It is therefore the policy of the SFDR Consolidated Independent School District Police Department to take reasonable steps to ensure equal access, of all individuals, to the rights, liberties and services of government, regardless of national origin or their primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d).

## II. PURPOSE

To establish direction in dealing with members of the public who have limited English proficiency.

## III. DEFINITIONS

- A. *Limited English Proficiency (LEP)*: Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes such as reading or writing. Similarly, LEP designations are context specific - an individual may possess sufficient English skills to function in one setting, but these skills may be insufficient in other situations.
- B. *Interpretation*: The act of listening to a communication in one language and orally converting it to another language while retaining the same meaning.
- C. *Translation*: The replacement of written text from one language into an equivalent written text of another language.
- D. *Bilingual*: The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. For purposes of this policy employees, in order to be identified as bilingual, must initially and

periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

- E. *Authorized Interpreter*. An employee or other designated individual who is bilingual and has successfully completed department prescribed interpreter training and is authorized to act as an interpreter or translator.

#### **IV. COMMUNICATIONS**

##### **A. Receiving and Responding to Requests for Service**

1. In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its emergency contact lines as its top priority for language services. Department personnel will make reasonable effort to promptly accommodate such LEP individuals utilizing any or all of the below resources.

#### **V. FIELD RESPONSE TO LIMITED ENGLISH PROFICIENCY**

##### **A. Identification of an Individual's Primary Language**

1. Officers may encounter individuals in the field who do not clearly understand spoken English. Officers should be alert to clues that will indicate individuals do not clearly understand the officer.
2. When officers believe an individual does not clearly understand English, the officer will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying the language and failing to provide adequate service.
3. Officers needing assistance in communicating with the individual will utilize other options including the use of signs and gestures, writing notes, or using others at the scene to attempt to communicate with the individual.
4. Except for exigent or very informal and non-confrontational circumstances, the use of a LEP individual's bilingual friends or family members, particularly children, is generally not recommended and departmental personnel shall make case-by-case determinations on the appropriateness of using such individuals.
5. If further assistance is needed, the officer will contact SFDRICISD Police Department Communications in order to locate an interpreter or make contact with the telephone interpretation services.

##### **B. Field Enforcement and Investigations**

1. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.
2. Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with a LEP individual.

#### C. Investigative Interviews

1. In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying the contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.
2. Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case.

The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

#### D. Custodial Interrogations and Booking

1. In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

2. If time and opportunity exist, the Juvenile Probation Office, District or County Attorney should be consulted regarding the proper use of an interpreter prior to any interrogation.
3. In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.
4. Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which a LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

#### E. LEP Contacts and Reporting

Whenever any member of the SFDR Consolidated Independent School District Police Department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP individual such services should be noted in the related report.

### **VI. DEPARTMENTAL RESPONSE FOR LEP**

- A. Since there are potentially hundreds of languages department personnel could encounter, the SFDR Consolidated Independent School District Police Department has and will continue to utilize the four factor analysis outlined by the Department of Justice in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to individuals within this jurisdiction.

It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
2. The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.

3. The nature and importance of the contact, program, information or service provided.

4. The cost of providing LEP assistance and the resources available.

B. As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or on department personnel.

C. While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

D. Types of LEP Assistance to be Provided

Depending on the balance of the above four factors, the SFDR Consolidated Independent School District Police Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the department at no cost or choose to provide their own interpreter services at their own expense. SFDR Consolidated Independent School District Police Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the police department or some other source. Department provided interpreter services may include, but are not limited to the assistance methods described in this section.

E. Bilingual Staff

District employees utilized for LEP services need not be certified as interpreters, but must demonstrate a level of competence to ascertain whether the employee's language skills are best suited to monolingual communications, interpretation, translation or all or none of these functions. When bilingual employees of this department are not available, employees from other District departments who are known to have a bilingual proficiency may be requested.

F. Written Forms and Guidelines

The SFDR Consolidated Independent School District Police Department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The SFDR Consolidated Independent School District Police Department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

#### G. Telephone Interpreter Services

The Communications Section of the SFDR Police Department will maintain a list of qualified interpreter services which, upon approval of a supervisor, can be contacted to assist LEP individuals. Such services shall be available to, among others, department personnel who have access to official cellular telephones.

#### H. Community Volunteers and other Interpretive Sources

Where competent bilingual departmental personnel or other certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance.

#### I. Complaints

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of departmental duties. The SFDR Consolidated Independent School District Police Department may do so by providing interpretation assistance or translated forms to such individuals. If the department responds to complaints filed by LEP individuals, the employee responding to the complaint shall attempt to communicate the response in an accessible manner.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 11.6 Communication with the Deaf or Hearing Impaired</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department to ensure that a consistently high level of service is provided to all we serve, including those who are deaf or hearing impaired. The SFDR Consolidated Independent School District Police Department has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, and to continue to provide the highest level of services to all members of the community, officers will use every means at their immediate disposal to ensure appropriate understanding by those who are deaf or hard of hearing.

**II. PURPOSE**

This document outlines the management of communication with individuals who are deaf or hard of hearing.

**III. GENERAL PROCEDURES**

- A. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided by hearing persons.
- B. The department will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
- C. Effective communication with a person who is deaf or hard of hearing who is involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- D. Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has hearing impairment, or that person's failure to make his or her impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:

1. Be alert to indications that a person may be deaf or have hearing impairment. Such indications include but are not limited to the following:
  - a. The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability
  - b. Use of signs, hand signals, or gestures in an attempt to communicate
  - c. Display of cards by the person noting his or her hearing disability
  - d. Inability or difficulty of a person to follow verbal instruction or requests for information
  - e. A need to see the officer's face directly, suggesting that the person is attempting to lip-read,
  - f. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols
  - g. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium.
2. When assisting persons who are, or who are suspected of being, deaf or who have a hearing impairment, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.
3. Once someone is identified as a deaf or hearing-impaired person, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, reading and note writing, or speech.
4. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.
5. Officers shall test comprehension by seeking appropriate responses to simple questions or directives. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions, and questions.
- E. Various types of communication aids - known as "auxiliary aids and services" - are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreters.

- F. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
- G. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hearing impaired. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for a person whose primary means of communication is sign language or speech reading. For example:
  - 1. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
  - 2. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.
- H. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hearing impaired what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- I. The SFDR Consolidated Independent School District Police Department is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Chief of Police or his or her designee may make this determination.
- J. The input of people who are deaf or hearing impaired who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hearing impaired.
- K. People who are deaf or hearing impaired must never be charged for the cost of an auxiliary aid or service needed for effective communication.

#### **IV. ON-CALL INTERPRETIVE SERVICES**

- A. The SFDR CISD Police Department will maintain a list of sign language and oral interpreting services or individuals that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be

chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost.

- B. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified,” if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified.”
- C. In cases where a deaf or hard of hearing individual may be charged with a serious crime, the District Attorney should be consulted for appropriate determination of the interpretive services required prior to any interview or interrogation.

## **V. ARREST SITUATIONS**

- A. Recognizing that some persons need their hands free in order to communicate, unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible.  
If handcuffs are required, all essential communication with the suspect should be completed prior to their application if possible.
- B. Deaf persons and persons who have severe hearing impairments often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated, and having difficulty with equilibrium. As such, officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.
- C. Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person’s understanding whenever possible.

- D. Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to a booking site have their communication devices with them, if any.

## **VI. TTY AND RELAY SERVICES**

### **A. Emergency Call Takers and Dispatchers**

1. The emergency call center used by this department is equipped to receive calls from TDD and computer modem users and all call takers will be trained to communicate with callers using TTY and TDD equipment.

## **VII. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY**

Officers must review and have a working knowledge of Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:

1. Issuing a non-criminal or motor vehicle citation.
2. Communicating with a person who initiates contact with an officer.
3. Interviewing a victim or critical witness to an incident.
4. Questioning a person who is a suspect in a crime.
5. Making an arrest or taking a person into custody.
6. Issuing Miranda Warnings to a person under arrest or in custody.
7. Interrogating a person under arrest or in custody.

**[This guide is available on line at  
<http://www.ada.gov/lawenfcomm.htm> ]**

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 11.7 Body Worn Video Recording (BWV)</b>	
<b>Effective Date:</b> _____	<b>Replaces:</b> N/A
<b>Reviewed:</b> _____ Chief of Police	
<b>Approve Date:</b> _____ Chief of Police	

**I. POLICY**

The policy of this Department is to provide Police Officers with body worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for Police Officers’ evaluation and training, and to provide accurate documentation of law enforcement and citizen interaction. The use of a BWV system provides persuasive documentary evidence and helps defend against civil litigation and allegations of Police Officer misconduct. Police Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWV and the integrity of evidence and related video documentation.

**II. PURPOSE**

The purpose of this policy is to direct Police Officers and supervisors in the proper use and maintenance of Body Worn Video Recorders (BWV) as well as directing how video will be utilized as a quality control mechanism and evidence.

**III. PROCEDURE**

It is the intent of this policy that all Police Officers who will be using BWV equipment shall be trained on the manner in which the BWV shall be tested, maintained, used, and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.

- A. It shall be the responsibility of each individual Police Officer to test the BWV equipment at the beginning of each tour of duty. Police Officers equipped with the BWV will ensure that the batteries are fully charged prior to the beginning of their shift or special event.
- B. In the event that the equipment is found to be functioning improperly, the Police Officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repairs.

#### **IV. EQUIPMENT USAGE**

Uniformed Police Officers assigned Body Worn Video cameras will wear them at all times while on duty in any type of uniform.

- A. A body worn camera can only be activated for a law enforcement purpose.
- B. BWV will be worn as directed by the manufacturer of the particular device to optimize the video/audio perspective of the device.
- C. Police Officers are authorized to overtly record any law enforcement event when the Police Officer is a party to the conversation.
- D. Police Officers of this department are prohibited from using privately owned body worn cameras.
- E. Uniformed Police Officers who are assigned BWV are required to record with audio and video the following incidents:
  - a. All calls for service in which citizen contact is made
  - b. All traffic stops
  - c. All citizen transports (excluding ride-a longs)
  - d. All investigatory stops
  - e. All foot pursuits
  - f. Arrests of any persons
  - g. Searches of any kind
  - h. Seizure of any evidence
  - i. Requests for any evidence
  - j. Miranda warnings and response from in custody suspect
  - k. Statements made by citizens and defendants
  - l. K-9 searches of vehicles and SFDRICISD property
  - m. Issuance of written violations
  - n. Field Sobriety Tests
  - o. When arriving at Law enforcement events and/or citizen contacts initiated by other Police Officers
  - p. Other incidents the Police Officers reasonably believe should be recorded for law enforcement purposes
- F. Police Officers are not required to keep a body worn camera activated for the entire period of the Police Officers' shift.

- G. Police Officers will make every reasonable effort to ensure that the BWV recording equipment is accurately capturing events. A reasonable effort includes:
  - a. Activating the video/audio recording as soon as the Police Officer makes citizen contact or the law enforcement event begins
  - b. Activating the video/audio when the Police Officer arrives at a street encounter, or citizen contact initiated by another Police Officer.
  - c. Positioning and adjusting the BWV to record the event to the extent this can be accomplished without compromising Police Officer's safety.
  - d. Police Officers shall not erase, alter, modify or tamper with BWV recordings.
  
- H. The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or until the Police Officer, who is recording the event through a BWV discontinues his or her participation in the event.
- I. If a Police Officer deems it necessary to stop recording during the event, he will make a verbal statement citing his intentions to stop the recording and his reason.
- J. A Police Officer who does not activate a body worn camera in response to a call for assistance shall document in the incident report or otherwise note in the case file or record the reason for not activating the camera.
- K. When a BWV recording is being entered into the property and evidence storage and into the management area of the department, (CIS); the chain of custody log shall include, but need not be limited to:
  - a. Case Tracking Number
  - b. Date recorded
  - c. Date submitted
  - d. Police Officer submitting the media
  - e. Hold for evidence indication
  
- L. If a Police Officer assigned BWV equipment, participates in a law enforcement event or citizen contact and becomes aware that the event was not recorded using the BWV equipment, the Police Officer shall notify the supervisor as soon as practical.
- M. Police Officer's Review of Video Prior to Making Statements:
  - a. Police Officers shall be allowed to review the audio/visual recordings of an event prior to preparing official reports and documents or answering pertaining to the recorded law enforcement encounter.



## **V. Issues Related to Privacy**

- A. The body worn camera (BWC) should not be activated when a Police Officer is on break or otherwise engaged in personal activities or when the Police Officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room.
- B. A Police Officer equipped with a body worn camera may choose not to activate a camera or choose to discontinue a recording currently in progress for any non-confrontational encounter with a person, including an interview of a witness or victim.
- C. For safety and confidentiality reasons, encounters with Undercover Police Officers or confidential informants should be recorded.
- D. Undercover contacts or plainclothes contacts are exempt from this policy where utilizing a camera may create a dangerous situation or otherwise diminish the investigative success of the operation.
- E. BWC activation is limited to situations involving official law enforcement activities authorized by law or court order, including consensual citizen encounters and investigation of law violations.
- F. When entering a residence, there is a heightened degree and expectation of privacy. Police Officers should normally inform the resident that he or she is being recorded.
- G. The purposeful-intentional activation of BWCs during personal conversations between Police Officers and/or between Police Officers and Supervisors involving counseling, guidance sessions, or personnel evaluations is prohibited by this policy unless all parties present agree to be recorded.
- H. In the event of an accidental recording; the recording will be maintained in accordance with non-evidentiary recordings and maintained for a minimum of one hundred and eighty (180) days. Police Officers are prohibited from erasing any audio or video recordings. If the department believes accidental recording may constitute an unwarranted invasion of personal privacy, and such recording is requested through the Texas Public Information Act, the department shall request an Open Records Decision from the Texas Attorney General as to whether or not the recording may be released.

## **VI. Recording of Juveniles and Release of Materials**

- A. Access to a person's juvenile crime records is much more restricted than access to adult crime records. Most juvenile records are confidential and access will be denied to the public and media. Access to juvenile records is usually only granted to certain persons and organizations such as:
  - a. Local, State, and Federal Law Enforcement
  - b. Prosecutors

- c. Court Officials
- d. Parents
- e. Juvenile's attorney(s)

Recordings that capture criminal activity involving juvenile offenders will not be released to the media or to the public.

- B. No recordings of juveniles captured through the use of the Department's BWV/MVR will be released to the public or the media; this includes but is not limited to images and voice recordings of Juvenile Victims and Juvenile Witnesses.
- C. School Resource Police Officers (SRO): Students are protected from release of records by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records.

The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. SROs that capture video and audio recordings of students during educational and extra-curricular school activities are subject to FERPA, and as such should not release such recordings without parental/guardian consent.

## **VII. Electronic Storage**

- A. Tapes or other storage media shall be held in accordance with the State's Record Retention Act for law enforcement records.
- B. Non-evidentiary video and audio recordings will be maintained for a minimum of 180 days after their creation. Original digital files from BWV will be downloaded and stored on a designated network server or other electronic storage.
- C. Police Officers shall download video/audio files before the end of each shift.
- D. Video/audio recordings determined to be evidentiary in any criminal or civil proceeding shall be copied to DVD or other media in accordance with department regulations regarding electronic evidence or work product. A back-up copy of the evidentiary video/audio recording will be created and maintained in accordance with the procedures outlined for the original recording. All copies of the recordings are maintained at the San Felipe Del Rio CISD Police Department in the Records Division permanently.
- E. This department will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.
- F. All recordings, media, recorded images and audio recordings are the property of this department. Dissemination outside the department is

strictly prohibited without specific authorization of the Chief of Police or his designee.

- G. It is a Class A misdemeanor for a Police Officer or other employee of a law enforcement agency to release a recording created without permission of the applicable law enforcement department.
- H. Malicious destruction or deletion of video and audio files is prohibited.
- I. This agency prohibits the recorded use of deadly force by a Police Officer or a recording that is otherwise related to an administrative or criminal investigation of a Police Officer from being deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.
- J. All video and audio files are subject to open records requests as allowed by state law.
- K. Electronic media will be stored in such a way as to maintain the security and integrity of the audio/video recordings.
- L. No member of this department shall alter, redact, delete, or destroy any original or back up copy of an audio/video recording without approval of the Chief of Police or their designee.
- M. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held indefinitely with the employee's file.
- N. Electronic Media is subject to review by the Chief of Police or their designees.
- O. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Chief of Police or their designee.
- P. First line supervisors should review BWV recordings for each Police Officer supervised for policy, training, and legal compliance. After review, the supervisor will document the review and any supervisory actions taken. Supervisors should meet with individual Police Officers to provide guidance, training, and correction when required. Supervisors will initiate formal counseling or internal affairs procedures as the need arises. When corrective action is taken, a special review may be implemented for that particular Police Officer for a set duration in order to ensure compliance with the corrective action.

#### **VIII. BWV Evidentiary/Administrative Procedures:**

- A. When a Police Officer becomes aware that BWV recording contains potential evidence of a criminal or administrative matter, the Police Officer is required to ensure the video is uploaded to the network server (or other storage medium), and document such recording via department report and/or other procedures established by the Chief of Police's Office.

- B. When a BWV related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server and disseminated per department procedures.
- C. Where there is any indication that the BWV may contain “*Brady*” material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy of this department. *United States Supreme Court in Brady v. Maryland (1963). The rule requires that the prosecution must turn over all exculpatory evidence to the defendant in a criminal case. Exculpatory evidence is evidence that might exonerate the defendant.*
- D. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or proper records request.

**IX. Training:**

- A. This agency will conduct training on the use of BWV to Police Officers who will wear the body worn cameras and to any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.

Upon enactment, this directive will rescind and supersede any and all previous directives pertaining to this subject.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy: 11.8 ACTIVE SHOOTER</b>	
<b>Effective Date:</b> _____	<b>Replaces: N/A</b>
<b>Reviewed:</b> _____ <b>Chief of Police</b>	
<b>Approve Date:</b> _____ <b>Chief of Police</b>	

**I. PURPOSE**

The purpose of this policy is to provide protocols for assessing the threat and immediately responding during active shooter situations to limit serious injury or loss of life. While the term “active shooter” is used throughout, this policy applies to all situations where there is an active assailant or assailants posing an ongoing deadly threat, to include, but not limited to, those from firearms, vehicles, explosives, and knives.

**II. POLICY**

It is the policy of this department in active shooter situations where ongoing deadly force is reasonably likely to be employed by a suspect—and delay in taking law enforcement action could result in injury or death—that immediate action by officers at the scene is necessary when such actions are deemed reasonable to prevent further injuries or loss of life.

**III. DEFINITIONS**

**Active Shooting:** An incident in which one or more armed persons have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons.

**Casualty Collection Point (CCP):** A forward location where victims can be assembled for movement from areas of risk. Based upon incident dynamics, such as the number and location of victims, multiple CCPs may be required.

***Cold Zone:*** A geographic area where first responders can operate with minimal threat to personal safety or health.

***Contact Officer or Team:*** The first officer(s) at the scene of an active shooting tasked with locating the suspect(s) and stopping the threat.

***Hot Zone:*** A geographic area, consisting of the immediate incident location, with a direct and immediate threat to personal safety or health. All violent incidents are considered hot until law enforcement determines otherwise. Only law enforcement should operate in the hot zone.

***Warm Zone:*** A geographic area where law enforcement has either cleared or isolated the threat to a level of minimal or mitigated risk; can be considered clear, but not secure.

***Immediate Action:*** Rapid response by one or more officers to an active shooting based on a reasonable belief that failure to swiftly seek out and address the threat would result in death or serious bodily injury.

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Additional terms that may be used to describe these incidents include active killing, active threat, and mass casualty attack.

***Incident Commander (IC):*** The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site. Responsibilities of the IC can be assumed by the officer handling the original call to the Chief of Police of the department and any additional qualified officers, depending on the size, scope, and complexity of the incident or event.

***Inner Perimeter:*** An area established to keep the threat contained to a specified location.

***Outer Perimeter:*** An area established to keep the inner perimeter secured and to prevent outside elements from entering the incident.

***Rescue Task Force (RTF):*** A team consisting of fire/emergency medical services (EMS) personnel, paired with law enforcement officers. Fire/EMS personnel are tasked with initial treatment and triage of victims in the warm zone. Law enforcement officers are assigned as the protection for this team and should not separate from the fire/EMS personnel.

***Staging Area:*** An area or location near the incident where outside resources respond and are quickly inventoried for utilization and assignment at the incident. There may be more than one staging area per incident.

***Unified Command (UC):*** An incident command system used when there is more than one agency with incident jurisdiction, or when incidents cross political jurisdictions. Agencies work together through designated members of the UC, often the senior person(s) from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies. The IC responsibility is shared within the UC, with the function most important at the time taking the lead role. The lead responsibility may shift as the incident progresses.

***Warm Zone:*** A geographic area where law enforcement has either cleared or isolated the threat to a level of minimal or mitigated risk; can be considered clear, but not secure.

## **IV. PROCEDURES**

### **A. Situational Assessment**

1. Based on available information, dispatched responders or officers already at the incident scene may verify that an active shooter situation exists through information provided by communications personnel; from persons confined within or exiting the target location; from witnesses; by reports of, or sounds of, gunfire; or through related means.
2. When available and as time permits, witnesses, or others should be asked about the location and number of suspects, the suspects' weapons, persons injured, the number and location of persons in possible jeopardy, and the use or location of improvised explosive devices (IEDs).
3. Upon completion of the initial assessment, the first arriving officer(s) shall
  - a. advise communications and request resources as deemed necessary, and
  - b. determine whether to take immediate action alone or with another officer or wait until additional resources are available. Such a determination **must be done as quickly as possible to minimize further injury or loss of life.**

### **B. Individual Officer Intervention**

1. In some instances, an individual officer may be present within or near the active shooting location; he or she may determine that immediate action is necessary and reasonable to stop the threat. That decision may take into consideration the officer's capability to effectively intervene, based on his or her training.
2. As soon as practical, officer(s) shall notify communications that an active shooter situation exists. The officer(s) should provide the following information and updates as available
  - a. the identity, location, manner of dress, and proposed actions of the officer(s) at the scene;

- b. information about the suspect to include a physical description, weapons, equipment such as body armor, and current location and actions; and
  - c. available information on persons injured or under threat, their locations, emergency resources required, and recommended points of entry.
3. When displaying firearms while in plainclothes, officers shall verbally identify themselves as law enforcement officers, and conspicuously display their badges and/or other law enforcement identification to alert security personnel, arriving officers, or civilians who may be armed.
4. If officers are unarmed (Security Guards), they can still play a critical role in active shooter response through the following actions
- a. facilitating evacuation by
    - a. locating points of egress and directing people to those evacuation points if reasonably safe for them to do so; and
    - b. locating and directing persons hiding in unsecure locations (e.g., under desks, inside unlocked rooms) to evacuation points.
  - b. if evacuation is not possible,
    - c. helping locate and direct persons to safer locations, preferably with thick walls and solid doors with locks; or, in the absence of such locations, rooms that can be barricaded with heavy furniture or objects;
    - d. directing individuals to silence all personal electronic devices, take cover, and remain silent; and
    - e. taking any actions possible to distract, disrupt, divert, or incapacitate the suspect using surprise attacks and any aggressive force possible.
  - c. when possible, assisting with the injured and directing incoming teams to injured persons.

### **C. Contact Officer or Team Response**

1. The mission of the contact officer or team is to locate and stop the threat. Even if the threat seemingly has been terminated, contact officers or teams are required to render the location safe, assist in screening and the orderly evacuation of persons to a designated area, and locate any other persons still in hiding.
2. Normally, only one contact officer or team shall be deployed at any given time. Additional officers or teams may be deployed at the direction of the IC to provide tactical advantage. The IC shall ensure that each team is aware of the other officers' or teams' locations and actions.



3. The contact officer or team shall be provided a clear communications channel to supply the following types of information:
  - a. The officer or team's progress and location.
  - b. The location and number of victims and their medical needs.
  - c. The estimated number of suspects involved.
  - d. The suspect's description and weapons are known.
  - e. The location of any booby traps or explosives. If discovered, the contact officer or team leader shall determine whether to post an officer near it, report it, or mark it for later removal.
4. The contact officer or team shall locate the suspect(s) in the most expeditious manner possible in order to stop the threat. In doing so, officers should not stop to render aid or assistance to victims, but may, where reasonably possible, inform them that RTFs are forthcoming and direct them to a safe point of egress or hiding if they are ambulatory and it is deemed safe for them to do so.
5. The contact officer or team should employ tactical advantages such as avoiding the use of the main entrance to provide an element of surprise and to bypass potential booby traps or ambush.
6. The contact officer or team should not attempt to conduct a thorough clearing of the location, but should follow sounds, such as gunfire, yelling, and screaming; observations of victims and bystanders; and related information to help locate the suspect(s) as soon as possible.
7. Once the location of the suspect(s) is known and any immediate threat is eliminated, the contact officer or team should proceed to clear all portions of the location in the event that more suspects are in hiding. If victims are encountered who require immediate trauma care, the contact officer or team shall provide such care prior to continuing to clear the location. Arriving tactical or other officers should be called upon to help clear the location of potential suspects, locate and evacuate persons in hiding, and render safe any dangerous munitions or armament.
8. The contact officer or team shall switch its focus to providing trauma care as necessary when the primary mission is completed.

#### **D. Rescue Task Force (RTFs)**

1. Once the contact officer or team is deployed, and as officers and resources arrive at the incident scene, the IC should ensure that RTFs are formed to provide trauma care and help evacuate victims.
2. RTFs shall be organized under a team leader, deployed in tactical formations consistent with agency training, and be prepared to respond to hostile action as rapidly changing circumstances may place them in contact

with suspects. In such instances, the RTF shall be prepared and equipped to serve as the contact team.

3. RTFs shall be deployed only after the contact officer or team has made entry, provided a status report, notified the command post of the location of victims, established warm zones, and determined that rescue efforts may begin.

4. Wounded and injured persons shall be quickly searched, if reasonable, for weapons, quickly treated for obvious life-threatening injuries and removed to the designated CCPs with cover and movement of such persons provided by RTF members. If emergency medical personnel are not yet in place, basic trauma care shall be the responsibility of RTF members until they are relieved by medical personnel.

5. Rescue and recovery operations shall continue until the IC has declared the scene clear and safe.

#### **E. Unified Command**

1. Unified incident command shall be established as soon as possible.

2. The IC shall ensure that the following actions are accomplished:

a. Organize and establish unified interagency communication(s).

b. Establish an inner perimeter to control access to and egress from the area of risk.

c. Establish an outer perimeter.

d. Establish staging areas in the cold zone for the following purposes and notify communications of their locations:

i. for responding officers and other emergency personnel (An officer should be assigned to this staging area to brief arriving personnel, maintain communication with the contact officer or team, and assign duties as directed by the IC.);

ii. for treatment of the injured and evacuation by EMS or medevac (CCP);

iii. where individuals without injuries should be directed for identification and debriefing (evacuation area);

iv. staging area for student/staff reunification and to establish transportation to reunification site;

v. to accommodate arriving family members of persons at the incident scene and redirect to reunification site; and

vi. for the media. (This area should be staffed with appropriate personnel, such as public information officers.)

e. Ensure that officers assigned to the reunification site work with SFDRICISD staff to maintain custody and control of all persons and

document their identities until they can be reunited with family or others. Victims and witnesses suffering from emotional and/or physical trauma or shock should be kept under the observation of medical personnel until such time as they may be safely transported to a hospital or home in the care of family or friends. Request mutual aid if necessary.

g. Establish traffic control and management for the ingress and egress of public safety vehicles to include transportation of students/staff to reunification sites. Special consideration should be given to maintain open routes for rapid transport of the injured.

h. Contact appropriate aviation resources to control air space for possible medical evacuation resources and to establish restricted air space for law enforcement use only.

i. Request emergency medical assistance.

j. Initiate intelligence gathering on possible suspects.

k. Summon chaplains and peer support officers to provide information to relatives of victims.

l. Coordinate with SFDRICISD officials of the target location for floor plans; site layout; and a roster, including emergency contact information as available, of employees, students, visitors, or others believed to be on-site.

m. Assign a recorder to document actions at the command post.

3. When available on the scene, a tactical team may be assigned as appropriate to

a. contain the location,

b. assist RTFs,

c. help locate the suspect(s) or relieve the contact officer or team,

d. help locate and safeguard explosives pending removal, and

e. provide special weapons and equipment as needed.

4. Additional officers shall be deployed to control access to the location and monitor the perimeter.

## **F. Community Notification**

The SFDRICISD Chief of Police or other designated individual(s) shall be responsible for ensuring appropriate information is distributed in a timely manner to the community. This may include

1. lockdown of any and all SFDRICISD property;

2. shelter in place warnings for nearby locations during active shooter situations;

3. alerts to avoid the area due to heavy law enforcement activity and potential road closures; and
4. specific directions for individuals who elect to visit the scene.
5. Will make **NO** release of information without the approval of the Unified Command.

#### **G. Debriefing**

As soon as reasonably possible after the incident, the agency shall conduct a debriefing of essential personnel involved in the incident. The debriefing shall identify areas of potential improvement and determine whether changes in operational protocols, policy, or training may be warranted.

#### **H. Training**

This agency shall provide active shooter training to all sworn and civilian personnel, including simulation exercises conducted in schools and other facilities and partnering first response agencies, where appropriate.

<b>S.F.D.R C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.1 Mission, Values, and Written Directive System</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.04	

## I. POLICY

Law enforcement agencies provide essential services to foster safe communities through crime reduction and deterrence. Administrators of these law enforcement agencies are obligated to train, supervise, and guide personnel in performing the variety of tasks which create safe communities, which in this case focuses on safe schools and facilities. At the same time, these administrators seek to improve employees' confidence and competence in performing tasks while reducing risk of liability. To meet these obligations, agencies must manage themselves according to written directives. A manual of policies and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency. To that end, this manual furnishes a blueprint for the performance of this agency's activities in accordance with established state and national standards. Providing all members of the department with an understanding of the department's mission and values provides guidance for decision-making when situations are not covered by direct policy or procedure. (As with all other policies in this manual, the phrase "the Chief of Police" also includes any SFDR Consolidated Independent School District Police Department personnel designated by the Chief of Police to carry out a specific responsibility.)

***Should any policy contained within conflict with any Board of Trustees policy of the San Felipe Del Rio Consolidated Independent School District, the SFDR CISD Board Policies shall control and be in effect.***

## II. PURPOSE

This document outlines the organization of the SFDR Consolidated Independent School District Police Department, its Policy and Procedure Manual, its authority, and defines three kinds of statements that appear in these documents: policy, rule, and procedure. It also states the department's mission and core values.

### **Mission, Vision, and Values Statement**

#### **Our Mission:**

The mission of the SFDR Consolidated Independent School District Police Department is to create a partnership with district staff, students, and parents to combat crime and improve the quality of life for all.

### **Our Vision:**

The SFDR Consolidated Independent School District Police Department's vision is to provide effective and efficient police services to district staff, students, and parents in the most professional and courteous manner.

### **Our Values:**

We will maintain the highest level of integrity,

We will engage in open honest communication,

We will treat all persons with compassion, respect and dignity,

We will be self-critical and accountable for our commitments and results,

We will always seek to provide the highest quality of service,

We will preserve and safeguard individual rights and liberties.

## **III. DEFINITIONS**

### **A. Policy**

1. A policy is a statement of the department's philosophy and expectation on a given issue. Policy consists of principles, values and expectations which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the needs of those we serve.
2. Each section of the Manual will begin with an agency policy statement.
3. Policy is determined by the necessity to adjust the operating procedures of the SFDR Consolidated Independent School District Police Department to keep abreast of the current changes in state law and the needs of those we serve. All policy shall be approved by the Chief of Police.

### **B. Rule**

1. A rule is a specific prohibition or requirement governing the behavior of employees.
2. Rules permit little, if any, deviation. Violations of rules normally result in discipline.

3. Rules appear in the Policy and Procedure Manual as well as other departmental documents.

#### C. Procedure

1. A procedure defines the acceptable and/or expected method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.
2. A failure to follow a procedure may result in discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions in detail in not following the defined procedure.

#### D. Memorandum

1. A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time.
2. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police. Memoranda may be incorporated into future editions of this manual. Employees are advised that they may not alter components of this manual based on memoranda unless issued by the Chief of Police or designee.

#### E. Electronic Communication

1. All officers are prohibited from communicating departmental business using personal email accounts for electronic communication or e-mail unless departmental e-mail is not available to them when the e-mail must be sent.

### **IV. WRITTEN DIRECTIVES (TBP 1.04)**

#### A. Departmental Policy Manual and Standard Operating Procedures.

1. The Policy Manual contains policy, rules, and procedures as defined above, and is a standing written directive governing organizational matters.
2. A Standard Operating Procedure (SOP) primarily contains procedures and is a written directive governing operational matters and routine daily task

B. No policy, rule, regulation, procedure or memorandum is valid unless signed by the Chief of Police or his designee, or the District's Superintendent or designee.

C. Within the context of any directive, the use of the word "shall" or "will" denotes an action or behavior that is mandatory and unequivocal. The words "may," "can," or "should" denote an action or behavior that is discretionary.

- D. The Chief of Police or his or her designee will completely review the Policy Manual and Standard Operating Procedures at least biennially to ensure continued compliance with Texas law and operations. Revisions may be made at any time. Once a revision is approved and published, each employee shall be deemed to be on notice with regards to the current version.

## **V. COMPLIANCE WITH DIRECTIVES**

- A. All employees of the SFDR Consolidated Independent School District Police Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material.
- B. All employees are responsible for the receipt of and adherence to all written directives that affect the employee and the employee's work status.
- C. All employees are responsible for receipt and maintenance of all directives that are distributed to that employee. Each employee of the SFDR Consolidated Independent School District Police Department shall sign a statement acknowledging that the member has received, read, understands and agrees to abide by the directives supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of any manual(s), an order or directive, or believes that any manual(s), order or directive is illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.
- D. Distribution of this manual may be in either written or electronic form, and shall, if possible, be made available on departmental servers or storage devices.
- E. Copies of the statements of receipt (See C above) shall be maintained in the written directive file, and will also be maintained in electronic storage, when possible including, but not limited to, District personnel files in its Human Resources Department.
- F. All employees shall comply with the provisions of these directives and the SFDR Consolidated Independent School District Employee Handbook. If an issue is not addressed in the Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the Employee Handbook, the Employee Handbook shall control unless the SFDR Consolidated Independent School District Police Department Policy Manual is more restrictive. When an employee notices a conflict, they should notify their supervisor and the Chief of Police in writing or electronically of the conflict.
- G. The Policy Manual and Standard Operating Procedures apply to all sworn officers and non-sworn employees of the SFDR Consolidated Independent School District Police Department both on and off duty.



<b>S.F.D.R C.I.S.D. POLICE DEPARTMENT</b>	
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- B. All employees are responsible for the receipt of and adherence to all written directives that affect the employee and the employee's work status.
- C. All employees are responsible for receipt and maintenance of all directives that are distributed to that employee. Each employee of the SFDR Consolidated Independent School District Police Department shall sign a statement acknowledging that the member has received, read, understands and agrees to abide by the directives supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of any manual(s), an order or directive, or believes that any manual(s), order or directive is illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.
- D. Distribution of this manual may be in either written or electronic form, and shall, if possible, be made available on departmental servers or storage devices.
- E. Copies of the statements of receipt (See C above) shall be maintained in the written directive file, and will also be maintained in electronic storage, when possible including, but not limited to, District personnel files in its Human Resources Department.
- F. All employees shall comply with the provisions of these directives and the SFDR Consolidated Independent School District Employee Handbook. If an issue is not addressed in the Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the Employee Handbook, the Employee Handbook shall control unless the SFDR Consolidated Independent School District Police Department Policy Manual is more restrictive. When an employee notices a conflict, they should notify their supervisor and the Chief of Police in writing or electronically of the conflict.
- G. The Policy Manual and Standard Operating Procedures apply to all sworn officers and non-sworn employees of the SFDR Consolidated Independent School District Police Department both on and off duty.

<b>S.F.D.R C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.1 Mission, Values, and Written Directive System</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 1.04	

## I. POLICY

Law enforcement agencies provide essential services to foster safe communities through crime reduction and deterrence. Administrators of these law enforcement agencies are obligated to train, supervise, and guide personnel in performing the variety of tasks which create safe communities, which in this case focuses on safe schools and facilities. At the same time, these administrators seek to improve employees' confidence and competence in performing tasks while reducing risk of liability. To meet these obligations, agencies must manage themselves according to written directives. A manual of policies and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency. To that end, this manual furnishes a blueprint for the performance of this agency's activities in accordance with established state and national standards. Providing all members of the department with an understanding of the department's mission and values provides guidance for decision-making when situations are not covered by direct policy or procedure. (As with all other policies in this manual, the phrase "the Chief of Police" also includes any SFDR Consolidated Independent School District Police Department personnel designated by the Chief of Police to carry out a specific responsibility.)

***Should any policy contained within conflict with any Board of Trustees policy of the San Felipe Del Rio Consolidated Independent School District, the SFDR CISD Board Policies shall control and be in effect.***

## II. PURPOSE

This document outlines the organization of the SFDR Consolidated Independent School District Police Department, its Policy and Procedure Manual, its authority, and defines three kinds of statements that appear in these documents: policy, rule, and procedure. It also states the department's mission and core values.

### **Mission, Vision, and Values Statement**

#### **Our Mission:**

The mission of the SFDR Consolidated Independent School District Police Department is to create a partnership with district staff, students, and parents to combat crime and improve the quality of life for all.

### **Our Vision:**

The SFDR Consolidated Independent School District Police Department's vision is to provide effective and efficient police services to district staff, students, and parents in the most professional and courteous manner.

### **Our Values:**

We will maintain the highest level of integrity,

We will engage in open honest communication,

We will treat all persons with compassion, respect and dignity,

We will be self-critical and accountable for our commitments and results,

We will always seek to provide the highest quality of service,

We will preserve and safeguard individual rights and liberties.

## **III. DEFINITIONS**

### **A. Policy**

1. A policy is a statement of the department's philosophy and expectation on a given issue. Policy consists of principles, values and expectations which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the needs of those we serve.
2. Each section of the Manual will begin with an agency policy statement.
3. Policy is determined by the necessity to adjust the operating procedures of the SFDR Consolidated Independent School District Police Department to keep abreast of the current changes in state law and the needs of those we serve. All policy shall be approved by the Chief of Police.

### **B. Rule**

1. A rule is a specific prohibition or requirement governing the behavior of employees.
2. Rules permit little, if any, deviation. Violations of rules normally result in discipline.

3. Rules appear in the Policy and Procedure Manual as well as other departmental documents.

#### C. Procedure

1. A procedure defines the acceptable and/or expected method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.
2. A failure to follow a procedure may result in discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions in detail in not following the defined procedure.

#### D. Memorandum

1. A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time.
2. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police. Memoranda may be incorporated into future editions of this manual. Employees are advised that they may not alter components of this manual based on memoranda unless issued by the Chief of Police or designee.

#### E. Electronic Communication

1. All officers are prohibited from communicating departmental business using personal email accounts for electronic communication or e-mail unless departmental e-mail is not available to them when the e-mail must be sent.

### **IV. WRITTEN DIRECTIVES (TBP 1.04)**

#### A. Departmental Policy Manual and Standard Operating Procedures.

1. The Policy Manual contains policy, rules, and procedures as defined above, and is a standing written directive governing organizational matters.
2. A Standard Operating Procedure (SOP) primarily contains procedures and is a written directive governing operational matters and routine daily task

B. No policy, rule, regulation, procedure or memorandum is valid unless signed by the Chief of Police or his designee, or the District's Superintendent or designee.

C. Within the context of any directive, the use of the word "shall" or "will" denotes an action or behavior that is mandatory and unequivocal. The words "may," "can," or "should" denote an action or behavior that is discretionary.

- D. The Chief of Police or his or her designee will completely review the Policy Manual and Standard Operating Procedures at least biennially to ensure continued compliance with Texas law and operations. Revisions may be made at any time. Once a revision is approved and published, each employee shall be deemed to be on notice with regards to the current version.

## **V. COMPLIANCE WITH DIRECTIVES**

- A. All employees of the SFDR Consolidated Independent School District Police Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material.
- B. All employees are responsible for the receipt of and adherence to all written directives that affect the employee and the employee's work status.
- C. All employees are responsible for receipt and maintenance of all directives that are distributed to that employee. Each employee of the SFDR Consolidated Independent School District Police Department shall sign a statement acknowledging that the member has received, read, understands and agrees to abide by the directives supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of any manual(s), an order or directive, or believes that any manual(s), order or directive is illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.
- D. Distribution of this manual may be in either written or electronic form, and shall, if possible, be made available on departmental servers or storage devices.
- E. Copies of the statements of receipt (See C above) shall be maintained in the written directive file, and will also be maintained in electronic storage, when possible including, but not limited to, District personnel files in its Human Resources Department.
- F. All employees shall comply with the provisions of these directives and the SFDR Consolidated Independent School District Employee Handbook. If an issue is not addressed in the Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the Employee Handbook, the Employee Handbook shall control unless the SFDR Consolidated Independent School District Police Department Policy Manual is more restrictive. When an employee notices a conflict, they should notify their supervisor and the Chief of Police in writing or electronically of the conflict.
- G. The Policy Manual and Standard Operating Procedures apply to all sworn officers and non-sworn employees of the SFDR Consolidated Independent School District Police Department both on and off duty.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.2 Law Enforcement Role and Authority</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05, and 8.10.	

## I. POLICY

The SFDR Consolidated Independent School District Police Department is established by state law and local ordinance, and consists of a Chief of Police and other full and/or part-time officers and non-sworn employees as determined by the District Superintendent and School Board. The chief executive of the police department is the Chief of Police, appointed by the Superintendent and subordinate to the Superintendent. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Texas and all local ordinances. The jurisdiction of the police department is normally limited to SFDR Consolidated Independent School District property within the city limits and the county of Val Verde as allowed under the Texas Code of Criminal Procedure section 14.03 (g)(2), except in cases of pursuit of offenders who have committed a violation within the city and/or county limits and then flee outside the city and/or county limits, when another department requests assistance, or when enforcing laws on property owned by the District but outside of city boundaries. Additionally, officers shall have all authority provided by the Texas Code of Criminal Procedure when it comes to the arrests of offenders both with and without a warrant. The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented policing principles.

## II. PURPOSE

The purpose of this order is to describe the jurisdiction and organization of the police department, outline its rank structure, and assign responsibilities, functions, and duties.

## III. AUTHORITY AND AGENCY JURISDICTION

The jurisdiction of the SFDR Consolidated Independent School District Police Department is limited to inside the city and/or Val Verde County limits with certain exceptions. (TBP: 1.05, 1.06)

- A. SFDR Consolidated Independent School District Police Officers appointed by the district have all the authority granted to them by the State of Texas as Peace Officers. Appointed officers have the responsibility to act within the law to preserve order, arrest offenders, and protect the employees, students, and visitors to our campuses and facilities.
- B. Officers have arrest authority anywhere within the State of Texas, however the exercise of that authority will be limited when outside of district property to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have appropriate equipment, communications, or assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information.
- C. Officers have all authorities granted by the Texas Code of Criminal Procedure Chapter 14.
- D. Officers have authority to enforce the law on property owned by the district but outside the city and/or Val Verde County limits.
- E. Officers have authority to pursue offenders outside the city and/or county limits who have committed violations inside the District pursuant to the department's pursuit policy. Officers may also utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants and making lawful arrests without warrants anywhere in the State of Texas when investigating crimes occurring in or near District-owned property in the city and/or county limits.
- F. Officers have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- G. While officers have full authority to make arrests, issue summonses, and use force in enforcing the law, officers are also expected to use discretion and common sense in the application of this authority. Officers should always seek the least intrusive level of intervention appropriate to preserve the peace and protect the public safety.

#### **IV. ORGANIZATIONAL STRUCTURE**

##### **A. Organizational structure**

1. The SFDR Consolidated Independent School District Chief of Police is responsible for the direction of all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders

take the form of general orders, standard operating procedures, and other directives as needed.

2. The department consists of a Police Chief and as many detectives, police officers, and civilian personnel as the School Board and/or Superintendent determines are required to protect and serve the District and otherwise support or carry out the department's objectives.

#### B. Chain of Command and Succession

1. The Chief of Police has full control over departmental activities. In the absence of the Police Chief, a designee may be appointed to take command and notify the Chief of all major decisions that he or she may make, and shall make any necessary reports to the Chief.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.
3. Personnel of the SFDRCID Police Department shall take up matters affecting them and their position to their immediate supervisor and through proper channels.

#### C. Span of control

Plans for any event utilizing departmental personnel will clearly delineate the command structure and outline the span of control.

#### D. Authority and responsibility

1. At each rank within the department, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. The department is committed to fostering an organizational climate that rewards employees for initiative, innovation, community involvement, and problem solving.
2. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her delegated authority shall refer the matter to the on-duty supervisor or the Chief of Police for prompt resolution.
3. Supervisors are held accountable for the condition and preparedness of the personnel assigned to them.

4. Supervisors are responsible for the good order and sanitary condition of department offices, vehicles, and equipment.
5. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all allegations of employee misconduct. Supervisors shall thoroughly and properly document all instances of such misconduct and notify their supervisor, who will make proper notifications up to and including the Chief of Police, who will then notify the Superintendent, as appropriate.
6. Supervisors shall ensure that employees have been supplied with all appropriate written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.

E. Authority of the Chief of the Department (TBP: 1.07)

1. The Chief of Police has full authority and responsibility for the management, direction, and control of the operation and administration of the department. The Chief of Police is responsible for maintaining an acceptable standard of performance, attendance, and conduct for all departmental personnel.
2. The Chief of Police shall attend the initial Police Training provided by Law Enforcement Management Institute of Texas as required by the Texas Education Code within 12 months of appointment.
3. The Chief of Police is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources. (TBP: 8.10)

F. Organizational Chart (TBP: 1.01)

1. The attached chart denotes chain of command and interdepartmental relationships. (see last page of this section for attachment)
2. The organizational chart is reviewed annually and updated as necessary to illustrate the current functioning of the department.

G. Oath of Office Required (TBP: 2.03)

1. All sworn officers will swear or affirm any oath required by state law or city ordinance before assuming law enforcement duties. All sworn officers shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn officer.

2. Such oath shall be made in public administered by the Superintendent, School Board President, or Chief of Police and shall be witnessed by the District Secretary or other Notary. The Oath of office shall be signed by the Superintendent and the Chief of Police. A copy of the oath shall be filed in the officer's personnel file.

#### H. Authority to Carry Weapons and Use Force (TBP: 6.05)

1. Sworn officers who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
2. Sworn officers who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon. It is highly recommended officers conceal their weapons while in public.
3. Officers are not to carry any weapon when off-duty after having consumed or when they intend to consume any alcoholic beverages.
4. Civilian employees who hold a Concealed Handgun Permit under Subchapter H, Chapter 411 of the Government Code shall not carry their firearm on the premises of the department or other District owned facilities while at work or while operating or riding in a District vehicle, without the express written permission of the Chief of Police or Superintendent.

#### I. Off-Duty Authority

1. Liability Protection: Officers of this agency have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of the SFDRICISD and/or this department.
2. Authorized Off-Duty Arrests

When off duty and within the legal jurisdiction of this law enforcement agency, an officer may make an arrest only when all of the following occur:

- a. There is an immediate need to prevent a crime or apprehend a suspect
- b. The crime would require a full custodial arrest
- c. The arresting officer possesses appropriate police equipment and police identification.
- d. The officer shall abide by Chapter 14.03 of the Code of Criminal Procedure
- e. The officer, prior to making the arrest, should, if time allows, summon back-up.

- f. The officer shall complete the necessary reports for the action taken.

### 3. Off-Duty Responsibilities

While off duty, a police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

### 4. Prohibitions of Off-Duty Arrests

Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of this section are not met or when any of the following circumstances exist:

- a. The officer is personally involved in the incident underlying the arrest.
  - b. The officer is engaged in off-duty employment of a non-police nature.
  - c. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication for a physical ailment or injury, or;
  - d. A uniformed police officer is readily available to deal with the incident.
5. Off-duty officers in plain clothes, regardless of rank, shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training. Officers shall not use their positions as law enforcement officers to attempt to interfere with or curtail any enforcement activity or request preferential treatment due to their position from any law enforcement organization. Officers shall act professionally and respectfully at all times.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.3 Fiscal Management</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.02, 1.03 and 1.10	

**I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department to maintain the highest level of fiscal responsibility. The Chief of Police is responsible for the development and submission of the departmental budget as well as the financial management of the department. It will be the policy of the department to maintain accurate and detailed records of all monetary transactions in order to remain above reproach.

**II. PURPOSE**

The purpose of this order is to establish procedures for employees making routine and emergency expenditures for goods or services necessary for the efficient operation of the department.

**III. STATEMENT OF SPECIFIC RESPONSIBILITY**

The Chief of Police, as a department head of the SFDR Consolidated Independent School District, has the authority and responsibility for the fiscal management of the SFDR Consolidated Independent School District Police Department. (TBP: 1.02)

**IV. DEFINITIONS**

- A. Routine Expenditure: Purchases that are budgeted and/or planned for and handled through the S.F.D.R.C.I.S.D. Purchasing Department.
- B. Purchase Order (P.O.): An authorization from the District Purchasing Office for payment to a vendor for goods or services.
- C. Purchase Order Number (P.O. #): The number assigned by the District Purchasing Office for a specific expenditure. Vendors consider a P.O. # the same as cash, and must be indicated plainly on all invoices.

- D. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to the SFDR Consolidated Independent School District.
- E. Tax Exemption Certificate: A document provided to vendors by the District Purchasing Department or Administrative Assistant to the Chief of Police that indicates that purchases made for District use are exempt from state sales tax.
- F. Requisition: The method used to request the purchase of or obtaining goods or services.
- G. District Purchasing Department: The authority in the SFDR Consolidated Independent School District with the responsibility of exercising fiscal control over all expenditures made by District employees.
- H. Requisition Form: The document used in lieu of or in conjunction with a purchase order for the following items: (a) freight bills, (b) travel expenses, (c) authorized organization dues, (d) equipment rentals, (e) advertising, (f) equipment, and any other authorized expenditure from the budget.
- I. Buy Board: Approved vendors registered and approved as permitted by the District Purchasing rules and regulations.
- J. Surplus Property: Any property deemed to be unserviceable or no longer of use to the department. The Chief of Police must notify the Superintendent in writing and get approval when declaring an item surplus property.
- K. Gov-Deals: An option that may be approved by the School Board for auction of surplus property, seized property, or state or federal forfeited property. The Chief of Police must execute a Memorandum of Understanding (MOU) with Gov-Deals prior to any auction of such property.

## **V. RESPONSIBILITIES**

- A. The Chief of Police has the ultimate authority, responsibility, and accountability for the fiscal management of the department.
- B. The Chief of Police is also responsible for at least monthly review of the budget to include the amount budgeted, the amount spent year to date by category, and the amount remaining. Any projected budget shortfall shall be discussed with the Superintendent and or Finance Office as soon as it is discovered.

## **VI. GENERAL PROCEDURES**

The District Purchasing Department is responsible for monitoring the suitability of vendors. The SFDR Consolidated Independent School District Police Department



will not purchase goods or services from any vendor currently under suspension by the District.

**VII. COLLECTION AND DISBURSEMENT OF CASH (TBP: 1.03)**

- A. All cash funds or accounts where department employees are permitted to receive, maintain, or disburse cash will include:
  - 1. A balance sheet or system listing initial balance, credits, debits and balance on hand.
  - 2. A listing of cash received and from whom it was received.
  - 3. Records, receipts, documentation and invoices showing expenditures.
- B. All cash funds will be kept under lock and key and only authorized personnel will have access to the funds and log or balance sheet. No employee shall accept or disburse cash without prior authorization of the Chief of Police.
- C. All money received that was tagged in the property room that will not be released to the owner shall be inventoried by the evidence technician and as soon as practicable will be deposited in the police holding account at the District's depository bank. The Chief of Police may make an exception for money kept in the property/evidence storage.
- D. All money or property that is designated as being subject to forfeiture shall be brought to the attention of the Chief of Police. Money subject to forfeiture shall be deposited into a holding account until the forfeiture is complete. All paperwork shall be submitted to the state or federal prosecutor in a timely manner in accordance with state and federal laws. In agreement with the prosecutorial agencies who file the forfeiture paperwork in agreement with memorandum of understandings (MOUs) before monies are deposited in the police forfeiture accounts the appropriate agency who receives a percentage of the funds and required court costs shall be disbursed from the holding account through the finance office by the Chief of Police.

**VIII. ACCOUNTABILITY OF DEPARTMENTAL CAPITAL EQUIPMENT (TBP: 1.10)**

- A. All agency property is inventoried when received. The Chief of Police will be responsible for issuing weapons, ammunition and other police equipment such as batons, handcuffs and radios. The Chief of Police will also issue uniforms, ballistic vests, safety traffic vests, rain gear and any other equipment. This includes recovering said property if required when the employee leaves the department.
- B. The department will conduct a capital assets inventory every year and whenever there is a change in command personnel over a unit or the department. The results of the inventory will be forwarded to the Chief of Police for review.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.4 Inspections and Audits</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.25	

## **I. POLICY**

Inspections of the SFDR Consolidated Independent School District Police Department shall be conducted on a regular basis to help ensure that the department is operating at peak efficiency and in compliance with established professional standards. When conducted properly, inspections enable managers to assess the department's ability to perform its mission, and provide them with the information necessary to plan for the improvement of the department's operations and ensure full capability to perform its mission. Inspections are a vital component of departmental self-assessment and as such will be carried out with care, attention to detail, and with the full cooperation of all personnel concerned.

## **II. PURPOSE**

The purpose of this policy is to establish procedures for conducting inspections of the department's administrative functions, facilities, property, equipment, operations, and personnel.

## **III. DEFINITIONS**

- A. Line Inspection. Line inspections are conducted by personnel directly responsible for the person, equipment, or facility being inspected. They are designed to examine, evaluate, and improve the performance of departmental personnel and equipment. A written report form will be designed and maintained by the department to track deficiencies of personnel, equipment, or facilities (Appendix A of this policy). The Chief of Police shall maintain control of the completed inspection sheets, with all completed sheets being forwarded to the Chief of Police once they have addressed those deficiencies. Should there be a critical problem discovered during a line inspection it should immediately be brought to the attention of the Chief of Police.
- B. Readiness Inspections. A specific inspection conducted to evaluate both equipment and operational readiness of the department to respond to exceptional

or emergency circumstances. Such inspections are regularly scheduled but may be initiated at any time at the direction of the Chief of Police or a designee.

#### **IV. PROCEDURES**

##### **A. Line Inspections**

1. The Chief of Police shall conduct line inspections.
2. Line inspections shall be accomplished at roll call or at such other times as are appropriate for the type of inspection being conducted.
3. Line inspections shall be conducted at least once per week or at such intervals and times as otherwise directed by departmental policy and the Chief of Police.
4. Special line inspections may be ordered at any time by the Chief of Police.
5. Line inspections shall, at a minimum, include an examination of each of the following items that are applicable to that particular unit and that particular type of inspection:
  - a. Personal appearance and personal hygiene of unit personnel.
  - b. Proper wearing of uniforms and uniform equipment.
  - c. Handguns, shotguns and patrol rifles for cleanliness, and operability.
  - d. Health, physical fitness, and fitness for duty of unit personnel.
  - e. Appearance and maintenance of department-owned vehicles and installed equipment assigned to or used by that unit.
  - f. Unit compliance with departmental policies, regulations, and orders.
  - g. Availability and currency of departmental policy and procedure manuals and other departmental publications and documents applicable to that unit.
  - h. Physical condition, maintenance, safety, cleanliness, adequacy, and security of the areas, furnishings, and equipment of the portions of the physical plant used by or under the control of that unit.
  - i. Such other items as are applicable to the functions of that unit.
6. Inspection Procedure
  - a. The Chief of Police shall conduct informal physical inspections of personnel, equipment, and other items, on a regular basis or as directed. All deficiencies shall be recorded on a department-approved form designed for this purpose.
  - b. All line inspections shall be conducted in accordance with all appropriate safety precautions.
  - c. Firearms, both individual and department owned that are used on duty will be inspected for cleanliness and functionality at least monthly. Firearms and other equipment with the potential for causing injury shall be examined only by persons

thoroughly familiar with the item being inspected. Inspection of firearms and other weapons shall be conducted only in a manner consistent with standard safety requirements for the presentation and handling of such weapons.

7. Wherever possible, deficiencies discovered during line inspections shall be corrected immediately by the Chief of Police. Where immediate correction is not possible, a re-inspection of the deficient item shall be conducted at the earliest possible date to ensure that the corrective action has been taken. The inspection sheet shall be maintained by the Chief of Police once the deficiency has been corrected.
8. Repeated failure to correct deficiencies shall be reported to the appropriate authority, and action will be taken to compel compliance by the person or unit responsible for the deficiency. Failure to correct deficiencies may be the subject of disciplinary action.

B. Readiness Inspections (TBP: 7.25)

1. Equipment Readiness Inspections will be conducted on all department special use equipment on a quarterly basis.
2. Checklists should indicate the unit, date inspected, condition of each item, and the person who inspected the equipment. Any maintenance needs will be identified. The checklists shall be maintained by the Chief of Police for review.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.5 Mutual Aid Agreements</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

On occasion the need arises to request assistance from or give assistance to a neighboring-law enforcement agency. This need may result from an emergency such as a civil disorder, fire, flood, or other disaster, but most often is requested for backup on calls where officers are at risk and local backup is unavailable. Before the need arises, agencies must clarify and plan emergency procedures. Available county and state support systems shall be used to support operations.

## II. PURPOSE

To establish procedures, duties, and responsibilities for providing assistance to, or requesting assistance from, another law-enforcement agency and to provide for the use of statewide law-enforcement support systems.

## III. PROCEDURE

### A. Jurisdiction

1. Generally, the legal jurisdiction of the SFDR Consolidated Independent School District Police Department stops at the district property limits, however, officers also have authority to act as peace officers within the entire county. The authority of the department may extend out to other areas within the State when requested through a properly executed mutual aid agreement. This authority may be used for the following reasons:
  - a. Assisting neighboring-law enforcement agencies, such as but not limited to the Del Rio Police Department, the County Sheriff, or the Texas Department of Public Safety in handling emergency calls and at times when they are unable to respond immediately.

- b. Assisting neighboring-law enforcement agencies, such as but not limited to the Del Rio Police Department, the County Sheriff, or the Texas Department of Public Safety when they are in need of assistance in safely completing a task or assignment.

B. Mutual aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for between the department and other law- enforcement agencies during emergencies. The circumstances which require mutual aid can include one or more of the following situations:
  - a. Enforcement of laws which control or prohibit the use or sale of controlled substances or drugs;
  - b. Any law-enforcement emergency involving an immediate threat to public safety;
  - c. When executing orders for the temporary detention or emergency custody of people for mental health evaluation;
  - d. Any public disaster, fire, flood, epidemic, or civil disorder.
2. Mutual aid may be requested from or provided to another law-enforcement agency by the department at the discretion of the on-duty supervisor; officers must remember, however, that they are primarily responsible for providing law-enforcement service to our jurisdiction. There are generally three levels of mutual aid assistance as follows:
  - a. Short duration, approximately 30 minutes or less, where an additional show of force, backup, traffic control or assistance with prisoner transportation is required.
  - b. Medium duration, approximately one to four hours, where the senior officer on duty may provide or request assistance from the neighboring law enforcement agencies, such as, the Del Rio Police Department, the County Sheriff, or Texas DPS; however, their role is normally confined to a showing of force, backup, transporting prisoners, or traffic control.
  - c. Long duration, more than four hours, full scale assistance required. The on-duty officer shall immediately notify the Chief of Police or their designee who will assist in coordinating additional aid as required.
3. Any Mutual Aid support between the department and neighboring law enforcement agencies shall be coordinated in advance whenever possible through a written agreement. A list of agencies with existing Mutual Aid agreements can be found in the Chief of Police and Superintendant's offices.
4. Mutual Aid Agreements shall be reviewed annually to ensure compliance with National Incident Management System (NIMS) requirements.

5. When taking law enforcement actions at the emergency site, including uses of force, officers from this department shall at all times adhere to this department's policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
6. Occasionally it is necessary to request assistance from a federal law-enforcement agency during an emergency or when a major crime has occurred. Due to the proximity of Del Rio to the US/Mexico border, the department has a close working relationship with many federal agencies, but most especially the U.S. Border Patrol. An officer shall notify his or her immediate supervisor before assisting or requesting assistance from federal agencies, except when that assistance is immediately necessary to respond to an emergency situation, apprehend an offender, or preserve evidence. In those situations, the officer shall notify their supervisor as soon as possible after that situation has been addressed, and explain the reason for the late notification. If the incident involves a major crime or will require extended assistance from this agency, the supervisor shall notify their division commander who will notify any other necessary staff members, including the Chief of Police or their designee.
7. If the department, with the help of neighboring law-enforcement agencies and DPS, is unable to cope with an emergency such as a riot or civil disturbance, the Chief may contact the governor's office for National Guard assistance.

C. Statewide law-enforcement support.

1. The department is a member of and participates in the use of the Statewide Interdepartmental Radio System (SIRS) and complies with the procedures for its use.
2. The department participates in the use of the Texas Crime Information Center (TCIC) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime Reporting System administered by the Texas Department of Public Safety.
3. Some state-owned law-enforcement resources may be made available to the department for special use. These resources, and the state agency to contact, include:
  - a. Special Weapons and Tactics (SWAT) teams. Del Rio P.D.
  - b. Canine teams—Del Rio P.D., Border Patrol, DPS. Canine teams, if requested, shall only be used to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.



- c. Helicopter or fixed-wing aircraft--DPS. Normally requested in advance by the Chief of Police to the Director. May be available on an emergency basis through DPS.
- d. Polygraph: DPS
- e. Riot truck and equipment: DPS.
- f. Bomb disposal: San Antonio Police Department Bomb Squad

D. State Law Enforcement Assistance during Declared Emergency or Disaster Situations

1. Only the Governor has the authority to provide State Law Enforcement Assistance during an emergency or disaster situation. State equipment and personnel can be used to support local emergencies or to protect life and property in natural disasters per the Governor's authorization. The Chief of Police shall request the Superintendent contact the Governor if State Law Enforcement assistance is required.
2. During declared emergencies and disasters, the support listed in section C above is requested through the Superintendent in the regular NIMS process as outlined in the County Emergency Action Plan and their annexes.
3. The Chief of Police or his designee is encouraged to attend the scheduled EOC meetings and planned exercises.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.6 Departmental Reports</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

The SFDR Consolidated Independent School District Police Department is required to maintain records of operations for purposes of investigation, prosecution of offenders, as well as the internal operations of the department. It is the intent of the Department to provide a reporting system through which quality management and administrative decisions may be made.

## II. PURPOSE

The purpose of this order is to describe the periodic reports and records prepared by the department and their retention schedules.

## III. ADMINISTRATIVE REPORTS

- A. Weekly Report** - The Chief of Police or designee will provide a weekly report to the Superintendent of significant events, an update of departmental projects, and other items of interest specified by the Superintendent.
- B. Monthly Report** - The Chief of Police or designee will provide a monthly report to the Superintendent. This report contains information specified by the Superintendent.
- C. Monthly U.C.R.** - A monthly U.C.R. (Uniform Crime Report) is compiled by the Chief of Police or designee and a copy provided to the Superintendent for review. The original of this report is submitted to the Texas Department of Public Safety.
- D. Annual Report** - The Annual Report is compiled by the Chief of Police. The report contains an annual summary of the monthly report information and other information which is required by both policy and law.

The Annual Report is used to determine:

1. Personnel allocation;
2. Police patrol district boundaries;
3. Police staffing levels; and
4. Statistical information on other related activities and problems.

#### **E. Racial Profiling Report**

- F. Each year the Chief of Police shall prepare and present a report required to be collected and reported under the Texas Code of Criminal Procedure Article 2.132 (a)(6) Law Enforcement Policy on Racial Profiling. The report shall also be submitted to the Texas Commission on Law Enforcement (TCOLE). Such reports will be submitted within the period required by law.

#### **IV. POLICE RECORDS**

A single sequential incident number is assigned to each call for service. Any call for service, incident report, offense report, or accident report is assigned this number. The number is unique to each separate incident to ensure the efficient recovery of the report.

#### **V. DESTRUCTION AND RETENTION OF RECORDS**

Texas State Law provides a criminal penalty for willful destruction, mutilation or alteration of public information. Destruction or removal of documents and records of the department shall be made only in accordance with the District's Records Retention Schedule.

#### **VI. DEPARTMENTAL FORMS**

- A. The department shall develop standard forms to be used by officers to assure uniform and consistent reporting of enforcement and enforcement related activities, and to satisfy the requirements of State and Federal Agencies.
- B. Departmental forms may be created by the unit needing the form, when a form does not yet exist. Any personnel in the department may suggest revisions to an existing form or propose a new form. Proposals and suggestions are submitted to the employee's supervisor, and care is exercised so as not to conflict with any District policies or forms.
- C. The Chief of Police must approve all departmental forms.

<b>S.F.D.R. C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 1.7 Departmental Goals and Objectives</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

The SFDR Consolidated Independent School District Police Department shall develop a long term Strategic Plan that outlines the department's organizational goals and objectives over a three to five year period. Each year the Chief of Police shall update the plan, eliminating goals or objectives that have been reached, and adding new goals to be accomplished. The Superintendent and SFDR CISD School Board will be provided with a copy of the Strategic Plan each year in November.

## II. PURPOSE

To outline the process used by departmental personnel in the development of departmental goals and objectives.

## III. ANNUAL GOALS AND OBJECTIVES

- A. Each October, after the revision of the Strategic Plan, the Chief of Police will develop Annual Goals and Objectives for the department. This one-year plan will consist of those goals in the Strategic Plan that are identified for accomplishment that year plus any additional department or division specific goals that need to be addressed.
- B. The Chief of Police shall forward a report on the status of the previous year's goals to the Superintendent by the first of November each year.
- C. The Chief of Police is responsible for ensuring that all personnel under their command are given the opportunity to provide input to the goals, objectives and strategies of each organizational component.
- D. Upon completion, the One-Year Plan is to be distributed to all departmental personnel. Distribution may be accomplished through printed or digital format. It is the responsibility of each supervisor to ensure that personnel under the

supervisor's command receive the goals, objectives and strategies of their organizational component.

- E. The Chief of Police assisted by the department's officers shall conduct a semi-annual review of the department's progress in attaining the goals, objectives and strategies of each organizational component.

#### **IV. INDIVIDUAL PERFORMANCE PLANS**

The Chief of Police, when developing individual Performance Plans for subordinate employees, will include elements of the annual goals and objectives which that employee is expected to assist in accomplishing.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.1 Rules of Conduct</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22	

## **I. POLICY**

The SFDR Consolidated Independent School District Police Department and the public expect all personnel to maintain high standards of appearance and conduct. The mission of the department is to work with all members of SFDR CISD. staff, parents, and students to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

## **II. PURPOSE**

To define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12)

## **III. CODE OF ETHICS (TBP: 2.02)**

All officers shall display the integrity required by the Law Enforcement Code of Ethics:

“As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the

law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers.

I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.”

#### **IV. DEFINITIONS**

- A. *Affirmative Duty*: The personal responsibility and obligation of an employee to report wrongdoing— rather than to provide such information only when requested.
- B. *False Report*: A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.
- C. *Good Faith*: A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.
- D. *Retaliation*: Retaliation of the following kind is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of policy, retaliation includes any deliberate, purposeful actions or failures to act, directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee’s terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of the employee, the SFDRCIDSD Police Department, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual’s reputation.
- E. *Serious Acts of Misconduct*: Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action would be reasonably likely to adversely affect that employee’s terms or conditions of employment up to and including termination of service.

## **V. GENERAL DUTIES**

- A. All officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and ordinances of the City of Del Rio, the rules, regulations, and general orders of the SFDR Consolidated Independent School District, and the SFDR CISD Police Department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, custom, and District policy. Further, officers shall exhibit good moral character in carrying out their duties according to departmental orders.
- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the right to discipline personnel for violations of the rules listed in this order as well as violations of all departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated, the consequences of the employee's actions, and prior history and experience.
- D. Duty to Report
  - 1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
  - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
  - 3. All employees have an affirmative duty under this policy to cooperate fully during an investigation or allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
  - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to their next higher ranking employee or to the SFDR CISD Human Resources Department.
  - 5. In situations involving serious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the Chief of Police.



Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

#### A. Performance Prohibitions

1. As appropriate, disciplinary action may be taken for any of the following reasons:
  - a. Incompetent or inefficient performance or dereliction of duty;
  - b. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature which discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work or carry out directives.)
  - c. Mental or physical unfitness for the position which the employee holds.
  - d. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III.A), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
  - e. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
  - f. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.
2. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders or policies of the department, or in the laws or ordinances of which the department is responsible to enforce.
3. No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

#### B. Obedience to Rules of Conduct, laws and orders

All employees, regardless of rank or assignment, shall be governed by the following general rules of conduct. Violation of any of these rules by any officer of the department shall be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.

1. Obedience to Laws & Adherence to Departmental Rules. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the City of Del Rio. Employees shall abide by the rules and policies of the SFDR Consolidated Independent School District, the Policy and Procedure Manual of the SFDR Consolidated Independent School District Police Department, and other properly issued internal directives of the SFDR Consolidated Independent School District Police Department.
2. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.
3. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing their orders shall likewise be deemed insubordination. (TBP: 1.08)
4. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
5. Obedience to Unjust or Improper Orders. If an employee receives an order he or she believes is unjust or contrary to a departmental General Order or rule, he or she must first obey the order to the best of his or her ability and then may appeal the order to the Chief of Police via the proper chain-of-command.
6. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of the City of Del Rio. If an employee receives an unlawful order, they shall report in writing the full facts of the incident and their actions to the Chief of Police via the chain-of-command.
7. Conflicts of Orders. If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point out the conflict to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department. (TBP: 1.08)

C. Attention to Duty

1. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.

2. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the SFDRCIDSD Police Department. They will not permit, or otherwise fail to prevent, violations of the law, departmental rules, policies or procedures to ensure efficient, orderly operations. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
3. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall use sound judgment at all times.
4. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond to the inquiry or request for assistance themselves.
5. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact with in an official capacity. (TBP: 2.17)
6. Truthfulness. Members shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.
7. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.
  - a. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature, or traffic offenses except for breach of the peace, theft, or assault.
  - b. While off-duty, or in their personal vehicle, officers shall not enforce, or take any police action to enforce Class "C" traffic offenses.
8. Officers Required to Take Action. Except where expressly prohibited, Officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.

9. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16, 2.22)
10. Emergency or Sick Leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.
11. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
12. Prohibition of Personal Business While on Duty. While on-duty, officers shall not engage in any activity or personal business which would cause them to neglect their duty.
13. Availability While On-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.
14. Assistance to fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.
15. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws and departmental policy.
16. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations and police information that come to their attention. Employees shall not conceal, ignore or distort the facts of such crimes, violations, emergencies, incidents and information.
17. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.

18. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of Del Rio streets and highways and the names and locations of hospitals and major public buildings.
19. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
20. Sleeping On-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
21. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
22. Reading On-duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless such reading has been assigned by a supervisory officer.
23. Studying On-duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity not directly related to a current assignment. Studying for college courses/exams and departmental promotional exams while on duty is prohibited.
24. Maintaining Communications. While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.
25. Reporting Accidents and Injuries. Employees shall immediately report the following accidents and injuries:
  - all on-duty traffic accidents in which they are involved;
  - all personal injuries received while on-duty;
  - all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties;
  - all property damage or injuries to other persons that resulted from the performance of assigned duties;
  - all accidents involving district equipment whether on or off-duty.
26. Report Address and Telephone Number. Employees shall have a working telephone or other means of communication in case of emergency at their residence, and shall register their correct residence address and telephone

number with the department. Any change in address or telephone number must be reported immediately.

27. Testifying in Departmental Investigations. When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.
28. Carrying of Firearms. Except as approved by the Chief of Police or established procedures, all officers are required to carry sidearms while on-duty. While off-duty, officers may use their own discretion as to whether to carry a sidearm.
29. Documentation of Firearms. All weapons carried and used by officers on or off duty must be documented with the department. Required documentation information must be kept current.

#### D. Cooperation with Fellow Employees and Agencies

1. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language.
2. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact the complainant, witness, or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations, for any reason.
3. Recording Employees. No employee may record their conversations with other police department employees unless all parties have been made aware a recording device is being used. Any exceptions must be authorized in advance by the Chief of Police.

#### E. Restrictions on Behavior

1. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.
2. Use of Intimidation. Employees shall not use their official positions to intimidate persons. Whether in uniform or wearing a department insignia, or in plain clothes: SFDRICSD Police Department employees will not bully or intimidate others.
3. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the SFDRICSD Police Department may not accept any reward, gratuity, gift or other compensation for any service performed as a result

of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain. (TBP: 2.21)

4. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the SFDRICISD Police Department. (TBP: 2.21)
5. Reporting Bribe Offers. If an officer receives a bribe offer, he shall make a written report to his commanding officer. (TBP: 2.21)
6. Accepting Gifts from Subordinates. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)
7. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)
8. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
9. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the SFDRICISD Police Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.
10. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.
11. Drinking On-duty. Employees shall not drink any intoxicating beverages while on-duty. (TBP: 2.19)

12. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall officers be intoxicated off-duty while in the public view. While off-duty, officers that have consumed an alcoholic beverage shall refrain from exercising any police authority and are prohibited from carrying a firearm. Officers assigned to special units, or assignments where they may consume alcoholic beverages during the performance of their duties shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)
13. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform nor while wearing any part of the SFDR CISD Police Department uniform. (TBP: 2.19)
14. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into the SFDR CISD Police Department building or vehicle except as evidence. (TBP: 2.19)
15. Entering Bars, Taverns and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain or frequent such places. Officers on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19)
16. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision making. (TBP: 2.20)
17. Tobacco Use. Tobacco use is prohibited on all property under control of the SFDR Consolidated Independent School District. Smoking and other tobacco use is prohibited in all department vehicles.
18. Public Tobacco use Prohibited. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public. Tobacco use is further prohibited in all district owned vehicles and buildings.
19. Playing Games On-duty. Officers on-duty or in uniform shall not engage in any games of cards, billiards, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or Internet based games, or other games.
20. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns. Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign



petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15)

21. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.
22. Seeking Personal Preferment. Employees shall not solicit petitions, influence or seek the intervention of any person outside the department for purposes of personal preference, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.
23. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city or District officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
24. Disruptive Activities. Employees shall not perform any actions that tend to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.
25. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic or obscene language, or making unnecessary sounds are not permitted.
26. Use of Racial Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, or religious slur or joke, whether in the presence of the public or of other employees.
27. Use of Force. Officers shall use only that amount of force reasonably necessary to accomplish their police mission.
28. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.
29. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation. (TBP: 2.18)
30. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their

official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, or insulting language.

F. Identification and Recognition

1. Giving Name and Badge Number. Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.
2. Carrying Official Identification. Officers shall carry their official identification on their persons at all times. All employees will carry their official identification on or about their persons while on-duty.
3. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.
4. Exchange, Alteration or Transfer of Badge. An employee's issued badge shall not be altered or exchanged except by order of the Chief of Police. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department. All badges must be purchased unless exempted by the Chief of Police. No terminated employee will be allowed to purchase or retain their badge.
5. Plainclothes Officers – Identification. A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

G. Maintenance of Property

1. Use of District Property or Service. Officers shall not use or provide any district equipment or service other than for official school district business.
2. Responsibility for District Property. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
3. Departmental Vehicles. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. When possible, the operator should not speak to the issue of who is at fault for the accident. Under no circumstances shall an officer investigate his or her own accident. The Texas Department of Public Safety or the Del Rio Police Department may be requested to investigate SFDRCID Police Department involved accidents.

4. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall be held responsible for the damage.
5. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
6. Care of Quarters. Employees shall keep their offices, lockers and desks neat, clean and orderly.
7. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
8. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications or substitutions shall be made to such equipment unless approved by the Chief of Police.

#### H. Relationship with Courts and Attorneys

1. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each employee shall be familiar with the laws of evidence and shall testify truthfully on any matter.
2. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
3. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the SFDR Consolidated Independent School District or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.
4. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel or prosecutor.
5. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No

employee shall volunteer to testify in civil actions. Officers may give testimony, if necessary, in employment termination cases under applicable Board policy.

6. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
7. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.
8. Arrest of Officer from another Agency. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.
9. Arrest of SFDR CISD Officer. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

I. Expectation of Privacy

1. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the Chief of Police or Superintendent or his or her designee.
2. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.
3. Officers should avoid taking photographs of crime scenes or evidence with personal cell phones, as the cell phone could be subject to subpoena.
4. If an officer must use a cell phone to take pictures of a crime scene it shall be downloaded on a department computer, CD, DVD or thumb drive and the pictures deleted from the cell phone.

J. Protective Orders.

1. If an officer is arrested for family violence, a Magistrate's Order of Emergency Protection, or if a certified court Protection Order has been issued against the officer, the officer will immediately be relieved of duty and assigned to report to the Chief of Police on the next work day at 8 AM. An immediate internal investigation will then be initiated. The arrested Officer shall cooperate with any such investigation.



these actions, and emphasize the importance of the constitutional guidelines within which we operate.

### III. DEFINITIONS

Most of the following terms appear in this order or have appeared in the larger public discourse about alleged biased enforcement behavior and in other orders.

- A. *Bias*: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. *Biased policing*: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. *Ethnicity*: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. *Gender*: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. *Probable cause*: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. *Race*: A category of people of a particular descent, including Caucasian, African, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. *Racial profiling*: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. *Reasonable suspicion*: Articulate, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. *Sex*: A biological classification, male or female, based on physical and genetic characteristics.
- J. *Stop*: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

### IV. PROCEDURES

- A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect encourages a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
  - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process and shall instruct the individual on how they may go about making a complaint.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that are made unless the explanation would undermine an investigation or jeopardize an officer's safety.



6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental badge number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

#### B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement by their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

#### C. Disciplinary consequences

Actions by employees which are prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

#### D. Training (TBP: 2.01)

1. Officers shall complete all training required by state law regarding bias based profiling.

### V. COMPLAINTS

- A. The department shall publish “How to Make a Complaint” folders and make them available at all SFDRICISD campuses and other facilities throughout the District. The department’s complaint process and its bias based profiling policy will be posted on the District’s website.
- B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
- C. Complaints made against an outside law enforcement agency shall be documented and forwarded to the Chief of Police. The Chief of Police will in turn forward the complaint to the proper authority with that agency.
- D. Complainants will be notified of the results of the investigations when such investigation is completed.

## **VI. RECORD KEEPING**

- A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.
- B. The information will also be reported to TCOLE in the required format.
- C. The responsibility of compliance to the above reporting requirements is assigned to the Chief of Police or their designee.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.3 Sexual or Other Illegal Harassment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 2.11	

## I. POLICY

The S.F.D.R.Consolidated Independent School District Police Department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual or other forms of illegal harassment. No employee shall be subjected to unsolicited or un-welcomed sexual overtures or conduct either verbal or physical. The harassing behavior prohibited by this order, shall not occur either during work hours on agency premises or before or after work at other locations. Sexual or other unlawful harassment, regardless of the type, is misconduct and the department shall apply appropriate disciplinary sanctions.

## II. PURPOSE

To define and give examples of sexual and other unlawful harassment, outline prohibited behavior, and describe reporting procedures. (TBP: 2.11)

## III. DEFINITIONS

### A. *Sexual harassment*

The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that is so severe or pervasive that it unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply; quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

### B. *Quid pro quo harassment*

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means "something for something.") This form of harassment usually occurs between a supervisor and a

subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning or following an employee, during work hours or not, and either harassing the employee or requesting sexual favors.

#### *C. Hostile work environment harassment*

This form of harassment is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.

A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendos intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of male co-workers (or vice versa) and subjecting them to demeaning or derogatory remarks.

### **IV. PROHIBITED CONDUCT**

- A. Employees shall not commit or participate in any form of sexual or other illegal harassment.
- B. The department considers romantic relationships between supervisors and subordinates potentially non-consensual. Personal relationships between supervisors and subordinates should be brought to the attention of the Chief of Police at the earliest point so as to determine a proper course of action. Failure to do so may result in discipline for all employees involved.
- C. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any area of the department including locker rooms, desks, offices or other locations. Materials of this kind used for investigative purposes or that is evidence in a case shall be properly secured according to evidentiary standards.

- D. Supervisors shall order employees on department premises who are making sexually hostile comments, or degrading remarks about other persons of the same or opposite sex to cease doing so or face discipline.
- E. Employees shall avoid inappropriate physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary or unwelcome touching are prohibited on department premises or while on duty.
- F. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

## **V. PROCEDURES**

### **A. Employee Responsibilities**

1. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee or supervisor shall immediately submit a memorandum to the Chief of Police through the chain of command detailing the circumstances. Employees may also report incidents of harassment directly to the Chief of Police, Superintendent, or Human Resources Director. If a supervisor learns of an incident of harassment, he or she shall report the matter to the Chief of Police even if the victim did not submit a complaint.
2. If the complainant is not an employee of the department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in Policy 2.4.
3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations, in addition to any Human Resources Department investigation.
4. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
  - a. refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;
  - b. reporting observed acts of harassment and discrimination to a supervisor, and

- c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
- 5. Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

B. Supervisor Responsibilities:

- 1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
  - a. advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;
  - b. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring; stopping any observed acts that may be considered harassment and discrimination,
  - c. taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
  - d. utilizing all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity.
  - e. taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination.
- 2. No supervisor shall make any employment decision that affects the terms, conditions, or privileges or responsibilities of an individual's employment based on the basis of that person's race, sex, religion, national origin, color, sexual orientation, age or disability.
- 3. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
- 4. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
- 5. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.

- C. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.
1. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
  2. The Chief of Police shall conduct an investigation pursuant to the provisions of Policy 2.4. The District's Human Resources Department may also conduct or participate in any such investigation.
  3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the District's grievance procedure.
- D. The Chief of Police shall report such allegations to the Superintendent without unreasonable delay.

## **VI. TRAINING**

The department will provide ongoing training, at least every two years, on sexual and other unlawful harassment, reporting, and investigation procedures.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.4 Internal Investigation Process</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10.	

## I. POLICY

The SFDR Consolidated Independent School District Police Department's image and reputation depends on the personal integrity and ethical conduct of all departmental employees. To a large degree, the public image of the department is determined by a professional response to allegations of misconduct against its employees. The department must competently and impartially investigate all allegations of misconduct by employees and complaints bearing on the department's response to community needs. The SFDR Consolidated Independent School District Police Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of law enforcement work.

## II. PURPOSE

To describe procedures for making complaints against department personnel, for investigating complaints, and to list and define the dispositions of complaints.

## III. PROCEDURES – GENERAL (TBP: 2.04)

### A. Receipt of complaints

The SFDR Consolidated Independent School District Police Department encourages any person to bring forward grievances regarding misconduct by employees. Department members shall receive all complaints courteously and shall handle them efficiently. All officers are obligated to explain complaint procedures to anyone who inquires.

### B. Responsibilities of supervisors



1. The Chief of Police or designated first-line supervisors are primarily responsible for enforcing conformance with departmental standards and orders.
2. The Chief of Police or first-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.
3. The Chief of Police or first-line supervisors shall be alert to behavioral or job performance changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior, and take or recommend appropriate action.
4. The supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing according to established standards.
5. The Chief of Police or first-line supervisor shall employ counseling techniques sanctioned by the department and consistent with District policy. Counseling is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance.
  - a. The supervisor shall document all instances of counseling.

#### C. How to make a complaint

A copy of "How to make a complaint" will be posted in the public area of the department, published on the District website, and may be given to any person requesting information on how to make a complaint.

#### D. Responsibility for handling complaints

All complaints alleging a violation of the law or policy will be investigated. Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police. Depending on the nature of the complaint, the Chief of Police may request the District's Human Resources Department or another agency or DPS to undertake the investigation. (TBP: 2.06)

#### E. Complaint-handling procedures

1. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared. A signed letter of complaint will be accepted as a signed complaint

without requiring any specific form. Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall reduce the complaint to writing in a memorandum with as much information as possible and forward the report to the Chief of Police.

2. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
3. Normally, a person with a complaint shall be referred to a supervisor or the Chief of Police who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence.

Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:

- a. a report of the alleged violation;
  - b. any documents and evidence pertinent to the investigation;
  - c. recommendations for further investigation or other disposition.
4. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.
  5. Prisoners or arrestees also may make complaints. Circumstances may require a department representative to meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.
  6. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
  7. Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to a supervisor or the Chief of Police. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable, a supervisor will call back as soon as practical.

8. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.
9. In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any serious violation should be reported immediately regardless of the time of day. (TBP: 2.07)

F. Disposition of complaints generally

The Chief of Police or his designee shall:

1. Notify the complainant, in writing, as soon as practical, that the department acknowledges receipt of the complaint, that it is under investigation and that the complainant will be advised of the outcome.
2. Minor complaints alleging rudeness, minor policy violations and performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, the District's Human Resources Department, or an outside agency as determined by the Chief.
3. Maintain complaint files separate from personnel files.
4. Take disciplinary action following the investigation, if appropriate.

G. Disposition of a serious complaint

1. Allegations of misconduct that might result in discharge, suspension, demotion, or criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, criminal violations, or allegations involving supervisory or multiple numbers of personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted, a criminal investigation as well as an administrative or internal investigation. The criminal investigation examines compliance with the criminal law while the internal investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required. Outcomes of either investigation may result in discipline.
3. In cases of serious complaints the Chief of Police shall:

- a. Determine if the officer complained of should remain on-duty, be assigned to non-contact assignments, or put on administrative leave until completion of the investigation(s);
  - b. Determine and assign responsibility for the investigations;
  - c. Notify the employee in writing that they are the subject of an internal investigation, unless doing so would interfere with the proper investigation of the allegation;
  - d. Cause the complaint to be registered and assigned an investigation number in the complaint log.
  - e. Maintain close liaison with the district attorney in investigating alleged criminal conduct where necessary. Where liability is at issue, the Chief shall similarly maintain contact with the Superintendent and the District's attorney or legal counsel.
4. All investigations will be completed within 90 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If approved by the Chief, a specific number of days will be approved and a copy will be provided to the involved officer and the original placed in the case file. (TBP: 2.05)
  5. Should the allegation be sustained, the Chief of Police or designee shall provide the officer a signed copy of the complaint prior to any disciplinary action being taken. (TGC: 614.023)
  6. Upon completion of any investigation, the Chief of Police will notify the complainant in writing, of the results of the investigation and any action taken. (TBP: 2.10)
  7. Whether sustained or not, the officer shall also receive notice of the results of the investigation, though they shall not have a right to access the investigative files.

#### **IV. INVESTIGATIVE PROCEDURES**

- A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.
- B. Assistance of legal counsel
  1. Employees may be permitted to have an attorney, supervisor, or other representative with them in the room during an interview regarding allegations of criminal activity or actions that could lead to a criminal charge. If the representative's inability to attend the interview substantially delays the

investigation, the employee may be ordered to conduct the interview without a representative.

2. The attorney may advise and confer with the employee during the interview.
3. Employees do not have a right to an attorney where the investigation concerns misconduct that is not likely to lead to a criminal charge.

#### C. All Interviews

1. Prior to being interviewed, the subject employee shall be advised of the nature of the complaint and provided a copy of the complaint.
2. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
3. During interviews conducted by the department, there will be one employee designated as the primary interviewer.
4. The complete interview shall be recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break and the time at which the interview resumed.
5. The employee shall be provided with the name, rank and command of all persons present during the questioning.

#### D. Interviews for criminal investigative purposes

1. If the Chief of Police believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, the person carrying out the interview shall:
  - a. Give the employee the rights as specified in Texas Code of Criminal Procedure Article 38.22.
  - b. In addition to the rights set forth in state law, the Chief or his designee shall advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
  - c. If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.

#### E. Interview for administrative purposes

1. If the Chief of Police wishes to compel an employee to answer questions directly related to his or her official duties, the Chief of Police or another interviewer shall advise the employee that:
  - a. This is an internal administrative investigation only.
  - b. They are required to answer all questions specifically related to the allegations being investigated and performance of their duties and their fitness for office.
  - c. All questions specifically related to employment must be fully and truthfully answered.
  - d. If they refuse to answer any questions, they may be subject to discipline up to and including dismissal from the SFDRCID Police Department.
  - e. Any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur. (Garrity Rule)
  - f. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. In an interview for administrative purposes, no Miranda rights are required.

## **V. INVESTIGATIVE TOOLS AND RESOURCES**

In addition to interviews of the employee and witnesses, the Chief of Police may require other activities in support of a complaint investigation or internal investigation, including:

- A. Medical and laboratory examination
  1. The Chief of Police or the officer in authority may, based on reasonable suspicion or their observations, require a department employee to submit to a test for alcohol or drug use while on-duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.
    - a. If the employee is believed to be under the influence of alcohol, a PBT or Preliminary Breath Test may be administered. The Chief of Police or the officer in authority shall witness the test and generate a memorandum as to the results.
  2. If the employee has a reading of .02 or higher or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.

3. If the employee is believed to be under the influence of drugs, they may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall be handled using the same safeguards as evidence in a criminal investigation.
4. If the test shows positive results, or there is other competent evidence of impaired ability to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.
5. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or other officer in authority shall immediately relieve the employee from duty (on paid leave) for failure to cooperate in an administrative investigation.
6. Property assigned to the employee but belonging to the department is subject to inspection where the department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes files, storage lockers, desks, and vehicles.

#### B. Photograph and lineup identification procedures

1. Officers may be required to stand in a lineup for viewing for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and may result in dismissal.
2. A book of photos of department employees may be maintained for the purpose of identification of an employee accused of misconduct.

#### C. Financial disclosure statements

An employee may be compelled to make financial disclosure statements when directly and narrowly related to allegations of misconduct involving any unlawful financial gain.

#### D. Polygraph

1. All personnel shall be required to submit to a polygraph if ordered to do so by the Chief of Police.
2. The Police Chief may order employees to take a polygraph when:
  - a. The complainant has taken and passed a polygraph concerning the incident. (Unless the complainant is willing to submit to testing but the polygraph operator determines the complainant is not a fit subject due to mental condition, age, or medication).

- b. Regardless if the complainant takes a polygraph or is even known, but the complaint is of such a nature to bring severe discredit and suspicion on the department and cannot be satisfactorily resolved in any other manner.
3. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another employee.
5. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impeding the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the department.

## **VI. ADJUDICATION OF COMPLAINTS**

- A. The Chief of Police will classify completed investigations as:
  1. Unfounded - no truth to allegations.
  2. Exonerated – allegations are true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for issues with the current policy.
  3. Not sustained - unable to verify the truth of the matters under investigation.
  4. Sustained - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation. (TBP: 2.04)
- B. Completed investigations classified as unfounded, exonerated, not sustained, or policy failure will be maintained in the individual employees' Department file locally. Sustained complaints shall be filed in the individual employee's department personnel file with a copy in Human Resources.
- C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident and in consideration of the employee's service record and prior sustained complaints. Progressive discipline is not required, particularly for serious misconduct.
- D. Disciplinary records (TBP: 2.09)



1. The department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and District policy.
3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public subject to any applicable confidentiality requirements set forth in applicable state or federal law (e.g., FERPA).
5. The report will be produced by the Chief of Police or their designee.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.5 Employee Disciplinary Process</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

It is the policy of the SFDR Consolidated Independent School District Police Department to impose any necessary disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected.

Discipline is a process of taking specific actions which will help address the inappropriate actions of an employee. The SFDR Consolidated Independent School District Police Department prefers to influence behavior through positive reinforcement of productive actions; however, this is not always possible. Discipline in the SFDR Consolidated Independent School District Police Department may involve training, counseling, coaching, mentoring, referral services, oral or written reprimands, time off without pay, or termination of employment.

## II. PURPOSE

The purpose of this policy is to establish procedures concerning informal and formal disciplinary practices within the SFDR Consolidated Independent School District Police Department.

## III. DEFINITIONS

- A. *Days* - The term "days," as used herein, means work days provided, however, that if the last day of any time period mentioned herein is a Saturday, Sunday, or holiday, the time period shall be extended to the next day.
- B. *Moral turpitude* - An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.
- C. *Administrative Leave from duty* - An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

Employees may be reassigned or have their access to their normal working assignment restricted in a manner to be determined by the Chief of Police and the SFDR Consolidated Independent School District HR personnel.

- D. *Discipline* - The taking of specific actions intended to address the inappropriate actions of an employee.

#### **IV. PROCEDURES**

##### **A. Positive Process**

1. Embedded within the SFDR Consolidated Independent School District Police Department is a "Positive Process" which seeks voluntary compliance with established policies, procedures, and orders. Examples of the SFDR CISD positive process include:
  - a. Recognition of excellent job performance through awards.
  - b. Persons outside SFDR CISD compliment an employee's performance. The SFDR CISD personnel who receive the information shall ensure the employee's supervisor is made aware of the complimentary communication. When the Chief receives the information about an employee, he or she should write a thank-you note to the individual who made the positive comments and to the officer receiving the comments. Copies of the person's statement and the Chief's response shall be sent to the officer involved, the supervisor and a copy of all correspondence shall be placed in the employee's personnel file.
  - c. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by community groups or media coverage.
2. Discussion and / debriefing incidents.
3. Training

##### **B. Consistency in discipline**

1. The SFDR Consolidated Independent School District Police Department abides by the philosophy that discipline must be applied consistently and uniformly.
2. The SFDR CISD PD and SFDR Consolidated Independent School District provide employees with descriptions of prohibited behaviors in Board Policy, administrative regulations, and elsewhere in these policies. No list, however, can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on training and experience, and use common sense and good judgment at all times.

##### **C. Relief from duty**

1. The Chief of Police may relieve an employee from duty if an employee's mental or physical fitness for duty is called into question. Unless a clear emergency exists that requires immediate relief from duty, the reasons for the concern will be documented and submitted to the Chief of Police for review prior to any change of duty status. Instances involving mental or physical fitness for duty will be fully investigated in a manner that is approved by the SFDR Consolidated Independent School District HR personnel and is reasonable for both the employee and the District.
2. Employees with knowledge of events or circumstances that speak to the issues concerning an employee's mental or physical fitness for duty will document these details in a memorandum addressed to the Chief of Police.
3. If the necessity to relieve an employee from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an internal investigation, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, under consultation with the Superintendent, and the SFDR Consolidated Independent School District HR personnel may suspend an officer without pay.
4. An employee, who refuses to obey a direct order in conformance with the department's orders, or SFDR Consolidated Independent School District personnel policies, may be relieved from duty by the Chief of Police. An administrative investigation will be conducted into the concerns and appropriate action taken.

#### D. Penalties

1. The Chief of Police shall review the nature of the offense, determine the disposition of the case, and discuss the disciplinary action to be taken with the superintendent and SFDR CISD HR director.

#### E. Documented oral reprimand; counseling and/or training

1. Oral reprimands resulting from improper actions, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:
  - a. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record.
  - b. The employee shall be further advised that he or she has the right to include a statement of their own regarding the reprimand for inclusion in their personnel file.
2. The reprimanding supervisor shall record the reprimand/counseling in a memorandum to be placed in the employees' personnel file.

3. Oral reprimand/counseling may involve remedial training. This training may be deemed an appropriate response to address the improper behavior. Remedial training may include attendance at academy classes, in-service training, or other training specifically created to help the employee correct or modify his or her behavior. Remedial training may be offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented.
4. An accumulation of three or more oral reprimands in a twelve month period may result in a written reprimand, suspension or further disciplinary action as deemed necessary.
5. Supervisors and managers are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
6. Supervisors are responsible for counseling employees concerning job-related matters. A variety of concerns can affect job performance and an employee's performance. Job-related counseling may involve family and other individual or personal subjects. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem. The SFDR Consolidated Independent School District HR Director is available to assist with counseling referrals and other sensitive subject matters.

#### F. Written reprimand

1. A written reprimand, issued by the Chief of Police, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.

#### G. Demotion or suspension without pay

1. If the situation warrants, the Chief of Police, after consultation with the Superintendent, and Human Resources Director, may demote an employee, suspend without pay, or take other measures as deemed necessary.
2. Suspensions without pay will be determined after consultation with the Superintendent and Human Resources Director by the Chief of Police. An officer or employee may appeal a suspension in accordance with SFDR Consolidated Independent School District grievance procedures.
3. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.
  - a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, they shall immediately be placed on administrative leave with pay and an internal

investigation shall commence. At the conclusion of the internal investigation and consultation with the Superintendent the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.

- b. Nothing in this policy will prevent the Chief of Police, after consulting with the Superintendent, from placing an employee on administrative leave with pay if, in his or her judgment, that action is in the best interest of the SFDR Consolidated Independent School District.
- c. Terminations may result from other criminal infractions.
- d. The fact that an employee is acquitted or not indicted by a grand jury does not necessarily automatically influence the administrative investigation process or its outcome, to include decisions regarding the employee's job status.
- 4. Upon any suspension, the officer must return to SFDR CISD PD custody of his or her badge, identification card, and issued firearm as well as hand held radio.
- 5. During a suspension, the employee shall not undertake any official duties.
- 6. The Chief of Police may place an employee on a probationary status in addition to disciplinary action.
- 7. An employee may appeal a suspension in accordance with SFDR Consolidated Independent School District's grievance policy.

#### H. Termination

- 1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the employee's conduct.
- 2. Employees may appeal a dismissal in accordance with SFDR Consolidated Independent School District's grievance policy.

#### I. Reporting arrests

Any employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must inform the Chief of Police in writing as soon as possible. Employees do not have to report parking tickets. Employees must report summonses or arrests for reckless driving, DWI, or any other hazardous or moving traffic offenses and field release citations. Failure to notify the department of the foregoing shall be cause for dismissal.

### V. ADMINISTRATION OF DISCIPLINE

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension, demotion, or termination;

the Chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.

- B. Upon receipt of the recommendation, if the Chief of Police believes the discipline should be greater than a written reprimand, the Chief will then meet with the employee to advise the employee of the allegations or complaint against them, discuss the investigation conducted, and provide the employee an opportunity to present their side of the story and to explain and refute any conclusions the investigation has caused to be reached before a decision on discipline is made.

The review may take place in the presence of the investigating officer and/or other staff member and the SFDR Consolidated Independent School District Human Resources Director or designee.

- C. The Chief of Police will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- D. The Chief of Police will meet with the employee to inform him or her of his decision. The Chief of Police will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline and the employee's appeal rights.
- E. Copies of all investigations resulting in disciplinary action and all disciplinary paperwork will be filed in the employees personnel file. A copy of the investigation will be maintained in the internal investigations files and also be given to the Human Resources Director.
- F. Nothing in this policy shall preclude the Chief of Police from taking disciplinary action that he or she feels is in the best interest of the District.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.6 Accident and Injury Prevention</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> 4.10	

## I. POLICY

Motor vehicle crashes involving agency vehicles present serious risks to agency personnel and the public as well as considerable financial loss due to injury, loss of manpower, vehicle damage, and possible tort liability. Personnel injuries also result in lost time, financial loss and the pain and suffering of our personnel. It is the SFDRCID Police Department's responsibility to minimize these incidents through training, policy development, and review of incidents for compliance with policy. The SFDR Consolidated Independent School District Police Department will utilize a review process for evaluating crashes and injuries in order to determine cause and to institute corrective and preventive actions where needed. The reviews and hearings concerning these crashes and injuries shall be conducted according to policy and procedures established herein.

## II. PURPOSE

This policy provides the authority, and operating procedures for review of agency motor vehicle crashes and personnel injuries.

## III. DEFINITIONS

- A. *Motor Vehicle Crash:* For purposes of this policy, a motor vehicle crash is any collision of a vehicle—with another vehicle, stationary object, or person—owned by or assigned to this agency that results in property damage (regardless of amount) or personal injury.
- B. *Personal Injury:* For purposes of this policy, a personal injury is any injury to a member of this department or other person resulting in immediate or subsequent treatment by a physician, lost work time, or requiring reporting under workers compensation rules.
- C. *Non-preventable Crash or Injury:* A crash or personal injury shall be classified as non-preventable when it is concluded that the member/operator exercised



reasonable caution to prevent the crash or injury from occurring and observed applicable department policy, procedures, and training.

- D. *Preventable Crash or Injury*: A crash or injury shall be deemed preventable when the member/operator failed to observe department policy, procedures, or training, and/or failed to exercise due caution or appropriate defensive driving or trained defensive tactics.

#### **IV. PROCEDURES:**

##### **A. Training**

1. The department will provide on-going training to all employees on accident and injury prevention. The Annual Analysis of Accidents and Injuries described in Section E of this order shall be reviewed to identify the training needs of the department.
2. All sworn officers shall complete an Emergency Driving Course at least every three years where their job assignment requires emergency response.

##### **B. Reporting and Investigating Motor Vehicle Crashes and Injuries.**

1. Unless incapacitated, employees are responsible for immediately notifying dispatch or their supervisor of any motor vehicle crashes and any personal injury sustained while on duty.
2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. The supervisor will also conduct an investigation and complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury.
3. Where feasible, the supervisor, any crash investigators, and the involved officer(s) shall file reports on departmentally approved forms within 24 hours of a crash or injury occurrence.
4. The officer shall prepare a memorandum to the Chief that shall include the following information:
  - a. Details of the crash or injury and contributory factors to the crash or injury.
  - b. Statements of witnesses.
  - c. Name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.

- d. A statement as to whether the supervisor believed the member's injury or crash was "preventable" or "non-preventable" as defined by this policy with documentation supporting those conclusions.
  - e. Any recommendations that would help prevent similar crashes in the future.
5. The officer shall write a memo to the supervisor, to explain the circumstances of the accident, and to be forwarded through the chain of command

C. Accident Review and Remedial Action

- 1. The supervisor will review the accident and make a determination as to whether the report is correct. They shall compile a packet of all relevant information, including a video if one is available, and forward it to the SFDRICISD Chief of Police.
- 2. The Chief of Police shall meet with the Superintendent to assist him in reviewing the accident and making a determination as to remedial action if the officer is at fault.
- 3. In addition to any other disciplinary measures taken by the department for a violation of policy, members of the department may be required to comply with the following.
  - a. Employees of the department who have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or other corrective measures. In addition they may be subject to written counseling or disciplinary action including reprimand, suspension, or in serious cases termination.
  - b. If an employee of the department has two or more preventable vehicle crashes within a 12 month period, they may be placed on non-driving status for a period of six months, in addition to completing any necessary training. In addition they may be subject to disciplinary action including reprimand or suspension and placed on probation.
  - c. If an employee has three or more preventable vehicle crashes in a 24 month period, they may be placed in a non-driving status for up to one year or subject to disciplinary action including but not limited to suspension, probation or termination.
  - d. Members of the department who have repeated preventable injuries may be terminated due to inability to perform basic job functions in a safe manner.
  - e. Additional driver training may also be considered.

- D. Annually the Chief of Police shall conduct an analysis of all accidents and injuries and make any recommendations for training, equipment or policy changes needed to reduce employee motor vehicle accidents or personal injuries. The report with its

recommendations will be forwarded to the Superintendent for review and any action necessary.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.7 Court Appearance</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

## I. POLICY

The success of a criminal prosecution is determined not only by the quality and quantity of evidence but by the manner in which it is presented by law enforcement officers in a court of law. An officer's appearance, demeanor, attitude, and ability to testify in a fair and professional manner are essential. Therefore, it is the policy of the SFDR Consolidated Independent School District Police Department that officers provide competent and professional testimony by adherence to court scheduling, preparation, appearance, and testimony guidelines provided herein.

## II. PURPOSE

It is the purpose of this policy to provide officers with guidelines for scheduling, preparing for, and testifying in criminal court cases.

## III. PROCEDURES

### A. Subpoenas

1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action. This department shall establish a system of accountability for subpoenas from point of receipt from the court to point of officer testimony. This includes but is not limited to:
  - a. recording the receipt of subpoenas to include date received, court date and time, defendant's or case name, officer's name, and date executed and returned to the court;
  - b. recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, served, and returned to the court authority; and
  - c. ensuring that notification is made as soon as possible to the designated court authority when officers cannot be served in accordance with established time frames or cannot appear on the designated court date.
2. Officers served subpoenas or given other official notice to appear before a criminal court by means other than the foregoing are responsible for complying with this

directive and for providing agency notification as soon as possible of the need for appearance. Such subpoenas shall be recorded in a manner consistent with this policy.

3. Officers who are served with a subpoena shall immediately notify their supervisor and provide the supervisor with a copy.
4. Officers may request to be placed on standby for court, but standby can only be granted by the prosecutor. The officer shall notify their supervisor if they are placed on standby.
5. Notice to appear in court shall be considered served if the notice is received by email, fax, or by being placed in the mailbox of the officer. Notice can be received by other members of the department and forwarded to the indicated officer. Members of the department are responsible for regularly checking their department email and mailbox.
6. Notice shall also be considered served if the officer is contacted by telephone by the prosecutor's office, or any member of the department who advises them of the details of the notice. Officers shall immediately notify their supervisor of any email, fax, mail, or telephonic notification.
7. Notice of appearance for court does not have to consist of an official subpoena or document, but only notice from the prosecutor, clerk, court, or department, that their appearance is required for court.

#### B. Preparation for Trial

1. Officers shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever needed.
2. Officers shall be familiar with the basic rules of evidence and shall seek clarification of any legal issues that may arise during the trial prior to court appearance.
3. Prior to trial, officers designated for court appearance shall review case documentation to ensure that they are completely familiar with the facts involved. In addition, officers shall provide all reasonable assistance necessary to or requested by the prosecution to ensure that necessary evidence will be available at trial.
4. In pretrial conferences with the prosecutor, officers are responsible for providing all information relevant to the case even though it may appear beneficial to the defendant. No detail should be considered too inconsequential to reveal or discuss.
5. If an officer is subpoenaed by the defense in any case, the officer shall immediately notify the Chief of Police and the prosecutor assigned to the case.

#### C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by the Department and in accordance with established means of calculation.
2. Compensation shall be paid only when officers comply with procedures established by this department for court appearance, including but not limited to supervisory notification/approval and adherence to documentation procedures for overtime pay, if applicable.
3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's division lieutenant and may be referred for disciplinary review.
4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
5. Officers shall appear in court in either their uniform or in business attire.
6. Officers shall silence cell phones and turn off radios while in court.
7. When testifying, officers shall:
  - a. restrict remarks to that which is known or believed to be the truth;
  - b. speak naturally and calmly in a clearly audible tone of voice;
  - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms; and display a courteous attitude and maintain self-control and composure.
  - d. not volunteer unsolicited information and answer only the questions asked by the appropriate attorney or judge.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.8 Use of Social Media</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

Social media provides a new and potentially valuable means of assisting the SFDR Consolidated Independent School District Police Department and its personnel in meeting community outreach, problem-solving, investigations, crime prevention, and related objectives. The SFDR Consolidated Independent School District Police Department and the SFDR Consolidated Independent School District support and utilize the secure and appropriate use of social media to enhance communication, collaboration, and information exchange.

The SFDR Consolidated Independent School District Police Department also recognizes the role that these tools play in the personal lives of department personnel. Because the improper use of social media platforms by employees may impact department and/or District operations, the department provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel. These policies and procedures apply to all personnel including sworn and non-sworn employees, and any volunteers working with the department.

**II. PURPOSE**

This policy establishes guidance on the management, administration and oversight of social media. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

**III. DEFINITIONS**

- a. *Blog*: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”
- b. *Page*: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

- c. *Post*: Content an individual shares on a social media site or the act of publishing content on a site.
- d. *Profile*: Information that a user provides about himself or herself on a social networking site.
- e. *Social Media*: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Nixle), photo- and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
- f. *Social Networks*: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- g. *Speech*: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- h. *Web 2.0*: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- i. *Wiki*: Web page(s) that can be edited collaboratively.

#### **IV. DEPARTMENT SPONSORED SOCIAL MEDIA**

1. Requirements for Department Sponsored Public Social Media Sites
  - a. The District's PIO is responsible for the management, posting, and monitoring of the department's public social media network sites.
  - b. No social media platform will be utilized by the department without the express approval of the Superintendent.
  - c. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.
  - d. Where possible, the page(s) should link to the department's official website.
  - e. Social media content shall adhere to applicable laws, regulations, and policies.
  - f. Content is subject to open government laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and



retrieved to comply with open government laws, records retention laws, and e-discovery laws and policies.

- g. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the SFDR Consolidated Independent School District or its Board of Trustees.
- h. Pages shall clearly indicate that posted comments will be monitored and that the SFDR Consolidated Independent School District reserves the right to remove any posting if it violates the District's lawful standards for social media use.
- i. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

## 2. Operation of Department Sponsored Public Social Media Sites

- a. Department personnel approved by the SFDR Consolidated Independent School District Superintendent to post to social media outlets shall do the following:
  - i. Conduct themselves at all times as representatives of the SFDR Consolidated Independent School District and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
  - ii. Identify themselves as a member of the SFDR Consolidated Independent School District.
  - iii. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
  - iv. Not conduct political activities or private business.
  - v. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is strictly prohibited.
  - vi. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## 3. Uses of Departmental Sponsored Social Media Sites

- a. Social media can be used to make time-sensitive notifications related to District and/or department business such as:

- i. special events,
  - ii. weather emergencies, and
  - iii. missing or endangered persons.
- b. Social media is a valuable investigative tool when seeking evidence or information about
- i. missing persons;
  - ii. wanted persons;
  - iii. gang participation; and
  - iv. crimes perpetrated online and photos or videos of a crime posted by a participant or observer.
- c. Social media can be used for community outreach and engagement by
- i. providing crime prevention tips;
  - ii. offering online-reporting opportunities;
  - iii. sharing crime maps and data; and
  - iv. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
- d. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
- e. Background Investigations
- i. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
  - ii. Search methods shall not involve techniques that are a violation of existing law.
  - iii. Vetting techniques shall be applied uniformly to all candidates.
  - iv. Every effort must be made to validate Internet-based information considered during the hiring process.
4. Use of Covert Social Media Sites for Investigative Operations
- a. Covert or undercover Social Media sites are exempt from the requirements of sections 1, 2, and 3 above.
  - b. Only the Chief of Police may approve the use of any covert or undercover Social Media site or postings to other Social Media sites for undercover investigative operations. A supervisor will be assigned to monitor the operation of the investigation.
  - c. Prior to operating any Covert or Investigative Social Media site, or posting to other social media sites for purposes of a covert or undercover investigation, the supervisor shall make contact with the Superintendent, prosecuting attorney

and/or the District's attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government and records retention requirements.

## V. PERSONAL USE OF SOCIAL MEDIA

1. Precautions and Prohibitions
  - a. Barring state law or binding employment contracts to the contrary, SFDR Consolidated Independent School District Police Department personnel shall abide by the following when using social media.
    - i. Members of the SFDR Consolidated Independent School District Police Department may not access social networking or social media sites through the use of department provided information systems--unless authorized to do so on behalf of the department or during the course of an investigation.
    - ii. While on duty, employees may only use personal communications devices to access social networking sites strictly during **authorized** meal breaks, provided such usage does not in any way interfere with the performance of job duties. Employees are prohibited from authoring posts on a social networking site at any time while on-duty even during meal breaks.
    - iii. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or assisting agency is absolutely prohibited without the approval of the Chief of Police.
    - iv. All matters of, by, within, and about SFDR Consolidated Independent School District Police Department details regarding calls for service, and the customers we interact with, are generally considered confidential information which may not be released, blogged about, posted, or otherwise shared outside the department without prior authorization, without it having been obtained through an official open records request, or without the information already being in the public realm [already otherwise released officially].
    - v. Department personnel are free to express themselves as private citizens on social media sites as permitted by applicable law and to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the employee or the department.
    - vi. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—may not be protected

speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.

- vii. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
- viii. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police.
- ix. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
  - 1. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
  - 2. Personnel are reminded that many individuals that we contact in our profession become angry and on occasion seek revenge for official actions taken. Employees are encouraged not to post any information that could be used to identify the employee's residence, vehicle or family members.
- x. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
  - 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
  - 2. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
  - 3. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination.

4. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
5. Department personnel should be aware that they may be subject to civil litigation for:
  - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- xi. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- xii. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
- xiii. Department personnel are reminded that the department policies and conduct expectations apply to on-line activities. There should be no expectation of privacy for items or activities conducted on-line.
- xiv. Department personnel should avoid posting planned absences away from their residences, shift schedules, vacation dates and destinations of travel for safety reasons.

## 2. Monitoring of Social Media

- a. The Chief of Police may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.

- b. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of any provision of this policy shall notify his or her supervisor immediately for follow-up action.
- c. No supervisor or member of the department below the rank of Chief of Police is authorized to cancel, modify or make exceptions to the contents of this order at any time.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 2.9 Brady Rule</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

The United States Supreme Court held in *Brady v. Maryland*, 373 U.S. 83 (1963), commonly called the Brady Rule, that the prosecution has an affirmative duty to disclose to the defendant evidence, including evidence that may be used to impeach officers and other witnesses, discovered during the investigation which is both favorable and material to the guilt and/or punishment of the defendant. Furthermore, effective January 1, 2014, the "Michael Morton Act" codifies the Brady Rule under Article 39.14 of the Texas Code of Criminal Procedure. Therefore, it is the policy of the SFDR Consolidated Independent School District Police Department to comply with these rules and to train its officers in the legal aspects of the Brady Rule.

**II. PURPOSE**

The purpose of this policy is to establish the recommended department training, documentation, and process for releasing Brady material related to criminal and/or internal investigations; establish processes for releasing potentially exculpatory information (known as Brady material), contained within confidential peace officer personnel files; and establish requirements for compliance with Brady legal requirements, policies and protocols in terms of employment.

**III. DEFINITIONS**

*Exculpatory Evidence* - Evidence, such as a statement, tending to negate, excuse, justify, or absolve the alleged fault or guilt of a defendant, or would tend to reduce the punishment for the offense charged.

*Officer* - Any sworn officer commissioned by the SFDR Consolidated Independent School District Police Department.

*Brady Rule* - The Brady Rule, named for *Brady v. Maryland*, 373 U.S. 83 (1963), requires prosecutors to disclose materially exculpatory evidence in the government's possession to the defense, not known to the defense, favorable to the accused, and material to the defense.

*Brady Material* - Evidence the prosecutor is required to disclose under the Brady Rule and includes any evidence favorable to the accused; evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness.

*In camera hearing/review* - Latin for "in chambers." A legal proceeding is in camera when a hearing is held before the judge in private chambers or when the public is excluded from the courtroom.

#### **IV. RELEASE OF BRADY MATERIAL – Criminal Investigations**

- A. Officers are required to complete written documentation of material information, including exculpatory evidence that might be used to impeach officers and other witnesses, discovered during an investigation.
- B. Written documentation includes department incident reports, memorandums, electronic messages, case notes and any documents related to the investigation.
- C. The written documentation shall be a part of the criminal investigation case file, including the electronic file with any scanned documents.
- D. When there is no SFDRCID Police Department incident report, the written documentation of the information to a prosecutor shall include the name of the prosecutor and the date information was turned over to the prosecutor.
- E. Officers are required to secure as evidence any recordings (audio and/or visual) made and considered to be material information, including exculpatory evidence that might be used to impeach officers and other witnesses, discovered during an investigation and to complete evidence processing to preserve and maintain custody of any recording(s).
- F. Recordings must be preserved as evidence in a retrievable format.
- G. The department incident report shall document the existence of the recording, the steps taken to preserve the recording as evidence, the entry of the recording into evidence, and a brief summary of the contents of the recording.

#### **V. RELEASE OF BRADY MATERIAL – Administrative Investigations**

- A. Absent a specific investigation of an identified officer(s) or a specific investigation of the police department, or the consent of an involved officer, no confidential information from any officer's personnel file shall be released to the prosecuting attorney or Grand Jury without full compliance with the court process.
- B. Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the prosecuting attorney or the criminal



defendant shall be limited to that which is authorized by the process set forth in court and evidentiary rules.

C. Procedure for review and release of any officer's personnel file.

A person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant).

If Brady material is located, the following procedure will apply:

1. The prosecuting attorney shall be notified of the potential presence of Brady material in the officer's personnel file by the Chief of Police or a designee appointed by the Chief of Police.
  2. The generally accepted practice is for a prosecuting attorney to file a Brady motion in the case to seek an in camera review by the court to determine if the personnel files contain Brady material. In response to a Brady motion, the Chief of Police or the authorized designee shall deliver all relevant personnel files to the judge for an in camera review and shall be available to address any issues or questions raised by the court in determining whether any material contained in the file is both material and favorable to the criminal defendant.
  3. The court will determine if the personnel files contain Brady material that must be provided to the defense.
- D. If the court determines there is relevant Brady material contained in the files, only the material ordered released will be copied and released to the parties pursuant to the court's order following a Brady motion.
- E. Prior to the release of any materials pursuant to this process, the Chief of Police or the authorized designee should forward the request or Brady motion to the District or County Attorney to evaluate the need for a protective order from the court limiting the use of such materials to the involved cases and requiring return of all copies upon completion of the case.
- F. Reporting of Brady material to the State's attorney upon conclusion of an internal investigation resulting in disciplinary action will be done as follows:
1. The Chief of Police or the authorized designee will provide in writing a summary of the incident and resulting disciplinary action taken to the 63rd Judicial District Attorney and the Val Verde County Attorney's Office in cases where potential Brady material exists.
  2. Any information turned over requires a signed acknowledgement from the prosecutor's office for the reception of such materials from the SFDR Consolidated Independent School District Police Department.

## **VI. COMPLIANCE BY OFFICERS**

- A. The SFDR Consolidated Independent School District Police Department has determined that testifying in a court proceeding is a critical job function for police officers.
- B. An officer or employee may be terminated from employment if the prosecutor's office decides misconduct on the officer or employee's part constitutes impeachment evidence that must be turned over to the defense and renders the officer or employee unusable as a witness even if the misconduct itself does not warrant termination.
- C. Failure to comply can also result in the filing of a civil rights violation by defendants under 42 USC 1983, against the individual officer.
- D. An officer or employee must promptly disclose to the prosecutor's office discovery or existence of any exculpatory, impeaching, or mitigating document, item or information required to be disclosed under the Brady Rule. This duty applies before, during, and after trial.

## **VII. TRAINING ON BRADY RULE**

- A. The SFDR Consolidated Independent School District Police Department will provide instruction on the Brady rule and the requirement for all sworn personnel and personnel in positions affecting the handling of evidence and police records.
- B. The instruction will include the following:
  - 1. Explanation of the Brady rule and exculpatory evidence
  - 2. Department policy and procedures for handling exculpatory evidence
  - 3. Compliance requirements for the Brady rule and employment by the department
  - 4. Legal consequences for failure to comply (termination, criminal charges, civil rights violations, etc.)
  - 5. Employee misconduct that may affect the employee's ability to testify and result in termination

<b>S.F.D.R. C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 3.1 Basic Training Requirements</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 1.09, 3.05, 3.06, 3.07, 3.08, 3.09, 3.18, and 8.11.	

## I. POLICY

Today's society is both multi-faceted and complex. In order to provide effective law enforcement services it is imperative that officers as well as non-sworn employees have the training necessary to accomplish their mission. The SFDR Consolidated Independent School District Police Department is committed to providing the training necessary to meet and exceed State requirements and contribute to employee's career goals.

## II. PURPOSE

To provide members of the department with details of the training required by the department and their responsibilities with regard to maintaining that training.

## III. REQUIRED TRAINING

### A. Basic Training

1. Sworn members of the department are required to have a Peace Officer license issued by the Texas Commission on Law Enforcement. This license currently requires officers to attend a Basic Peace Officers course and pass a Commission Licensing Examination. Officers must possess their Peace Officer License prior to performing any law enforcement duty or function. (TBP: 1.09)
2. Previously licensed officers who apply for employment must have their license in good standing, all in-service training completed or the ability to complete in-service requirements prior to the end of the Commission training cycle which ends August 31, of odd numbered years.
3. In addition to training required for licensing, all sworn officers and reserves will complete the National Incident Management System training, appropriate for their rank, prior to completion of field training, or prior to completion of promotional probation in the event of promotion to a higher rank. (TBP: 8.11)

## B. Field Training

1. All sworn members of the Department are required to complete the department's Field Training Program as outlined in Policy 3.2 within the time period specified.
2. Officers with prior experience may qualify for an expedited Field Training Program if they are able to demonstrate proficiency in all required areas.

## C. In-service training (TBP: 3.06)

1. All sworn personnel of the department shall, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include:
  - a. A review of changes or revisions in the State Law.
  - b. Specialized training required at the direction of the Chief of Police or the Commission based on assignment.
  - c. Supervisory training.
  - d. Policies and procedures.
  - e. Hands-on arrest and defensive tactics training.
  - f. Firearms training and qualifications.
  - g. Training required by the legislature during each two or four year training cycle.
2. Sworn personnel are responsible for obtaining the training necessary to maintain their license and any special certifications they may hold. The department will provide officers with the training or provide the time and funding necessary to obtain the training. Much of the required training can be obtained on-line from the Commission website.
3. Reserve Officers will meet the same in-service training requirements as regular officers. (TBP: 3.07)

## D. Supervisory Training (TBP: 3.09)

All employees, sworn or non-sworn, when promoted to any supervisory rank will be provided supervisory training appropriate to their rank and position within 12 months of their promotion.

## E. Civilian personnel (TBP: 3.08)

1. All newly-appointed civilian personnel will receive the following training from the Chief or his designee:
  - a. Orientation to the department's role, purpose, goals, policies, and procedures.
  - b. Working conditions, rules, and regulations.
  - c. Responsibilities and rights of employees.
2. Records personnel or personnel assigned to records processing will complete a course in State Open Records and Records Retention within 180 days of hire.
3. Any other non-sworn personnel who have state required or job specific training will be provided that training either prior to job assignment or within 180 days of assignment.

#### **IV. TRAINING EXPECTATIONS**

##### **A. Attendance**

Personnel are expected to attend any assigned training programs. Attendance will be documented either by the instructor or in cases where the training is at a location other than the department, documentation will be furnished by those responsible for the training. There are cases where attendance at a training program may be excused, such as for court appearance or sickness. Any absence must be properly excused by the administrators of the program. Any time lost must be made up before any certificate of completion is issued. Certificates will be issued to those employees who complete any training program. Employees shall provide a copy of any certificates to the department for inclusion in the employee's training file.

##### **B. Expenses**

With the exception of paper and pencils or pens, all expenses incurred by department personnel as a result of required training will be reimbursed based on actual expense (receipts must be provided) or in the case of mileage where personnel are required to use their personal vehicles, the rate will be the current IRS mileage rate.

#### **V. DEPARTMENTAL TRAINING**

##### **A. Performance-based training**

The Texas Commission on Law Enforcement requires performance-based training. This method of training requires the development of performance objectives. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. This approach also enables the

instructors to relate training directly to the job performance that will be expected by supervisors. An employee who develops an outline for instruction of a topic must develop objectives which:

1. Focus on the elements of the job-task analysis for which training is needed.
2. Provide clear statements of what is to be learned.
3. Provide the basis for evaluating the participants.
4. Provide the basis for evaluating the effectiveness of the training program.

#### B. Lesson plans

1. Lesson plans are required for all training courses conducted, sponsored, or reported by the department. It is the responsibility of the individual instructor, whether a member of the department or not, to provide the Chief or designee, with a copy of the lesson plan for approval before each class. A copy of the lesson plan will be maintained along with rosters of personnel attending the training.
2. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationships to the job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include:
  - a. Conferences (debate, discussion groups, panels and seminars).
  - b. Field experiences (field trips, interviews, operational experiences and observations).
  - c. Presentations (lectures, lecture-discussion, lecture-demonstration).
  - d. Problem investigations (committee inquiry, critical incidents).
  - e. Simulations (case study, simulation, games, and role-play).

#### C. Instructors

1. Instructors for all department training programs shall:
  - a. Have a minimum of two years law-enforcement experience, or
  - b. Have completed a TCOLE instructor's course and be certified as an instructor, or
  - c. Possess a demonstrated skill or be a subject matter expert in an area of instruction, or

- d. Be knowledgeable of teaching theories, methods, and practices and have some knowledge of law-enforcement practices.
2. Instructors enlisted from outside the department shall be approved by the Chief or designee. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for lesson plans as previously stated. Any compensation will be determined by the Chief of Police and the District Finance Office.
3. Before being allowed to instruct any state-mandated courses at the department, instructors shall receive, at a minimum, training in:
  - a. Lesson plan development.
  - b. Development of performance objectives.
  - c. Instructional techniques.
  - d. Learning theory.
  - e. Testing and evaluation techniques.
  - f. Resources.
4. Normally, officers selected and trained as instructors in a particular subject will be expected to teach it when needed for a minimum of two years.

## **VI. REMEDIAL TRAINING**

- A. Remedial training is directed at solving or curing a particular problem or improving performance in a particular area, within a designated time and with clearly defined, expected results.
- B. Remedial training may be assigned as a result of discipline or counseling.

## **VII. TRAINING RECORDS (TBP: 3.05)**

- A. Training records
  1. The Chief of Police, or his designee, shall maintain, a training record for each employee which includes:
    - a. The date of training.

- b. The type and hours of training received.
- c. A copy of any certificate received.

The Commission's TCLEDDS will be used for sworn members of the department. Non-sworn members will have a separate file maintained.

- 2. The Chief, or designee, shall maintain files on all in-house training courses or presentations, including:
  - a. Course content (lesson plans).
  - b. Personnel attending.
  - c. Any performance measures as ascertained through tests or demonstrations.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 3.2 Field Training</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 3.12, 3.13, 3.14, 3.15, and 3.16	

## I. POLICY

It is the policy of the SFDR Consolidated Independent School District Police Department that all employees receive such training as mandated by the State and adequate additional instruction in all areas required for the proper performance of their specific job tasks.

Officers receive their basic peace officer training in an academy setting. While this training is essential to the making of a competent police officer, additional training is needed to familiarize any officer, regardless of prior experience, with the operational policies, procedures, and practices of this department and this community.

This training takes place during a Field Training Program. Experienced officers who have been trained as Field Training Officers are used to instruct new officers to ensure that our officers are trained and capable of performing their duties.

## II. PURPOSE

The purpose of this order is to define the procedures to be used in the Field Training Program.

## III. PROCEDURES

### A. Organization and Administration

The authority and responsibility for the initial training of sworn officers shall be vested in the Field Training Program Supervisor of the SFDR CISD Police Department.

### B. Field Training Program Requirements

1. Newly hired officers are required to complete an eight week Field Training Program prior to being released for full field duty. (TBP: 3.12c)
2. Newly hired officers shall be given an orientation of the Field Training Officer program, daily training reports, evaluation forms and the Field Training Officer Manual.

3. Newly hired officers who have at least two years prior service as a sworn officer may complete a more abbreviated Field Training Program as determined by the Field Training Administrator. (TBP: 3.12d)
  4. During the Field Training Program, the new officer shall receive additional training and evaluations in such areas as department policy, procedures, rules, regulations, patrol procedures, first aid, and victim/witness rights, etc., as outlined in the SFDR Consolidated Independent School District Police Department Field Training Manual.
    - a. The Field Training Program shall identify the tasks most frequently performed by officers and evaluate the new officer's job performance in those dimensions.
    - b. Standardized evaluation techniques designed to measure the new officer's competency in the required skills, knowledge, and abilities shall be used.
    - c. New officers training will be documented daily by their Field Training Officer and the Daily Training Reports will be discussed with the new officer. The new officer and FTO will sign the Training Reports and they will be included in the FTO Manual for filing. If the new officer disagrees with any comments or ratings, the new officer may note the disagreement on the form and request a review of the report by the Field Training Administrator. (TBP: 3.15)
  5. The field training period may be extended when the performance of the new officer indicates additional training is needed, as indicated in the evaluation reports completed by their (FTOs) Field Training Officers.
  6. New employees shall be informed of the activities and actions involved in the accreditation process as part of their orientation period with the department.
  7. The Field Training Administrator will maintain communication with the FTOs for the purpose of assisting with training problems and for conducting end of week and end of phase training at the termination of the training. The Field Training Administrator will maintain responsibility for the training files containing the FTO Training Reports.
  8. New employees shall maintain a Field Training Officer Program Workbook where all their training will be documented on a daily basis.
  9. The Field Training Administrator will review the Field Training Officer Workbook on a regular basis during the program, identify training deficiencies and make sure the Officer receives training in those areas.
- C. Field Training Officer Selection and Training
1. The Chief will review prior performance evaluations, activity levels, any complaints and commendations as well as advanced training. The Chief will interview potential candidates and make a determination based on the best interests of the department. Selection of Field Training Officers will be based on the best officers available for the assignment and those that represent the true mission and values of the department. (TBP: 3.12a)

2. FTO Training. All officers assigned as FTOs will successfully complete an approved training program that meets TCOLE standards prior to receiving assignment as an FTO. All officers assigned as FTOs will receive FTO orientation training conducted by the Field Training Administrator. (TBP: 3.13)
3. FTOs training effectiveness shall be evaluated by their immediate supervisor and Field Training Administrator.
4. FTOs shall conduct their training and make required reports and recruit evaluations as outlined in the Field Training Officer's manual.
5. New officers and lateral sworn officers shall evaluate each FTO from which they have received training after completion of each phase in the FTO program. This shall be accomplished in writing, as outlined in the FTO Manual, utilizing the appropriate form.

#### D. Periodic Program Review

1. Each January, the Field Training Administrator will meet with all Field Training Officers to review the effectiveness of the FTO Program and determine if any changes are required. (TBP: 3.14)
2. A memorandum that documents the findings of this meeting shall be forwarded to the Chief of Police for any action required.

<b>S.F.D.R. C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.1 Hiring and Selection</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> 2.23, 3.17, 4.01, 4.02, 4.03, and 4.04.	

## I. POLICY

The SFDR Consolidated Independent School District Police Department strives to obtain the best law-enforcement officers possible to help achieve the department's policing goals. To that end, the department shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, national origin, sexual orientation, or age. The department does not discriminate against people with disabilities and affords them the same access to employment provided to all persons. All personnel who participate in screening and hiring applicants shall be guided by fairness, equal opportunity, and consistency in applying the procedures set forth in this order.

## II. PURPOSE

The purpose of this order is to outline minimum hiring requirements and selection process for police officers and non-sworn members of the department.

## III. DEFINITIONS

- A. *Disability* - A physical or mental impairment that substantially limits one or more of the major life activities.
- B. *Good moral character* - The attributes of a prospective employee that enhance his or her value to the department and the goals of community-oriented policing which include honesty, integrity, truthfulness, obedience to the oath of office and the code of ethics, respect for authority, and respect for the rights of others
- C. *Separation from the Department* - Any Sworn or Non-Sworn employee, who has lost their position in the department because they turned in a letter of resignation, accepted a grant position and the position was terminated, resigned from the department or their employment was terminated.

## IV. QUALIFICATIONS FOR EMPLOYMENT

- A. The minimum qualifications that all applicants for the position of police officer must meet include the following:

B. Must have attended a basic peace officer academy, have successfully passed the basic exam, and hold a peace officer license issued by the Texas Commission on Law Enforcement. The license must be current before hiring.

1. Age 21 or older
2. High school graduate or GED
3. Pass a background investigation which includes the following:
  - a. Personal and family history;
  - b. Credit history, including current creditors;
  - c. Education, including all schools attended and degrees or certificates obtained;
  - d. All residences for the past ten years;
  - e. Comprehensive employment history;
  - f. A fingerprint-based criminal history search, including all arrests, locations, dates, and dispositions;
  - g. Traffic summonses and accidents, and
4. Perform satisfactorily on an oral interview.
5. Pass a psychological exam, and drug screening.
6. Be of good moral character.
  - a. Good moral character is determined by a favorable report following the comprehensive background investigation. The interview shall be employed to help evaluate good moral character. Good moral character ensures compatibility with the department's community-oriented policing goals.
7. Any other standards set by law or by policy of the Texas Commission on Law Enforcement and the District.

#### V. **DISQUALIFIERS FOR EMPLOYMENT**

The following are absolute disqualifiers for employment as a sworn officer.

1. Arrest, conviction, or admission of any felony or Class A misdemeanor.
2. Arrest or conviction of any class B misdemeanor in the past 10 years.
3. Admission of any illegal drug use within the past 5 years, or use of marijuana within the past two years.
4. Conviction of family violence.
5. Dishonorable discharge from a branch of the military.
6. Dishonorable discharge from another law enforcement agency

#### VI. **APPLICATION PROCESS FOR SWORN**

A. The applicant must complete the following:

1. Complete an online application and personal history statement and submit it to the Chief of Police or designee. Copies of the following documents will also be submitted:
  - a. Social Security card.
  - b. Birth certificate
  - c. Valid Texas Driver's license
  - d. High School diploma or GED certificate.
  - e. Sealed original certified copy of High School transcript.
  - f. Sealed original certified copy of college transcript, if applicable.
  - g. College diploma, if applicable.
  - h. Texas Peace Officer license and all training certificates
  - i. Military DD-214 if applicable.
  - j. Original certified copy of your Naturalization papers, if applicable.
  - k. Current proof of automobile liability insurance.
  - l. Copy of recent credit report (last 3 months)
2. Arrange with the Chief of Police or designee to take the written test and appear for other selection process steps.

#### **VII. SELECTION PROCESS FOR SWORN (TBP: 4.01)**

- A. The Chief of Police will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief of Police will conduct a preliminary review of the candidate and schedule appropriate testing. If no opening exists, the application will be placed in a file to await an opening. When an opening occurs, the applicant will be contacted to determine if they are still interested in the position.
- B. The employee assigned to conduct a preliminary review of the applicant shall perform the following:
  1. Obtain the applicant's driving record from DPS.
  2. Have the applicant sign information release forms.
  3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities.
  4. Obtain an NCIC/TCIC criminal history check.
- C. Before a conditional offer of employment is made, the Chief of Police will review the background investigation and may question the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. He shall also schedule the applicant for any further testing. (TBP: 4.03)

- D. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the department's established procedures. The background shall specifically include contact with all former law enforcement employers. (TBP: 3.17)
- E. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.
  - 1. Following a medical examination, an offer of employment may be withdrawn if the applicant is incapable of performing the core job functions for the position or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced... through reasonable accommodation"). The Chief must base the threat on medical knowledge, not just speculation.
- F. If the individual is approved for hire, the Chief will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the conditional offer of employment has been withdrawn and the reason stated plainly.
- G. Unsuccessful applicants, that do not have permanent disqualifiers, may reapply after one year from the date of last application if a vacancy exists.
- H. Lateral entry.
  - 1. A licensed officer from another Texas agency must complete the same process as those set forth above.

### **VIII. APPLICATION PROCESS FOR NON-SWORN**

- A. The applicant must complete the following for all positions within the Police Department:
  - 1. Complete an online application and personal history statement and submit it to the Chief of Police or designee. Copies of the following documents will also be submitted:
    - a. Social Security card.
    - b. Birth certificate
    - c. Valid Texas Driver's license
    - d. High School diploma or GED certificate.
    - e. Sealed original certified copy of High School transcript.
    - f. Sealed original certified copy of college transcript, if applicable.
    - g. College diploma, if applicable.
    - h. Military DD-214 if applicable.
    - i. Original certified copy of your Naturalization papers, if applicable.
    - j. Current proof of automobile liability insurance.
    - k. Copy of recent credit report (last 3 months)

2. Arrange with the Chief of Police or designee to take any written test if required and appear for other selection process steps.

#### **IX. SELECTION PROCESS FOR NON SWORN (TBP: 4.01)**

- A. The Chief of Police or designee will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief assigns an officer to conduct a preliminary review of the candidate. If no opening exists, the application will be placed in a file to await an opening. When an opening occurs, the applicant may be contacted to determine if they are still interested in the position.
- B. The employee assigned to conduct a preliminary review of the applicant shall perform the following:
  1. Obtain the applicant's driving record from DPS.
  2. Have the applicant sign information release forms.
  3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities.
  4. Obtain an NCIC/TCIC criminal history check.
  5. Conduct any job specific testing required such as:  
Typing Test, etc..
- C. The Chief of Police will meet with the applicant who best meets the needs of the department and conduct a detailed interview with the candidate or schedule an interview panel. During the interview, the Chief of Police or the interview panel shall consider the applicant's appearance (for neatness and cleanliness), mannerisms, judgment, maturity, resourcefulness, and compatibility with departmental goals. The Offer of Employment made to any successful applicant is conditional upon passing:
  1. A background investigation
  2. A drug screen ( if applicable)
- D. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The officer will then conduct a detailed background investigation in accordance with the department's established procedures. He shall also schedule the applicant for the necessary medical testing. (TBP: 4.03)



- E. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the department's established procedures. (TBP: 3.17)
- F. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.
- G. Following a medical examination, an offer of employment may be withdrawn if the applicant cannot perform the core job functions or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced . . . through reasonable accommodation"). The Chief must base the threat on medical knowledge, not just speculation.
- H. If the individual is approved for hire, the Chief will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the conditional offer of employment has been withdrawn and the reason stated plainly.

## **X. PERSONNEL RECORDS**

- A. For each employee, the SFDR Consolidated Independent School District PD maintains a personnel file. This file contains the background investigation package, a copy of all forms completed during the hiring process, all evaluations, disciplinary action amounting to a written reprimand or higher, leave/attendance record, and assignments. The original of the officer's background investigation and all selection materials is sealed in an envelope in this file and is confidential. All TCOLE required documents are maintained in a separate file in the custody of a peace officer. (TBP: 2.23, 4.04)
- B. The Director of Human Resources maintains and controls all personnel records of the SFDR Consolidated Independent School District Police Department with the exception of TCOLE and training files. The department complies with the records retention schedule set by state law and District policy. (TBP: 4.04)
- C. Employees may review their records at any reasonable time upon request. The Chief may release a copy of a record from file upon obtaining a signed authorization from the employee.
- D. All personnel records are considered confidential. Supervisory or investigative personnel who have a need to review sensitive information may do so only with the express approval of the Chief of Police.
- E. Personnel records are permanent property of the SFDR Consolidated Independent School District.
- F. Officers from the department may terminate employment and seek a lateral hire with another agency. Requests for employment information on these officers shall

be referred to the Chief. The Chief shall disclose the employee's performance record consistent with current law.

- G. All records of unsuccessful applicants shall be maintained, including all test results, in a confidential file by the Chief of Police. These records are releasable to other law enforcement agencies when requested and a properly executed release form is obtained from the subject of the records. (TBP: 4.04)
- H. Photographs of sworn officers shall not be released by the department to any organization or media outlet, nor shall it be posted on any department website, or in a publicly displayed department yearbook or photograph, unless the officer has given his or her consent or signed a release to that effect. Exceptions to this prohibition include:
  - 1. If the officer is charged by indictment or information,
  - 2. If the officer's photograph is introduced in judicial proceedings.
  - 3. Photographs displayed on officer's identification cards or those maintained by Human Resources are not considered released as they are intended for internal use or to properly identify an officer if required.

#### **XI. SWORN OR NON-SWORN PERSONNEL WHO HAVE BEEN SEPARATED FROM THE DEPARTMENT**

- A. Any officer or employee who has turned in a letter of resignation is considered to have given notice of leaving the department. The Chief of Police does not have to allow the employee the option to withdraw the letter and the last day of employment will be the date stated in the letter or earlier if determined by the Chief of Police or Superintendent.
- B. Sworn and non-sworn personnel who have resigned from the department have to reapply and go through the hiring process in full if they are eligible for and re-apply for a future position in the department .
- C. Past job performance and disciplinary action may be taken into consideration when a decision is made to re-hire a sworn or non-sworn employee.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.2 Appointment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 1.09 and 2.03	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department is committed to ensuring the standards of the department are maintained and that the people of our district are served by a competent and professional police department.

The SFDR Consolidated Independent School District Police Department does not hire sworn officers unless they are graduates of a certified police academy and are qualified to hold a Peace Officer License from the Texas Commission on Law Enforcement.

**II. PURPOSE**

To provide for a systematic process for the appointment of sworn and non-sworn personnel.

**III. PROCEDURES FOR SWORN PERSONNEL**

- A. Applicants that have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full time police officers.
  - 1. The applicant will meet with the Chief of Police or designee and determine a starting date.
  - 2. All Texas Commission on Law Enforcement requirements must be met prior to a perspective officer beginning employment with the SFDR Consolidated Independent School District Police Department.
  - 3. On the day selected for employment, the applicant will report to the SFDR CISD Human Resource Office for completion of all initial paperwork and will be referred for issuance of a SFDR Consolidated Independent School District Police Department identification card.

- B. Upon completion of the initial processing, the new employee will report to the Chief of Police where they will be issued the appropriate equipment. The employee shall sign for the issued equipment.
- C. The new employee shall be issued a complete and up to date copy of the department's policy manual, field manuals, and the District Employee's Handbook.
- D. The Chief of Police shall set a time and place where the new officer shall swear the Oath of Office before a public gathering. The new officer must take and sign the Oath of Office before performing any law enforcement duties. (TBP: 2.03)
- E. The new officer shall complete an in-house orientation before being assigned to a Field Training Officer.
- F. The Chief shall also assign the new employee to a senior training officer for initial Field Training. The new employee will work the same hours and days as the Field Training Officer.

#### **IV. PROCEDURES FOR NON SWORN PERSONNEL**

- A. Applicants that have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full time employees.
  - 1. The applicant will meet with the Chief of Police and determine a starting date.
  - 2. On the day selected for employment, the applicant will report to the SFDRCID Human Resource Office for completion of all initial paperwork and will be referred to the SFDRCID Human Resource Office Police Department identification card.
- A. Upon completion of the initial processing, the new employee will report to the Chief of Police where they will be issued any necessary equipment for their job assignment. The employee shall sign for any issued equipment.
- B. The new employee shall be issued a complete and up to date copy of the department's policy manual, applicable field manuals, and the District Employees Handbook.
- C. The employee will be assigned to another employee for training as required and shall receive training in department operations, personnel rules, and departmental philosophy.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.3 Career Development, Promotions, and Transfers</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 4.06 and 4.07	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department encourages employees to seek opportunities to develop their knowledge, skills, and abilities. Promotions are based on availability and performance, longevity, and the growth of skills through training and experience are considered. Although in a small department promotion opportunities are rare, the department promotion process should be consistent and equitable.

**II. PURPOSE**

To establish guidelines for career development of employees to include training and promotions.

**III. PROCEDURES**

A. Responsibilities of the Chief of Police

1. Once annually, the employee's supervisor or the Chief of Police, will meet with each employee for career counseling. This counseling shall occur at the same time as the employee's annual performance evaluation. The counseling shall include an examination of:
  - a. The employee's performance record
  - b. A review of training programs applicable to the employee's duties
2. The Chief or designee shall ensure that at least one department employee:
  - a. Achieves and maintains certification as a firearms instructor
  - b. Receives advanced instruction in evidence collection techniques
3. The Chief shall ensure the availability of a trained armorer, either through training an employee, contracting with an armorer in another jurisdiction, or contracting with a private armorer.

The armorer shall inspect all firearms and ammunition at least annually for safety and reliability. The armorer shall also repair broken or malfunctioning weapons.

4. The Chief of Police shall ensure that any employee, upon receiving a promotion or a new assignment, attend training specific to that position within 12 months of assignment.

#### B. Promotions (TBP: 4.06)

1. When a vacancy exists for the position of corporal/detective, sergeant, or lieutenant, the Chief of Police shall post a notice for the position, the qualifications required, and a description of the selection process to be used for a minimum of ten days prior to any selection process. During that time, officers may request, in writing, consideration for the position.

#### C. Eligibility for Promotion

1. Employees must meet the following minimum requirements to be eligible for promotion to any increased level of responsibility or compensation.
2. In order to compete for corporal/detective an employee must have been employed with the SFDR Consolidated Independent School District Police Department for 2 years prior to the date the written examination will be held.
3. In order to compete for sergeant, a candidate must meet the qualifications as outlined in the job announcement for that position.
4. Performance evaluations must have an overall score of at least "fully satisfactory" for the 12 months prior to the promotional examination process.
5. The Chief of Police may also go outside the department to fill ranking positions or any other position within the Department.

#### D. Process for Promotions

1. Corporal or Sergeant
  - a. Meet eligibility;
  - b. Oral Interview Board
    - i. A panel of three commissioned officers as appointed by the Chief will comprise the oral board. The Chief of Police may appoint all three panel members to be supervisors from another department and/or include a manager from the community or elsewhere in the district who is a civilian.

- ii. The oral interview board will conduct a structured interview and score the candidates.
- iii. The scoring will be on a point scoring system.

## 2. Lieutenant

- a. Meet eligibility;
- b. Candidates must pass a background investigation and perform satisfactory before an oral interview board.
- c. Should the Chief of Police determine that an emergency situation exists that does not allow sufficient time to carry out the previously listed selection process, he or she may make their selection for the position if approved by the Superintendent.

## E. Transfers

1. Employees wishing a transfer within the department shall make a request in writing to the Chief of Police.
2. The request for transfer will be reviewed by the affected division supervisor, who will give their recommendations.
3. The transfer will be made based on the best interests of the department.
4. If the transfer involves switching positions with another employee of equal rank, that employee will need to agree to the transfer. The department can also transfer personnel based on the needs of the department.
5. If more than one employee of equal rank desires to transfer to a position, the Chief of Police will review the qualifications of the employees and will make the final decision.
6. The final decision on whether to allow a transfer rests with the Chief of Police.
7. The Chief may assign or transfer any employee to any duty assignment based on the needs of the department.
8. Some job assignments may require minimum assignment periods so that the department may sufficiently benefit from investment in specialized training or education. Minimum periods of assignment shall be determined by the Chief of Police and specified in a departmental order. The Chief of Police reserves the right to establish minimum and maximum terms of service for selected duty assignments.





deficient areas, complete the training and improve behavior or performance documented on the next period evaluation form.

4. All performance evaluations will cover a calendar year and shall be completed, signed by the employee and rating supervisor, and turned in to the Chief of Police or designee by the date specified by the Director of Human Resources.
5. All employees shall complete a self-evaluation and turn it in to their supervisor or person evaluating them prior to the evaluation being completed.
6. All evaluations shall be reviewed with the employee and forwarded to the Human Resources Director placed in employees' personnel files.
7. Officers shall be evaluated formally by their immediate supervisor.
8. An officer who receives an unsatisfactory rating he or she perceives to be unjust may appeal to the next level of the chain of command up to the Chief of Police. The officer concerned must rebut the comments or rating in writing and submit them through the chain of command to the next level.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.5 Uniforms, Appearance and Equipment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 1.11, 1.12, 2.13, 7.17, and 7.23.	

## I. POLICY

Proper uniforms and equipment are necessary to perform our law enforcement duties and present a professional image to the community we serve. It is imperative that we present a professional presence in our community to inspire that respect. All employees must strive to present a clean, well groomed image when wearing the departmental uniform or representing the SFDR Consolidated Independent School District Police Department in any manner.

## II. PURPOSE

To provide officers with a list of uniform and equipment items that are provided or required and provide a departmental dress code for all employees.

## III. UNIFORMS AND EQUIPMENT

- A. New employees shall be issued uniforms and equipment needed to perform their job function. Employees may purchase and carry additional items that are approved and authorized in writing by the Chief of Police. Employees will not wear, carry, or use any personally owned equipment without the written approval of the Chief of Police, a copy of which will be maintained in the employee's personnel file. (TBP: 1.11)
- B. Each employee must sign an inventory sheet listing all uniforms and equipment issued to the employee. The inventory sheet will be maintained in the employee's personnel file.
- C. Employees are responsible for the uniforms and equipment issued. The employee's supervisor shall ensure all departmental uniforms and equipment are returned to the department upon suspension, resignation, termination, or retirement.
- D. When an employee terminates employment, all issued equipment shall be returned prior to the day the termination is effective. Failure to return all items of District property may result in the SFDR Consolidated Independent School District taking legal action. (TBP: 1.12)

- E. Employees shall have as a part of their issued equipment a copy of the rules and regulations and general orders manual, and shall maintain and make appropriate changes or inserts as directed.
- F. With the approval of the Chief of Police, employees are allowed to purchase a flat wallet badge, after completing their probationary period.

#### **IV. UNIFORMS AND EQUIPMENT PROVIDED BY THE CITY**

- A. Uniforms and equipment provided to Police Officers by the SFDRICISD PD shall include:
  - 1. Three (3) pair of trousers
  - 2. Two (2) short-sleeved shirts and or
  - 3. Two (2) long-sleeved shirts
  - 4. One (1) shirt badge
  - 5. One (1) name plate
  - 6. One (1) raincoat
  - 7. One (1) baseball cap
  - 8. One (1) winter jacket
  - 9. One (1) set of leather gear which includes belt, holster, handcuff case, magazine pouch, flashlight holder, keepers, and radio case
  - 10. One (1) protective vest (body armor)
  - 11. One (1) traffic vest
  - 12. One (1) flashlight
  - 13. One (1) handheld radio
  - 14. One (1) set of handcuffs
  - 15. One (1) duty handgun and Three (3) magazines
- B. Uniforms and equipment that are excessively worn or damaged are replaced by the department. Employees requiring replacement should have the item inspected by the employee's supervisor and written approval for replacement obtained.
- C. With the written approval of the Chief of Police officers are allowed to purchase additional uniforms and equipment, as needed or desired. Individually purchased items may be purchased from any vendor, but must comply with current uniform or equipment standards.
- D. Uniform items and equipment meeting departmental specifications and provided by individual officers shall include:
  - 1. Black or Navy Blue Undershirts
  - 2. Black or Navy Blue Socks
  - 3. Footwear, Black leather
- E. Uniforms or civilian business attire shall be worn for all court appearances.

#### **V. PROTECTIVE VESTS (TBP: 7.23)**

- A. Body armor is purchased by the department for all sworn officers. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.
- B. Uniformed Officers, when working in field assignments, will wear departmentally-issued protective vests when on-duty or when off-duty and working law enforcement activities. Officers not working field assignments will maintain their vests where they are readily accessible in the event they are needed. Any officer participating in any search warrant execution or other high risk activity will wear protective vests.
- C. The Chief of Police may grant exceptions to this requirement during periods of extreme weather. During such periods, officers must carry their protective vests in a manner where they are immediately accessible to the officer when working in the field.
- D. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.

## **VI. REFLECTIVE VESTS**

Agency personnel are issued and shall wear the high-visibility reflective vest as soon as practical when either directing traffic or working at the scene of an accident. (TBP: 7.17)

## **VII. DEPARTMENTAL APPEARANCE REQUIREMENTS (TBP: 2.13)**

### **A. Uniform Employees**

- 1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniforms and accessories must be maintained in a clean and well pressed condition. No part of the uniform is to be worn with civilian clothing or vice-versa.
- 2. Undershirts worn with an open collar short sleeve shirt shall be dark navy or black in color. Shirrtails will be worn tucked in at all times. Employees may wear a dark navy or black turtleneck or mock turtleneck with long sleeve shirts during cold weather.
- 3. Rank Insignia - The Chief of Police will wear a star on each collar ½ inch from the front edge of the collar centered between the neckline and the bottom edge of the collar.

Employees holding the rank of lieutenant will wear one ½" bar on both collars ½ inch from the front edge of the collar centered between the neckline and the bottom edge of the collar.

Employees holding the rank of sergeant, detective, or corporal will wear embroidered chevrons approximately ¼” below the department issued shoulder patch with the single point up.

Sergeants, corporals, detectives, and patrol officers will wear the approved collar device of the same color as their badge and name plate.

4. Name Plates - Each employee, regardless of rank, will wear a departmental issued nameplate, centered above the right shirt pocket seam. The nameplate will have the officer’s last name and a first initial. Officers holding the rank of detective or higher will wear gold and the ranks of corporal and officer will wear silver.
5. Department Shirt Badges - All sworn personnel, when in the standard duty uniform, will wear their department badge, prominently displayed above the left shirt pocket.
6. Footwear - Footwear will be solid black and capable of being shined. Officers must wear solid navy blue or black socks if the socks are visible.
7. Baseball Caps- Officers are only authorized to wear baseball style caps during inclement weather or in conjunction with a utility uniform during specialized assignments or outdoor training. Winter headwear may consist of navy blue or black knit cap with no visible logos or emblems.

#### B. Award Bars or Medals

Commendation bars and medals approved for wear by the department will be worn, centered, above the nameplate on the uniform shirt. No more than three across and three up will be worn at any one time.

The wearing of commendation ribbons and medals is optional for those officers who are recipients of such awards while wearing the standard duty uniform and while assigned to standard duty assignments. The wearing of commendation ribbons and medals is mandatory for those officers who are recipients of such awards in all formal settings such as County or District Court, Honor Guard functions, Funerals, etc.

#### C. Plain Clothes Assignments (Sworn and Non-Sworn Employees)

1. With the exception of officers working in a covert or tactical capacity, clothing worn by employees in any departmental non-uniform assignment will conform with accepted business practices which include, but not be limited to:
2. Slacks, dress shirts (long or short sleeved), ties (excluding Bow ties), socks, shoes and appropriate head wear. Head wear must be appropriate to business dress attire and prior approved by the Chief or his designee. Business or sports coats are optional unless required for court or a specific event or task.

3. Socks should coordinate with the pants. White socks are prohibited unless worn with boots where the socks are hidden.
4. Footwear should be clean and polished, with heels and toes in good repair. Normal business shoes include slip-ons (loafers) or lace-ups are acceptable. Boots are acceptable, provided they are in good taste and are fashionable.
5. Female business attire will include the previously mentioned clothing and other appropriate professional attire and appropriate footwear. Flip-flops are inappropriate for either males or females.
6. If a sidearm is worn on the waist, the officers' department badge must be prominently displayed next to the sidearm.
7. All non-sworn and non-uniformed employees will wear their departmental identification card on a clip or conservative lanyard.
8. Plain clothes officers may wear a vest or jacket that readily identifies the wearer as a police officer during call-outs, specific assignments, or extra-duty assignments when appropriate.
9. Plain clothes sworn personnel are required to maintain at least one complete standard uniform at all times in case they are called upon for uniformed duties.

#### D. Special Assignments

Employees placed in special assignments including covert or undercover assignments, special events, or other special operations will wear clothing approved by the Chief of Police or supervisor of the operation.

#### E. Court Attire

Officers attending court will be in uniform or civilian clothes to include a shirt and a tie for male employees and uniform or appropriate business attire for female employees.

#### F. Physical Appearance

1. Employees shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner which would draw undue attention to the employee. Employees' makeup shall be tastefully applied. Employees' shall not appear for work needing a shave or haircut.
2. Hair length
  - a. Male employees shall wear their hair so as to present a groomed appearance. Hair will not extend past the collar at the back of the neck. Hair on the sides will not extend below the top of the ear and must be mildly tapered. Hair in the front will not extend below the middle of the forehead. Sideburns may extend no lower than

the bottom of the ear canal of the employee. They shall be of a naturally even width and shall end with a clean shaven horizontal line.

- b. Female employees shall wear their hair so as to present a groomed appearance. They shall not be restricted as to the length of their hair. However, if the hair extends below the bottom of the collar it shall be secured in a bun or ponytail. It shall not be allowed to hang into the employee's face, either in front or on the sides.

### 3. Mustaches and Beards

Not allowed.

### 4. Jewelry

- a. Female employees may wear earrings, provided they are small and tasteful in appearance. Male employees are not permitted to wear any type of earring.
- b. Employees in uniform are discouraged from wearing chains and necklaces as they could be lost or cause an injury during the performance of police activities. All necklaces must remain concealed while on duty or in uniform.
- c. Employees assigned to civilian attire may deviate from these regulations with the approval of their supervisor.
- d. To present a uniform and objectively neutral appearance to the public, non-departmental jewelry or pins shall not be worn on the uniform at any time or in plain clothes while on duty unless specifically authorized by the Chief of Police.

### 5. Personal Hygiene

Employees shall practice good personal hygiene at all times, including use of soap, water, and deodorant. Employees shall not report for work emitting an offensive body odor. A moderate amount of perfume or aftershave may be used.

### 6. Tattoos, Body Art and Piercing

While representing the SFDR Consolidated Independent School District Police Department in an official capacity, personnel may only exhibit visible tattoos, body art or branding to a limited degree. The Chief of Police has final authority to determine whether tattoos on the arms must be covered by a long sleeve shirt. The only acceptable methods for covering tattoos, body art or branding that covers more than 1/3 of the exposed body part is with the official uniform or approved plainclothes apparel. This regulation does not apply to undercover officers when acting in that capacity or those in a tactical environment with the approval of their supervisor. However, no department personnel will have tattoos, body art or branding that cannot be covered by the official uniform or plainclothes apparel (example: neck, face, hands, etc.)

- a. With the exception of pierced ears, visible body piercing(s) are not authorized for wear by any agency personnel while representing the Department. Body piercing(s) must be covered by the official uniform or plainclothes apparel when agency personnel are representing the Department.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.6 Off-Duty Employment</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 4.05	

**I. POLICY**

The Chief of Police must ensure the continued efficiency and effectiveness of the SFDR Consolidated Independent School District Police Department while simultaneously reducing or eliminating conflicts of interest. To promote the welfare and good reputation of the department this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

**II. PURPOSE**

To define regulations governing off-duty employment and conduct while employed in an off-duty capacity.

**III. DEFINITIONS**

- A. *Employment* - Any work performed or services provided for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law enforcement duties.
- B. *Law enforcement-related employment* - Off-duty employment which may entail the use of law-enforcement powers granted by the State of Texas, or the SFDR Consolidated Independent School District.
- C. *Secondary employment* - Any non-law enforcement-related off-duty work for pay. Secondary employment does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service. (Secondary employment requiring law enforcement powers may be approved by the Chief only if not requiring the commission of SFDR CISD Police Department)

**IV. PROCEDURES (TBP: 4.05)**

#### A. General

All employees are eligible to work off-duty employment subject to the requirements of this policy. No employee shall work off duty during their initial probationary period as an employee of the SFDR Consolidated Independent School District Police Department. Employees on medical or sick leave, temporary disability, or light duty due to injury, or disciplinary suspension or in house assignment are ineligible for off-duty employment.

An employee engaged in any off-duty employment may be called to duty in an emergency. Failure to respond to such an emergency may result in discipline.

#### B. Secondary employment restrictions

Secondary employment shall not constitute a conflict of interest, or effect on duty performance or safety. A conflict of interest, as determined by the Chief of Police, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of employment.

#### C. Law enforcement-related off-duty employment restrictions:

1. Primary and Secondary employment shall not exceed 16 hours per 24 hour period, including on-duty time: e.g.: an employee working a 10-hour tour may work 6 hours of off-duty employment in the same 24 hour period and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time. Officers will not work any off-duty employment in the same 24 hour period they call in sick to on-duty employment. e.g.: an employee calls in sick at 1600 hrs for his 1800-0400 shift, the employee is prohibited from working off duty employment until 1800 hrs the following day.
2. Any law enforcement-related off-duty employment that may require the officer to leave the city limits will require prior approval by the Chief of Police or designee.
3. SFDR Consolidated Independent School District Police Department personnel are not allowed to wear the SFDR Consolidated Independent School District Police Department uniform while working off-duty employment.
4. No employee shall solicit any person or business for the purpose of gaining law enforcement-related off-duty employment, and, while on-duty, shall not solicit any person or business for the purpose of gaining secondary employment.
5. Except for school security activities, district functions, and other employment specifically authorized by the Chief of Police, District-owned vehicles shall not be used while traveling to and from or engaging in law enforcement related off-duty employment.

6. Officers, while engaged in law enforcement-related employment, shall be subject to the orders of any on-duty law-enforcement supervisor.
7. All officers working an off duty law enforcement or security related job shall submit a secondary employment request to the Chief of Police for approval prior to commencement of any secondary employment.

#### D. Administration

1. Employees must submit a written request to the Chief of Police through the chain of command for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be kept in the employee's personnel file.
  - a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the Chief of Police as soon as possible.
  - b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the department. Continued permission to work off duty is contingent upon remaining in good standing.
  - c. The District Human Resources Director will receive a copy of all law enforcement related off-duty employment.
2. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law-enforcement profession, or otherwise represents a conflict of interest. Examples of such employment include:
  - a. Retailers which sell pornographic materials, or provide services of a sexual nature.
  - b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business.
  - c. Gambling establishments not exempted by law.
  - d. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, repossessioners, private investigators, or process servers.
  - e. Performance in department uniform of any tasks other than those of law enforcement.
  - f. Performance of any work for a business or labor group that is on strike.

- g. Performance of any work regulated or licensed through the department.
  - h. Performance of personnel investigations for private firms, or any employment requiring the officer to have access to police files, records, or information as a condition of employment.
  - i. Performance of any activity which supports case preparation for the defense in any criminal or civil action.
3. Arrests made while engaged in off-duty law enforcement-related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
    - a. Employees shall understand that department liability protection does not extend to willful acts which cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
    - b. Off-duty arrests shall not be made when the officer's actions only further the interests of the private employer. Officers will not enforce by arrest, request, or threat, any house rules or private employer rules.

E. Liability, indemnification, insurance

1. All employees who wish permission to engage in law enforcement-related employment shall complete the application found at the end of this order. The Chief of Police must grant permission before the employee may work off duty.
2. The department shall not be responsible for medical expenses incurred from injuries sustained while working any off-duty employment.
3. Officers may not be covered by the SFDRCID health insurance or Workman's Compensation through the district for an injury sustained while working off duty.
4. Officers should contact their automobile insurance carrier or obtain an insurance rider to make sure their personal vehicle is covered if they are using it while working off duty.
5. The department recognizes that an officer in law enforcement-related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and therefore an extension of the job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.7 Grievance Procedure</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 2.08	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department's goal is to provide fair, equitable, and clearly defined means for the resolution of grievances. Every employee has the right to fair treatment in all matters arising from employment and to this end each employee has the right to be heard whenever he or she alleges mistreatment. A grievance process that affords employees the opportunity to air a complaint helps reduce dissatisfaction, identify organizational problems, and increase morale. The SFDR Consolidated Independent School District Police Department retains the right under applicable laws and regulations to direct employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign employees as well as to suspend, demote, discharge or take disciplinary action against such employees for just cause.

**II. PURPOSE**

The purpose of this order is to establish grievance procedures for departmental employees to resolve disputes or complaints concerning the terms or conditions of employment.

**III. APPLICABILITY**

**Included** - All permanent full-time or part-time employees.

**Excluded** – Probationary employees and any employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. An employee who has been removed from employment shall not have access to the grievance procedure, except to grieve a removal resulting from a formal discipline, unsatisfactory job performance or other involuntary separation. Any grievance initiated by a permanent employee before voluntary separation from the department may continue to be processed through the grievance procedure.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 4.8 Substitute Officer Program</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 3.07 and 7.27	

**I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department to maintain the highest standards of professional law enforcement services. Substitute Police Officers must meet the same standards as other members of the organization. Substitute police officers should fulfill two primary functions. First, substitute officers serve as auxiliary manpower in situations as needed and second, they provide an additional interactive link between employees, parents, students, and the SFDR CISD Police Department. Substitute officers are subject to all the applicable rules & regulations that govern regular sworn personnel.

**II. PURPOSE**

The purpose of this order is to establish the SFDR CISD Police Department Substitute Program, and outline its objectives, responsibilities, and operation.

**III. RESERVE PROGRAM** (TBP: 7.27)

**A. Requirements and Certification**

1. Requirements for age, education, and experience are the same as that for regular sworn personnel.
2. Applicants must meet all minimum requirements set forth by the Texas Commission on Law Enforcement (TCOLE).
3. The selection process for substitute officer applicants are the same as regular officers outlined in Policy 4.1 and 4.2.

**B. Training and Performance Standards**

1. Substitute police officers serve at the discretion of the Chief of Police and may be called into service at any time the Chief of Police or his designee considers it necessary to have additional officers.
2. Substitute police officers shall be considered in an "on duty" capacity when:

- a. Performing any "assigned duty",
  - b. Representing or identifying himself/herself as a District peace officer for the purpose of taking enforcement action or discharging legal duties.
3. Depending on the level of training and experience, substitute officers may perform the same duties as other full-time sworn personnel if they have completed an approved field training program, otherwise they will be assigned to work with a regular officer.
  4. All substitute police officers are subject to the same rules, regulations, and orders as regular sworn personnel.
  5. All substitute police officers must successfully complete the Basic Peace Officer Course required by TCOLE and obtain their license as a peace officer.
  6. All substitute Officers will be required to attend periodic department In-Service training to complete:
    - a. The same training as required of regular sworn officers including courses mandated by TCOLE for certification requirements; and (TBP: 3.07)
    - b. Departmentally required qualifications on firearms and any other equipment deemed necessary.
  7. Substitute officers will only be allowed to carry a weapon after qualification and may only carry off-duty following completion of a field training program.

#### C. Chain-of-Command and Operations

1. The Chief of Police may designate an officer to serve as a substitute liaison to monitor substitute activities.
2. The substitute supervisor is appointed by the Chief of Police and shall be responsible for the overall administration and planning of the reserve unit.

#### D. Organizational Function

1. The primary function of substitute police officers will be to supplement operations and personnel.
2. Additionally, substitute officers will be on call for assistance in emergency situations and to provide additional manpower for special enforcement assignments.
3. All substitute police officer assignments will be coordinated through the office of the Chief of Police.

4. Substitute officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on the skills and experience of the individual.
5. Substitute officers are provided with a peace officer badge, department identification, name plate, and SFDRCIDSD Police Department uniform and applicable equipment.
6. Substitute officers' equipment must be of the same appearance and composition of that of full-time sworn personnel.
7. Handheld radios will be issued per shift or assignment and will be returned to the on-duty supervisor at the completion of their shift or assignment.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 5.1 Departmental Records</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ Chief of Police	
<b>Reference:</b> TBP 5.01, 5.02, 5.03 and 10.02 f	

## **I. POLICY**

Departmental Records and retention is critical for the effective delivery of law enforcement services. An efficient means of storing, cataloging, and retrieving records is essential to meet the management, operational, and informational needs of the SFDR Consolidated Independent School District Police Department.

## **II. PURPOSE**

The purpose of this policy is to assist records personnel in maintaining an effective record keeping system.

## **III. RECORDS SECURITY (TBP: 5.01)**

- A. The SFDR Consolidated Independent School District Police Department records files are a restricted area. The Chief of Police or designee is responsible for maintenance of department records and will be provided training in Law Enforcement Records Management and the Public Information Act.
- B. Police Records are restricted to assigned Records personnel only. Entry by unauthorized personnel is prohibited.
- C. Departmental Records will be secured and locked when unmanned by assigned Records personnel.
- D. Personnel authorized by the Chief of Police may have access to the Records Area after hours for need to know information only. Authorization may be granted by the Chief of Police ONLY.
- E. When entry has been made by the authorized personnel, written notification to the Chief of Police will be made within 24 hours of the entry. Written notification must state the date entry was made, time entry was made, why entry was made, and what records were accessed.

## **IV. RECORDING OF INCIDENTS BY CATEGORY**

A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or self-initiated actions. Each reported incident occurring within the Department's service area will be categorized as one of the following and will receive a sequential incident or case number:

1. Individual's request for service, crime reports, or complaints which:
  - a. Requires an officer to be dispatched.
  - b. Requires an assigned employee to investigate.
  - c. Requires an assigned employee to take action at a later time.
2. Self-initiated criminal and non-criminal cases by officers
3. Incidents involving arrests, citations (other than traffic), or summonses

B. Officer's Responsibilities

1. Officers will complete all required reports and turn them in to a supervisor prior to ending their shift for approval.
2. Supervisors will review all reports for accuracy and completeness and approve completed reports before the end of shift.
3. Reports returned to officers for correction will be documented by the supervisor and the supervisor shall follow up on the following shift to ensure the report has been corrected and submitted.

C. Master Name Index

The Chief of Police will cause a master name index to be established, maintained, and updated. The index will be an alphabetical index of the names of persons identified in the field reports as complainants, arrestees, victims, witnesses, and suspects.

D. Juvenile Records (TBP: 10.02 f)

1. A file is maintained on each juvenile (under the age of 17) arrested, referred or detained by an officer. Each person is assigned a single "J" number. The file includes all documents associated with the contact as indicated in this section, as well as a running list of the juvenile's detentions and dispositions. State and federal laws require juvenile files to be kept separate from adult files.
2. Juvenile photographs, if taken, will be turned over to the Juvenile Probation Department intake officer. Police Records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to

Police Records they will be destroyed as specified in the Texas Family Code sections 58.001 and 58.002.

#### E. Computerized Criminal History Information

1. Computerized criminal history information (CCH) is a federal/state cooperative system of a variety of databases (arrests, convictions, driving records, outstanding warrants, and others). The computerized criminal history (CCH) database lists all arrests and convictions for offenses above Class C misdemeanor that have not been purged due to the state/federal age purge criteria.
2. Access to the TCIC/NCIC criminal history database is limited to designated personnel. The program generates its own log showing who accessed the system. The log is computerized and maintained by appropriate designated District personnel.
3. Access to CCH information through local law enforcement agencies is limited to criminal justice uses. Individuals who request a copy of their computerized criminal history must do so through the Texas Department of Public Safety in Austin. Numerous agencies have been given authority to access criminal history information on prospective licensees or applicants.

The statutes giving this authorization do not permit use of local police agency TCIC/NCIC lines for obtaining the CCH. Requests of this nature are to be referred to a supervisor.

#### V. DISTRIBUTION OF REPORTS AND RECORDS

- A. After reviewing the reports for completeness, the supervisor will forward all arrest reports to the Records Section.
- B. All offense reports will then be copied and the copies forwarded to the appropriate prosecutor. Originals are maintained in the Records Section.
- C. Citations will be forwarded to the proper court.
- D. The original of all records are to remain within the Records Unit. All corrections or amendments to an original report are made by supplement and not by changing the original report. Supplementary reports will be sent to the Records Unit whenever additional information is processed.

#### VI. RECORDS RETENTION AND DESTRUCTION (TBP: 5.02)

- A. Records will be retained in the Records Unit as specified in this policy and purged or destroyed only in accordance with the approved Records Retention Policy and any Court Orders to expunge.

- B. Offense Reports: Because some offenses have no limitations period (can be prosecuted at any time) and because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot simply be based on calculation of a number of years from the date of the offense. Offense reports are therefore archived and retained for an indefinite period of time.
- C. All Other Information Reports: The original of each Miscellaneous Incident Report will be kept for an indefinite period of time and will be kept in numerical order as offense reports are kept.
- D. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged as specified in Chapter 55 of the Texas Code of Criminal Procedure; otherwise, adult arrest files will be kept until a report of death of the arrestee or a period of seventy-five years.
- E. Juvenile Arrest Files: (TBP: 10.02 f)
  - 1. A Juvenile arrest file will be created for every juvenile taken into custody by members of this department. Juvenile files are maintained separately from adult files and are kept secure from unauthorized disclosure.
  - 2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Texas Family Code section 58.003.
  - 3. A court may order destruction of juvenile detention files as specified in Texas Family Code section 58.006.
  - 4. Arrest report files on juveniles who were referred to the Juvenile Court may be purged after the person reaches age 23.
  - 5. Arrest report files on juveniles who were not referred to the Juvenile Court may be purged after the person reaches age 18.
  - 6. Police Records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense as specified in Chapter 58 of the Texas Family Code. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to the Juvenile Probation Department officials. Should fingerprints or photographs be turned over to Police Records they will be destroyed as specified in Texas Family Code sections 58.001 and 58.002.
  - 7. Any juvenile records maintained in a Gang or Criminal Street Gang intelligence file will be maintained, managed and removed pursuant to Texas Code of Criminal Procedure Articles 61.04 and 61.07.
- F. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the Chief of Police when documents exceed the required retention schedule.

## **VII. UNIFORM CRIME REPORT (UCR)**

- A. It is the responsibility of the Chief of Police to complete the monthly UCR and Department Crime Report in a timely manner.
- B. The Chief of Police must read and be familiar with the UCR Handbook including UCR reporting standards and must perform several audit checks for each crime reported.

## **VIII. RELEASE OF RECORDS (TBP: 5.03)**

- A. Release of information reported to law enforcement agencies is governed by the Texas Public Information Act.
- B. Any request for information contained in any report made or compiled by the department is to be referred to the Chief of Police.
- C. All Arrest files which are maintained in the records files and computer will be the responsibility of the Chief of Police. Copies of files will only be released to persons authorized below.
  - 1. Personnel of this department or other District department, as appropriate
  - 2. Sworn officers from other agencies upon written request
  - 3. Courts of law under proper process
  - 4. District Attorneys
  - 5. Federal Law Enforcement Agencies
  - 6. Probation departments
  - 7. Military Personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.
- D. Juvenile arrest information is closed to public information requests and will not be released without Court Order of signed waiver from the juvenile and a parent or guardian.
- E. Original reports will only be released to members of this Department and will be documented with date, name, file name and number and the clerk releasing the files in the Records "check-out log." A copy will be made prior to release of any original report and the Records "check-out log" will be completed upon each request. Upon the return of original records, the Records clerk will check the contents of the return against the "check-out log" and note when and who returned the files. If there are no discrepancies in the contents of the records being checked

in, the receiving person will initial the “check-out log” placing all records in its originating file location.



#### **IV. TRAINING**

The SFDR Consolidated Independent School District Police Department is committed to providing proper training for its public information officer. Supervisors, line officers, and other personnel who interact with the media shall also be provided appropriate training in Media Relations and the Public Information Act.

#### **V. PROCEDURES**

##### **A. Media Inquiries**

1. The SFDR Consolidated Independent School District Police Department shall respond to all media inquiries as directed by the Chief of Police in a timely and professional manner. During normal business hours, media inquiries shall be directed to the Chief of Police. No employee shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial, or violate the law.

##### **B. Interviews**

1. The Chief of Police or designee shall be responsible for assisting the news media by conducting interviews or coordinating interviews with other qualified department personnel. Employees contacted directly by the media shall notify the Chief of Police or appropriate command staff personnel of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being quoted.
2. Officers conducting an interview with the media shall not release any information about a juvenile or release any information that would be of an evidentiary nature or is otherwise confidential by law.
3. No interviews will be conducted without prior approval from the Chief of Police or appropriate designee.

##### **C. News Releases**

1. News releases shall be written and disseminated to the media and to SFDR Consolidated Independent School District Police Department employees on major incidents and events of community interest or concern. These should be cleared and approved by the Chief of Police or designated staff at Central Office prior to



their release. All news releases and news conferences (D. below) are subject to the approval of the Superintendent.

D. News Conferences

1. News conferences shall be held only in connection with major events of concern to the community and as directed by the SFDR CISD Superintendent.

E. Access to Crime Scenes and Critical Incidents

1. Department personnel shall be courteous to news media representatives at crime and critical incident scenes.
2. At such scenes, department personnel shall ensure that the media respect the established perimeter. Members of the media shall receive no more or less access to an incident scene than members of the general public.
3. The Chief or designee may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
4. No member of this department shall prohibit the media from news-gathering practices, including photography and interviews, outside the established perimeter.
5. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the scene commander shall advise the media representative of the danger and allow the media representative to make the decision to enter on his or her volition.
6. Only the Chief or on scene command staff personnel shall release information to the news media at crime and critical incident scenes. At critical incident scenes, the Chief or on scene command staff personnel shall establish a media briefing area as close to the scene as safety and operational requirements allow.
7. At critical incident scenes, members of the department shall work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public or that is otherwise confidential by law.

F. Access to Suspects

No member of the SFDR Consolidated Independent School District Police Department shall pose any suspect or accused person in custody or make him or her available for media interviews. Walking a suspect for media attention is strictly prohibited.

G. Joint Investigations or Operations Involving Another Agency

In a multijurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information. The supervisor in charge or designee for the lead agency shall share that information with all involved agencies in advance of public dissemination.

## **VI. INFORMATION RELEASE GUIDELINES**

- A. The release of information is subject to restrictions placed by applicable state, and federal laws. No member of the SFDR Consolidated Independent School District Police Department shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons.
  
- B. Agency members can release the following information:
  - 1. Basic information about a crime or incident
  - 2. Basic information about victims, except as excluded by law
  - 3. Description of suspects
  - 4. Basic description of weapons and vehicles used
  - 5. Basic description of stolen items
  - 6. Basic description of injuries and condition of victims
  - 7. The name, age, address, and other basic information about arrestees and the charges against them, to the extent not otherwise confidential by law
  - 8. Information contained in arrest affidavits and other applicable crime or incident reports
  - 9. Booking photographs
  
- C. Agency members shall not release the following information:
  - 1. Names, addresses, and any other information that would identify the victim of a sex offense, child abuse, or any other crime where the privacy of the victim is protected by law
  - 2. Names, addresses, and basic information about juvenile arrestees, as governed by state law
  - 3. Active criminal investigative information, active criminal intelligence information, and surveillance techniques
  - 4. Names of informants and information provided by them
  - 5. Supplemental or investigative reports until such time as the case is closed or the lead investigator deems it permissible
  - 6. Grand jury testimony and proceedings

7. Active internal investigations, as governed by state law
8. Names of witnesses, unless required by state law
9. The identity of critically injured or deceased persons prior to notification of next-of-kin
10. Home address, telephone numbers, and familial information of law enforcement or other District personnel
11. Names of undercover personnel
12. Any other information that could jeopardize the successful conclusion of an investigation and prosecution
13. Any other information prohibited by state or federal law from public disclosure.

**VII. SOCIAL MEDIA SITES**

- A. The SFDRICISD Superintendent will designate who may be responsible for managing, monitoring and operation of any department sponsored Social Media Sites.
- B. Operation of the social media sites shall be in accordance with Policy 2.8 Use of Social Media.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.1 Use of Force</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department values the protection and sanctity of human life. It is therefore the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer could use under the same or similar circumstances. The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

Officers are prohibited from using any force as a means of punishment or interrogation.

**II. PURPOSE**

The purpose of this policy is to provide law enforcement officers of the SFDR CISD Police Department with guidelines for the use of deadly and non-deadly force. This policy does not set forth a higher standard of care with respect to third party claims.

**III. DEFINITIONS**

- A. Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. Non-deadly force - Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- C. Objectively Reasonable - This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community.  
 In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

#### **IV. PROCEDURES**

##### **A. Use of Non-deadly Force**

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable and necessary to bring an incident under control. (TBP: 6.01)
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
  - a. To protect the officer or others from physical harm.
  - b. To lawfully restrain or subdue a resistant individual.
  - c. To bring an unlawful situation safely and effectively under control.

##### **B. Use of Deadly Force**

Law enforcement officers are authorized to use deadly force when one or both of the following apply:

1. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm. (TBP: 6.02)
2. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent.

##### **C. Deadly Force Restrictions**

1. Warning shots shall not be fired. (TBP: 6.09)
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. Officers shall not knowingly place themselves in the path of an oncoming vehicle, which may require the use of deadly force. However, if an officer reasonably believes that a person is immediately threatening the officer or another person with deadly force by means of a vehicle, an officer may use deadly force against the driver of the vehicle.

#### **V. LIMITATIONS ON FORCE**

The following acts associated with the use of force are prohibited.

- A. Application of choke hold or carotid control holds, except when the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious bodily injury or death and the use of deadly force would be authorized.

- B. Use of flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or another from imminent serious bodily injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

## **VI. TRAINING**

- A. All officers shall receive training in the use of their firearms, all non-lethal weapons, authorized by the department, hands-on arrest and defensive tactics, as well as the Use of Force policy prior to performing any law enforcement duties.
- B. All officers shall be trained and qualified with their firearms at least annually. (TBP: 3.01, 3.02)
- C. All officers shall receive training in the department's Use of Force policy at least annually. (TBP: 3.02)
- D. All officers shall receive hands-on arrest and defensive tactics training at least every two years. (TBP: 3.06)
- E. Officers shall receive training in all non-lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years. (TBP: 3.04)
- F. All Use of Force training shall, at a minimum, comply with the standards established by TCOLE.

## **VII. REPORTING USE OF FORCE (TBP: 6.03, 6.06)**

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations, or off-duty recreational activities.
- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then:
  - 1. Immediately notify the on-duty supervisor or the Patrol Lieutenant (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The supervisor, Patrol Lieutenant, or Chief of Police shall determine if an immediate investigation is required.
  - 2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.

3. Submit a Use of Force form to the Chief of Police prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Use of Force form shall be in addition to any other required reports.

## **VIII. DEPARTMENTAL REVIEW**

### **A. Review**

1. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine whether:
  - a. Departmental orders were violated.
  - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
  - c. Departmental training was adequate.
  - d. Departmental equipment operated properly.
2. At least annually, the Chief of Police or designee shall conduct an analysis of use-of force incidents to determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10.)

### **B. Internal investigations**

1. An internal investigation will be conducted on any firearms discharge (other than training, hunting, or competition), and any other use of deadly force by members of the department. An internal investigation may be conducted on other uses of force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted in any firearms discharge or other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation should be conducted by another law enforcement agency with concurrent jurisdiction and the results may be presented to the grand jury for review.
2. Procedures for Officer Involved Shooting Investigations are covered in Policy 6.4.

### **C. Assignment**

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use of force or vehicle accident, shall be removed from line-duty assignment. This action protects both the officer's and the

community's interest until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08)



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.2 Firearms and Qualification</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 3.01, 3.02, 3.03, and 6.04.	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department's policy is to ensure that members are properly trained not only in the use of appropriate firearms and the circumstances of their use, but also in their safety and maintenance, regarding both on and off-duty weapons. Supervisors and the department armorer shall rigorously enforce departmental firearms standards. All personnel shall qualify at least annually with his or her sidearm and those carried both on and off-duty.

**II. PURPOSE**

To establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

**III. PROCEDURES**

A. Authority

1. Sworn police officers who have the authority to make arrests and maintain the peace, are authorized to carry and use firearms as necessary in the performance of their duty, subject to the restrictions and guidelines of this order, the department's use of force policy, and state and federal law.
2. Off duty, sworn officers of this department are encouraged to carry firearms, subject to the guidelines of this order, to protect themselves or another from imminent death or serious bodily injury in the event they must intervene in an incident off-duty before the arrival of on-duty officers.

B. On-Duty Weapons, Issuance and Use (TBP: 6.04)

1. Only weapons issued by the department or approved by the Chief of Police will be carried or used while on-duty. The department currently issues the Glock model 22, in .40 as the standard duty firearm for officers.

2. The departmental armorer, firearms instructor or Chief of Police shall issue departmental weapons to authorized personnel.
  3. Department firearms and ammunition are determined by the Chief of Police based on the needs of the department.
- C. Shotguns- Shotguns are assigned to individual officers as appropriate and only when approved by the Chief of Police.
1. All shotguns shall be carried with the magazine fully loaded with approved ammunition, chamber empty, trigger released, and safety off.
  2. A minimum of 5 extra rounds of approved ammunition shall be carried with each shotgun.
  3. All shotguns left at the department shall be left in an unloaded condition, with the chamber open and stored in a gun locker or other designated location.
- D. Patrol Rifles - Patrol rifles, e.g. M-4, may be issued or used by officers and supervisors only when approved by the Chief of police who have received appropriate training and have maintained their required qualifications.
1. All patrol rifles shall be carried with the magazine loaded with approved ammunition, chamber empty, trigger released, and safety off.
  2. A minimum of (2) magazines of approved ammunition shall be carried with each patrol rifle.
  3. All patrol rifles left at the department shall be left in an unloaded condition, with the chamber open and stored in a gun locker or other designated location.
- E. Off-duty or secondary weapons
1. Off-duty or secondary weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. The armorer shall inspect and certify the off-duty or secondary weapon before it may be carried.
    - a. Officers shall qualify with the off-duty or secondary weapon at the annual qualification.
    - b. The armorer shall approve any concealed holster for an off-duty or secondary weapon.
    - c. The armorer shall maintain a record of all holsters and weapons used by each officer.
  2. Officers may carry, while off duty, either an issued weapon or one purchased at officers' expense, subject to this policy.

3. Officers shall not carry firearms on or off duty in a public place after having consumed alcoholic beverages. If carrying a firearm, no detectable amount of alcohol can be present in the employee's system. If chemical or substance consumption is suspected while an officer is carrying a firearm while off-duty, a supervisor shall initiate an administrative investigation, and shall require the employee submit to a chemical test for the presence of alcohol or other substance (i.e. Portable Breath Test, urinalysis, or blood test). Refusal by an employee to submit to a supervisor's request for alcohol or chemical testing during an administrative investigation will be considered insubordination. Testing results may only be used for administrative purposes (Garrity).
4. While off-duty, weapons, an officer's badge, and any restraints shall be carried safely and concealed from public view.
5. Officers shall carry the departmental badge and identification if carrying a weapon off-duty.

F. Departmental Ammunition (TBP: 6.04)

1. Only approved factory ammunition will be used in departmental weapons for on duty carry use. No reloaded ammunition will be used in department issue firearms at any time. The department will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms. Officers are responsible for the purchase of ammunition for their off-duty weapon.
2. Only department purchased Federal factory 00 Buck and slug rounds will be used in departmental or personally owned shotguns used for department or law enforcement purposes.
3. Only .223 ammunition will be used in departmental patrol rifles or those owned by an individual officer used for department or law enforcement purposes, unless otherwise authorized by the Chief of Police.

G. Security of weapons

1. Officers are responsible for the care, cleaning, and security of departmental weapons issued to them, whether on or off duty. Officers shall report any weapon malfunction to the Chief of Police via the armorer.
2. Officers are responsible for the safe and secure storage of issued weapons when off-duty in a manner that prevents theft or unauthorized access or use.

H. Department Firearms Proficiency Officer and Armorer

The Chief of Police shall appoint at least one sworn member of the department to be the departmental Firearms Proficiency Officer and armorer.

1. The duties are as follows:

- a. Schedule, supervise and maintain records on all firearms qualifications required by the department.
  - b. Maintain non-issued departmental weapons and associated equipment.
  - c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
  - d. Repair or submit to a qualified gunsmith for repair of all departmentally owned malfunctioning weapons.
  - e. Maintain records of issuance, care, and maintenance of departmental and personally owned weapons and associated items used on-duty.
  - f. Issue departmental ammunition.
  - g. Annually inspect and certify as serviceable both departmental and personally-owned firearms that are authorized for on and off-duty use.
  - h. Inspect and authorize the use of holsters for off-duty use and for on-duty use if the officer prefers to use a holster other than one issued by the department.
2. The armorer shall maintain a record of all firearms which have been certified as safe and with which officers have qualified. This record shall include the following:
    - a. Officer's name and identification number.
    - b. Make and model of weapon.
    - c. Serial number of weapons.
- I. Modification of department weapons
    1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police except as to those modifications done by a departmental armorer.
    2. Substitution of grips
      - a. Removable grip tape may be added to a department issued handgun by an individual officer if they so choose.
- J. Modification of privately-owned weapons
    - a. A departmental armorer or firearms instructor should be consulted prior to a modification of an off duty/ backup weapon to ensure that the firearm will remain approved for carry.
- K. Firearms inspections

1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor.(TBP: 3.03)
2. Supervisors shall also inspect subordinate officers' issued firearms monthly to ensure that they are maintained in a clean and serviceable condition.
  - a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
  - b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.
  - c. Upon completion of monthly inspections, the supervisor shall forward the reports to the Chief of Police. The memorandum being sent to the Chief of Police will document the following information:
    - i. The date the inspection was held
    - ii. The name of each officer inspected
    - iii. The findings of the inspection

#### **IV. PROCEDURES - QUALIFICATION**

##### **A. Qualification rules**

1. Officers must qualify with any weapon they carry or use on-duty at least annually or when they change weapons. (TBP: 3.01)
2. The firearms instructor or armorer shall be in charge at all times when officers are on the firing range for qualification.
3. Only weapons and ammunition issued by the department shall be used during qualifications, except for officers who use their own weapons while on duty (who fire issued ammunition) or if qualifying with off-duty weapons.
4. Every officer shall fire a regular firearms course approved by the Texas Commission on Law Enforcement.
5. Officers who fail to qualify on their first attempt shall immediately attempt qualification a second time. Officers who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to termination. (TBP: 3.01)
6. The armorer will maintain records of each officer's firearms qualifications including:

- a. The officer's name and Identification Number
  - b. The date of qualification
  - c. The weapons(s) used during qualification
  - d. A description of the course of fire and score
7. The armorer or firearms instructor shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

#### B. Shotgun

1. Every officer must pass the shotgun qualification course before carrying a department-issued or personally owned shotgun.
2. The qualification course shall include:
  - a. Knowing how to load and unload the shotgun combat style
  - b. Firing at least 7 shots, from 2 different positions
3. Officers shall qualify with the shotgun at least annually.

#### C. Patrol Rifle

Officers who are trained and authorized to use the patrol rifles must qualify at least annually with the rifle on a TCOLE approved course of fire.

#### D. Firearms and Use of Force Instruction

1. All department personnel shall, if duties require carrying firearms, receive familiarization instruction on their firearms before range qualification.
2. At least annually, personnel shall, if duties require carrying of a firearm, receive training in the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting, and misfires), sound safety practices, and departmental use of force policy. (TBP: 3.01)
3. Use of force and use of deadly force training will be conducted at least annually in conjunction with firearms use and firearms qualification. (TBP: 3.02)

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.3 Non-Lethal and Less Lethal Weapons</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> 3.04	

## **I. POLICY**

In the interest of public safety, the SFDR Consolidated Independent School District Police Department ensures that members are properly trained in the use of these tools and the circumstances of their use.

All sworn personnel shall qualify at least annually with departmental non-lethal and less-than-lethal weapons. Officers shall not carry or use any non-lethal or less than lethal weapon that has not been approved by the Chief of Police or where they have not received training and been qualified. (TBP: 3.04)

## **II. PURPOSE**

To establish policy and procedures governing the issuance, training, care and maintenance, and qualification of non-lethal and less-lethal weapons.

## **III. GENERAL PROCEDURES**

### **A. Approved Weapons**

1. Department non-lethal or less than lethal weapons are determined by the Chief of Police based on the needs of the department. Officers will not carry or use any weapon for which they are not qualified by the department to use.

### **B. Security of weapons**

Officers are responsible for the care and security of departmental weapons issued to them. Officers shall report any weapon loss or malfunction to the Chief of Police via the armorer or supervisor.

### **C. Modification and maintenance of weapons**

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police.
2. Officers are responsible for cleaning and maintenance of non-lethal or less lethal weapons that are issued to them.

#### D. Weapon inspections

1. Officers shall inspect issued weapons at the beginning of each duty assignment to ensure they are in proper working order.
2. Supervisors shall inspect issued weapons at least monthly and shall document the inspections in a memorandum to the Chief of Police indicating the officers inspected and the results of the inspection.

### **IV. QUALIFICATION REQUIREMENTS**

#### A. Required instruction and qualification

1. All department personnel shall receive training with any non-lethal and less lethal weapons that they will carry. Training shall cover the mechanics of the weapon, sound safety practices, and departmental policy governing the use of the weapon and the use of force. Tactical considerations shall be a part of this training.
2. Officers will receive training and demonstrate proficiency (qualify) at least annually on all departmental non-lethal or less lethal weapons systems. (TBP: 3.04)
3. Instructors for any non-lethal or less lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing said training. (TBP: 3.04)

#### B. Qualification rules

1. The instructor or armorer shall be in charge at all times when officers are qualifying with non-lethal or less than lethal weapons.
2. The instructor or armorer will maintain records of each officer's qualifications with non-lethal and less lethal weapons including:
  - a. The officer's name and Identification Number
  - b. The date of qualification and weapon system qualified.
3. Instructors for any non-lethal or less lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing said training. (TBP: 3.04)



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 6.4 Officer Involved Shooting Investigations</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b>	

**I. POLICY**

It is the policy of the SFDR Consolidated Independent School District Police Department that officer-involved shooting incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if officer actions conform to the law and this agency’s policy on use of force.

**II. PURPOSE**

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shooting incidents and to provide guidelines to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

**III. DEFINITIONS**

- A. *Post-Traumatic Stress Disorder:* An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress
- B. *Officer-Involved Shooting Incident:* A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person
- C. *Secure:* This shall mean protecting the evidence, detaining suspects and witnesses at a crime scene and not moving any evidence until it is recorded. Secure and protect have similar meanings in this policy.
- D. *Crime Scene Log:* A log of all persons entering the crime scene or having contact with the involved officer(s)

**IV. PROCEDURES**

- A. Officer’s Responsibility when involved in a Shooting Incident
  - 1. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate.

- a. Ensure that the threats to officer safety and the safety of others are over
  - b. Notify Communications of the shooting incident and request immediate assistance
  - c. Secure and separate any suspects
  - d. Relay information on any fleeing suspects to Communications and other field units and work with them to establish a containment area
  - e. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately
  - f. If injured, administer emergency first aid to officers first. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance
  - g. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles
  - h. Once all threats are over assign an officer to secure the crime scene and begin a crime scene log
  - i. Call for sufficient assistance and separate and secure all witnesses
  - j. Call for the Chief of Police
  - k. Call for an evidence technician from another law enforcement agency
2. As time and capabilities permit before supervisory and other assistance arrives:
    - a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive.  
Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
    - b. Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.
- B. Handling of Officers at Scene of Shooting Incident

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel.
2. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.
3. If the officer has been shot or otherwise injured in the shooting:
  - a. Ensure that an officer accompanies and remains with the officer at the hospital
  - b. Ensure that the officer's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible. Do not release the officer's name prior to the family being notified
  - c. Assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters
  - d. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officers is safeguarded
4. The supervisor should contact SFDRICISD Police Communications and advise them of the condition of the officers and suspects and the exact location of the incident and with the approval of the Chief of Police, request they immediately contact:
  - a. The on duty SFDRICISD Police Supervisor
  - b. Investigators including the District Attorney's Office and Texas Rangers, if appropriate
  - c. Crime Scene Search personnel
  - d. An Advocate for the Officer, Pastor, Union Representative, Close Friend, Etc.
  - e. District Attorney
  - f. Superintendent
5. If there is a fatality notify the Justice of the Peace.
6. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplementary report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.

7. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with the involved officer(s).
  - a. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine:
    - i. If any other suspects are at large and any descriptions
    - ii. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured)
8. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with the involved officer(s), but should be advised not to discuss details of the incident.
9. The officers should be advised that they may seek legal counsel.
10. Any standard investigations that will occur concerning the incident should be discussed with the involved officer(s). The investigations shall include a criminal and internal investigation.
11. The officer(s) should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator, until the conclusion of the preliminary investigation.
12. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
  - a. Take custody of the officer's weapon in a discrete manner; and
  - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
13. Involved officer(s) should notify their families about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify his family, and arrange for their transportation to the hospital if needed.
14. If the officer's uniform or clothing is needed for evidence, arrangements should be made for the officer to have a change of clothes and an opportunity to change.

15. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
16. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
  - a. Locate and secure in place the officer's weapon and shell casings
  - b. Locate and secure suspects' weapon and shell casings
  - c. Collect information about the suspect including name, address, age, and DOB
  - d. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel
  - e. Attempt to determine the original shooting positions of the suspect and officer(s)
17. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of his or her activities after being notified. The supervisor shall also complete a departmental Use of Force Report on the incident.

#### C. Investigation

1. Two different investigations may be conducted after an officer involved shooting incident.
  - a. If the officer was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.
  - b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy.
  - c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine the facts and circumstances of the shooting and determine culpability for his or her actions, if any.
2. These investigations, if both are required, may run simultaneously, with the criminal investigation taking precedence.
3. The Chief of Police may request another agency conduct either investigation if circumstances warrant.
4. Investigators will be well versed in the issues of Garrity to avoid improper contamination of the criminal investigation.

5. Upon arrival of investigators, they will first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:
  - a. Receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved officer at this time must be made based on:
    - i. The type of investigation being conducted
    - ii. The physical and mental state of the officer
    - iii. The availability of the officer's attorney
    - iv. The circumstances at the scene
  - b. Ensure that the overall scene and evidentiary items are photographed and videotaped. Videotape all persons present at the scene. Color photographs of the officer as he/she appears at the scene shall be taken, to include any injuries sustained.
  - c. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.
  - d. Obtain taped statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.
  - e. Locate and identify witnesses and conduct initial tape-recorded interviews.
  - f. Tape record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.
  - g. Conduct separate tape recorded interviews with each officer involved.
  - h. Conduct the interview in a private location away from sight and hearing of department members and others who do not have a need and a right to the information. Advise the officers not to discuss the incident with anyone except a personal or agency attorney, union representative or departmental investigator until the conclusion of the preliminary investigation.
  - i. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer tape-recorded interviews if these symptoms are evident.) Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officer(s) in a discrete manner and the supervisor shall ensure that arrangements are made to replace them with other firearms or advise the officers that they will be returned or replaced at a later time.

- j. Contact the coroner and obtain an autopsy of the officer and/or suspect if required. Determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances or other related evidence.
6. The results of any criminal investigation conducted will be presented to the Grand Jury for independent review, if appropriate.

#### D. Post-Incident Procedures

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
2. All officers directly involved in the shooting incident shall be required to contact a department designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
  - a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;
  - b. Where the officer(s) were relieved of their duty weapons after an incident, at what point they should be returned;
  - c. What will be the best continued course of counseling? The department strongly encourages the families of the involved officers to take advantage of available counseling services.
3. Any department investigation of the incident shall be conducted as soon and as quickly as practical.
4. The department should brief other department members concerning the incident so that rumors are kept to a minimum.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated department and/or District spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
7. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.

#### E. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the officer(s) may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
2. If a supervisor believes that stress may be disrupting the officer's job performance or other life skills, the Chief of Police should be informed immediately. The Chief of Police may require the officer to attend additional counseling.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.1 Constitutional Safeguards</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.04	

**I. POLICY**

The federal and state constitutions guarantee every person certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. The SFDR Consolidated Independent School District Police Department expects officers to observe constitutional safeguards. The SFDR Consolidated Independent School District Police Department further expects that officers understand the limits and prerogatives of their authority to act. Respect for the civil liberties of all persons shall be the paramount concern in all enforcement matters.

**II. PURPOSE**

The purpose of this general order is to define the legally mandated authority for the enforcement of laws, to establish procedures for ensuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority, guidelines and circumstances when officers should exercise alternatives to arrests and pretrial confinement.

**III. PROBABLE CAUSE AND REASONABLE SUSPICION**

**A. Probable Cause**

1. Searches and arrests are based on the existence of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

An officer must have probable cause to make an arrest or conduct a search.

2. When an officer has sufficient probable cause, he or she may arrest a person, conduct a search of the person, record the person's fingerprints, take the person's photograph, and detain them.

The aim of an arrest on probable cause is to make a formal charge. While in some cases, formal charges may not be filed for any number of reasons, officers should only make a custodial arrest if a formal charge is anticipated.

#### B. Reasonable Suspicion

1. Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

An officer must have reasonable suspicion to temporarily detain a person.

2. When an officer has reasonable suspicion, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of a detention based on reasonable suspicion is to resolve an ambiguous situation and determine if criminal activity is occurring.

### **IV. AUTHORITY AND DISCRETION**

#### A. Law-enforcement authority

State law invests peace officers with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace, and enforce state and local laws and ordinances.

#### B. The use of discretion by officers

1. While officers have the authority to arrest an offender under many circumstances, officers seldom are able to arrest individuals for every offense they observe. Officers must prioritize their activities to provide the highest level of service to their community. As a result they must often use discretion in deciding the level of enforcement action based on the circumstances.
2. Departmental policy gives officers procedures to follow for common or critical enforcement tasks. Departmental policies and procedures are to be followed unless unusual or extreme circumstances dictate another course of action. In these cases, officers shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

3. The vast majority of persons an officer will contact during their shift are typically law abiding people who have made a mistake or error in their behavior. In many of these cases there are underlying circumstances that contributed to those mistakes or decisions. Officers are encouraged to exercise understanding and compassion when deciding to take enforcement action, and consider how they, or a member of their family, would like to be treated in similar circumstances.
4. Officers should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors.
5. Supervisors shall observe and review the activities of officers and counsel them as needed regarding the use of discretion.

C. Alternatives to arrest/pre-arraignment confinement

1. Officers are required to arrest suspects for all felony offenses and those major misdemeanor offenses where a victim was injured, property was stolen or damaged, or the public or an individual was placed at risk of great harm. After an arrest has been made in these circumstances, if pre-arraignment detention is not advisable due to the suspect's health, age, infirmity, or family situation, the officer should contact a supervisor for disposition. A supervisor or the Chief of Police can authorize a field release if the individual is known or proper identification is present; or authorize booking and release on personal recognizance after consultation with a magistrate.
2. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, officers may occasionally be faced with situations where formal action is not advisable. In such cases, officers may elect to exercise alternatives such as the issuance of citations, referral to a social service agency, or simply to give a warning. In most cases officers must follow up their actions by writing an offense report in accordance with the report writing manual.
3. In determining whether a citation should be used, the officer shall:
  - a. Decide whether the offense committed is serious
  - b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors
  - c. Make a judgment as to whether the accused poses a danger to themselves or the public
4. Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the

judgment of the officer a better solution to the problem will be achieved, he or she should refer the person to an appropriate social services agency.

5. The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the department. In determining if a warning should be issued, the officer shall consider:
  - a. The seriousness of the offense.
  - b. Whether a victim was injured or had property damaged by the offender.
  - c. Attempt to understand the contributing factors to the incident.
  - d. The likelihood that the violator will heed the warning.

## **V. PROTECTION OF INDIVIDUAL RIGHTS**

- A. Officers will at all times act to preserve and protect the rights of all persons.
- B. Officers making arrests will ensure suspects are informed of their rights if they intend to question them about an offense. *Miranda* warnings are required and shall be administered prior to any “custodial interrogation.” Officers are expected to understand the requirements of the Texas Code of Criminal Procedure 38.22 before taking any statements from suspects.
  1. The following represent examples of situations that are not “custodial” and do not require *Miranda* warnings.
    - a. Investigatory stop and frisk.
    - b. Questioning during a routine traffic stop or for a minor violation; to include Driving While Intoxicated (DWI) stops until a custodial interrogation begins.
    - c. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
    - d. During voluntary appearances at the police facility.
    - e. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)
  2. Administering *Miranda*.
    - a. *Miranda* warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.

- b. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
- c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be questioned only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.
- d. Waivers of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
- e. When an oral waiver is obtained an electronic recording of the statement must be made. The statement shall contain the same warnings as found in Texas CCP 38.22.
- f. Officers arresting deaf suspects or those suspects that appear to have limited proficiency in English shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter with a Level III certificate (for a deaf suspect) if a statement is taken for use in court. For routine traffic stops an interpreter is not necessary. However if a deaf or non-English speaking individual requests an interpreter during a call for service or investigation the officer should attempt to find an interpreter, in accordance with this agency's policy and state and federal law.
- g. If an officer makes an arrest of a Foreign National who is not a citizen of the United States including those with a Resident Alien Identification Card (Green Card) and is a citizen of one of the countries pursuant to Article 36 of the Vienna Convention an officer must inform him, without delay, as he is taken into custody, that he has the right to have the consular official of his home country notified and the right to communicate with those consular officials. This does not take the place of the Miranda Warning, but should be given in addition to it.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.2 Field Interviews and Detentions</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.07	

## I. POLICY

The SFDR Consolidated Independent School District Police Department expects and encourages officers to conduct field interviews. Field interviews are important contacts with individuals that aid in preventing and investigating crime. Officers are expected to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of all persons and the need of officers to obtain information crucial to the reduction and prevention of crime.

## II. PURPOSE

To clearly establish the difference between a Field Interview and an Investigative Detention or Stop. To assist officers to determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely. (TBP: 7.07)

## III. DEFINITIONS

- A. *Field interview* (consensual encounter) - A brief interview of a person to determine the person's identity and gather information or to resolve the officer's suspicions about possible criminal activity or determine if they have information about a criminal offense. Field interviews require voluntary cooperation of the subject. A field interview contrasts with a detention or stop which is based on reasonable suspicion of criminal behavior.
- B. *Frisk* - A "pat-down" search of outer garments for weapons.
- C. *Reasonable suspicion* - Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed. The reasonableness of an officer's actions will be determined by reviewing the totality of circumstances known to the officer at the time he or she takes the action.
- D. *Detention* (Stop) - An involuntary detention of a subject for a brief period of time for the purpose of investigating the actions of the individual.

In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved. A stop is an investigative detention.

The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop. This list is not all-inclusive nor is the presence of any one of these circumstances alone always sufficient for reasonable suspicion.

1. Officer has knowledge that the person has a criminal record.
2. A person fits the description of a wanted notice.
3. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
4. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in a particular area.
6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.
9. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

#### **IV. FIELD INTERVIEW PROCEDURES**

##### **A. Making the field interview or stop: overview**

1. An officer may conduct a field interview at any time if an individual is willing to speak with the officer. A field interview requires voluntary cooperation from the subject. In the absence of probable cause to arrest or reasonable suspicion to justify an actual investigative detention or stop, the individual may discontinue the interview at any time and leave. The person may also refuse to produce identification or otherwise identify himself. The individual does not have to answer any questions or provide any information.
2. An officer must be able to articulate the circumstances that warranted the interview of the subject. In court, should a field interview result in an arrest, an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:

- a. Firsthand observations.
- b. Information from informants or members of the community.
- c. "Collective knowledge" or information shared by several officers.
- d. Reasonable inferences made by the officer from information known to the officer.

#### B. Place of the interview

1. As a general rule, field interviews may be conducted anywhere the officer has a right to be, including:
  - a. District-owned or controlled property, normally open to members of the public within District policy.
  - b. Areas intended for public use or normally exposed to public view.
  - c. Places to which an officer has been admitted with the consent of the person empowered to give such consent.
  - d. Places where circumstances require an immediate law enforcement presence to protect life, well-being or property.
  - e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.
  - f. Any other area in which an officer may affect a warrantless arrest.
2. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and where no violation of law has occurred.

#### C. Conduct of Interviews

1. Officers shall clearly identify themselves and, if not in uniform, display identification.
2. As noted above, a person interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a detention or stop must be strictly observed. Since the distinction between an interview and a detention depends to a great extent on whether, under the circumstances, the subject perceives that he is free to leave, officers shall comply with the following guidelines:
  - a. All requests during the interview should be phrased with neutral or optional words, such as "may," "would you mind," etc.



- b. The duration of an interview should be as brief as possible unless prolonged by the subject.
  - c. During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
  - d. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put individuals at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave.
- a. When a person refuses or ceases to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a detention.
  - b. Individuals cannot be compelled to answer any questions during field interviews.

#### **V. INVESTIGATIVE DETENTION OR STOP (and frisk when warranted)**

- A. The legal authority to conduct an investigative detention or stop (and frisk when warranted) is based in Federal and State constitutions as interpreted by court decisions.
- B. Investigative detentions may involve two distinct acts. The first is the actual detention or stop which is based on reasonable suspicion. A second component may be a frisk of the detainee for weapons. The frisk must be justified by the officer's reasonable fear for his safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general.

For example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to:

- 1. The type of crime suspected, particularly those involving weapons.
- 2. When the officer must confront multiple suspects.
- 3. The time of day and location of the stop.
- 4. Prior knowledge of the suspect's propensity for violence.
- 5. Any indication that the suspect is armed.

6. Age and sex of the suspect (officers shall exercise caution with very young or very old people or persons of the opposite sex).

#### C. Manner of conducting a frisk

1. Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.
2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.
3. When frisking, officers shall search only the external clothing for objects that reasonably could be weapons and remove them.
  - a. Retrieval of the weapon may give probable cause to arrest. If so, officers may then conduct a complete custodial search of the suspect incident to arrest.
4. If, during a lawful detention based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband immediately apparent, pursuant to the plain touch doctrine, it may be withdrawn and examined.
5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.

#### D. Protective search

1. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:
  - a. A lawful detention as defined herein or a lawful vehicle stop.
  - b. A reasonable belief that the suspect(s) poses a danger.
  - c. A frisk of the subject must occur first.
  - d. The search must be limited to those areas in which a weapon may be placed or hidden.
  - e. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.

- f. If the suspect has been arrested and restrained or removed from immediate access to the vehicle, a search of the vehicle cannot be made for protective reasons. A search may be made of a vehicle if other exceptions to a search warrant exist.

E. Period of detention

1. Investigative detention--as with field interviews--must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

**VI. DOCUMENTING THE INTERVIEW OR STOP**

For purposes of successful prosecution and defending departmental actions to the public, all field interviews and investigative detentions must be recorded. The following methods will be utilized:

- A. Patrol officers will record all field interviews in their entirety on the in-car audio video systems. Officers will attempt to position the vehicle or camera in a position to record the interview. If not possible, the use of the audio portion is required.
- B. If an interview or investigative detention results in an arrest, the arresting officer will clearly detail the reasonable suspicion that led to the interview or detention in the narrative of the arrest report as well as maintaining the audio/video recording as evidence.
- C. Officers not equipped with in-car or portable audio/video recording systems will obtain a case number and create an incident report entitled "Field Interview" and record the reasonable suspicion and details of the interview or detention.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.3 Arrests With and Without a Warrant</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.02, 7.03, and 7.04	

**I. POLICY**

Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause: without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with their law-enforcement mission.

**II. PURPOSE**

To define the authority of officers to arrest and the mechanism for making arrests with and without a warrant.

**III. DEFINITIONS**

*Arrest* - An arrest is a seizure of a person. An arrest is supported by probable cause.

*Probable cause* - According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed" and that the person to be arrested committed it. An officer must have probable cause to obtain a warrant or make a warrantless arrest.

**IV. DISCRETION**

A. Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the policies of our department, and the oral instruction provided by field supervisors.

- B. Officers shall not make arrests or take any enforcement action based in whole or in part by a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation.

**V. ARRESTS WITH A WARRANT (TBP: 7.02)**

A. General Procedures for obtaining an Arrest Warrant and Arresting with a Warrant.

1. Obtaining an Arrest warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure (TCCP). All officers should become familiar with the specific language/laws concerning obtaining arrest warrants found in Chapter 15 of the TCCP. The following are shortened versions of Articles 15.01, 02, 03, and 05. If departmental approval is received, an officer may obtain an arrest warrant by following these requisites:
  - a. (15.01): An arrest warrant is a written order from a magistrate, directed to a peace officer commanding the officer to arrest a person accused of an offense, to be dealt with according to law.
  - b. (15.02): A warrant must be issued by a magistrate, in the name of the State of Texas and must specify the name of the person to be arrested or a reasonably definite description of the person. The warrant must state the person is accused of a crime and name the crime; and must be signed by a magistrate and identify the magistrate's office.
  - c. (15.03): A magistrate in the State of Texas may issue an arrest warrant when a person (the officer) makes an oath (affidavit or complaint) that another has committed an offense against the laws of the State of Texas.
  - d. (15.05): An officer's complaint or affidavit must state the name of the accused or some reasonably definite description of the individual. It must show that the person has committed a crime, either directly, or that there is good reason to believe that the person has committed a crime. The complaint/affidavit must state the time and place of the offense, as definitely as can be done by the affiant, and it must be signed by the affiant.
2. Unless assigned as an investigator or detective, officers will obtain supervisory approval before applying for an arrest warrant for any individual.
3. All members of the department will utilize approved affidavit and arrest warrant forms provided by the department. Upon completion of the affidavit and warrant, all officers shall have the documents reviewed and approved by a supervisor prior to requesting judicial approval.
4. If a warrant approval is refused by any judge, the affidavit and warrant shall not be taken to any other judge without substantial additional information proving probable cause being added to the affidavit. Subsequent reviews will be done by the same magistrate unless they are unavailable.

5. Except as authorized by the Texas Code of Criminal Procedure, Chapter 14, or Section 18.16, an officer shall not arrest anyone without an arrest warrant.
6. An officer shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.
7. An officer shall presume that any arrest warrant, which appears in proper form, is valid. To be in proper form and valid on its face, an arrest warrant shall:
  - a. Issue in the name of "The State of Texas",
  - b. Specify the name of the person whose arrest is ordered, or provide a reasonable description if the name is not known, State that the person is accused of a named offense, and
  - c. Be signed by a magistrate whose office must be named.
8. An officer shall execute a valid arrest warrant as provided by law and departmental policies. If the arrest warrant lacks proper form, the officer shall not execute the warrant, but shall return the warrant to the magistrate who issued it.
9. If an officer has any question about the details or validity of an arrest warrant, he shall attempt to verify the information before making an arrest under authority of that warrant. Whenever practical, an officer shall automatically verify the currency of any arrest warrant issued thirty days or more before the date of execution.
10. Any decision to send Regional or Statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in his possession, the officer shall personally determine the location of the warrant and shall ensure that the arrestee sees a copy of the warrant as soon as possible after his arrest. This can be done by confirming through Communications that they either have actual possession of the original warrant, or the originating agency has confirmed their possession of the warrant.
11. In executing an arrest warrant, whether or not he has the warrant in his possession, an officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant. If the officer has the warrant in his possession, he shall show it to the arrestee. If the officer does not possess the warrant, he shall advise the arrestee of the charge, bond and originating agency who issued the warrant.
12. Officers may enter a third party's residence:
  - a. with consent to search from the resident or person having control of the property, or
  - b. With a search warrant for that residence in order to enter and make the arrest, or

c. While in fresh pursuit of the wanted person.

#### B. Warrants from other Jurisdictions

1. If an officer has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person. If an officer makes an arrest on a warrant from another Texas law enforcement agency, the officer shall:

a. Arrest the defendant. Notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.

b. Make certain that a supervisor has reviewed the arrest/incident report as soon as possible, as the defendant is booked into the Val Verde County jail or Detention Facility and will need to appear before a magistrate within 48 hours of the arrest.

c. The defendant will be held at the Val Verde County jail or Detention Facility until retrieved by the department holding the warrant, or their transport agency.

d. If the department holding the warrant cannot take custody of the arrestee prior to the 11<sup>th</sup> day after the execution of the warrant, or if that department at any time indicates that it will not take custody of the arrestee, the arrestee may be released from custody.

e. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.

#### C. Warrants from Other States

1. Whenever any officer has probable cause to believe that a person stands charged of a felony in another state, the officer shall:

a. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. This arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.

b. Book the arrested person directly into the custody of the Val Verde County jail or Detention Facility.

c. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a third person's residence in the following circumstances:

i. with consent to search from the resident or person having control of the property,  
or

- ii. With a search warrant for that residence in order to enter and make the arrest, or
- iii. While in fresh pursuit of the wanted person.

#### D. Chance Encounters

1. Whenever an officer observes and recognizes, lawfully stops, or otherwise detains and identifies a person, he may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. To conduct a records check, an officer may detain a person who he has lawfully stopped for a reasonable period of time. For a routine records check by radio, telephone, teletype, or computer terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.
3. The person may be required to wait in the officer's vehicle, in his own vehicle, or in some other convenient place.
4. The person may be frisked if the officer can articulate a reasonable fear for his or her safety.

#### E. Planned Executions of Arrest Warrants

1. Prior to executing an arrest warrant, the officer in charge shall notify his/her chain of command.
2. The time of day for executing the arrest warrant shall be based on the following rules:
  - a. Execute during daylight, unless circumstances make this dangerous or impractical
  - b. Execute when the person named in the warrant is most likely to be present
  - c. Execute when resistance is least expected and best controlled
  - d. Minimize the danger or inconvenience to other persons who may be on the premises, unless other circumstances make this impractical
  - e. Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public (e.g., crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms)
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located (subject to third party private location rule.)



4. Officers need not execute the warrant at the first possible opportunity to do so, but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
5. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
6. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his intentions and purpose, and demand admittance. He may then wait, for a reasonable time under the circumstances, to be admitted.
7. Officers may only enter a third person's residence in the following circumstances:
  - a. with consent to search from the resident or person having control of the property, or
  - b. With a search warrant for that residence in order to enter and make the arrest, or
  - c. While in fresh pursuit of the wanted person.
8. If the execution of an arrest warrant may involve significant risk to officers, a statement of the circumstances of this risk should be included in the affidavit and the magistrate requested to include a "No Knock" authorization to the warrant. If a "No Knock" provision has not been authorized by the magistrate, and articulable circumstances occur at the time of execution of the warrant (such as efforts to destroy evidence, evade arrest, or endanger officers) an immediate entry may be made without the required notice and waiting period.
9. If an officer must make a forcible entry, the officer shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
10. Whenever an officer must forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other appropriate measures to protect the safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.
11. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating, and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.

12. An officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows. If the premises cannot be secured, a guard will be left until it can be turned over to a responsible party or otherwise secured from illegal entry.

#### F. Execution of Local Warrants by Other Jurisdictions

1. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this department, this department shall either arrange to have the prisoner picked up prior to the 11<sup>th</sup> day or notify the holding agency to release them.
2. Whenever an out-of-state department notifies this department that the out-of-state department has executed a felony arrest warrant held by this department, and is holding the person arrested, this department shall contact the District Attorney's Office who will immediately pursue extradition proceedings.

#### G. Class C Warrant Procedures

1. The City of Del Rio Municipal Court may issue warrants for Class C misdemeanor violations
2. When an officer suspects that a defendant has an outstanding Class C misdemeanor warrant and they do not have the warrant in their possession, the officer shall attempt to confirm the warrant with Communications
3. Communications will maintain both an electronic file of the warrant, and the original of the warrant in their office
4. Upon confirmation of the warrant, the officer will take the defendant into custody. If the arrest occurs during normal business hours (8 am to 5 pm, Monday – Friday), the officer will contact Municipal Court to arrange for the defendant to be arraigned immediately
5. If the defendant is arrested after normal business hours, they will be transported to the Val Verde County Jail or Detention Facility and the Municipal Court judge will be notified
6. Officers will not accept a bond from the defendant for the charge.
7. Prior to arrival at Municipal Court the officer should obtain the original warrant from Communications, and complete the officer's return on the warrant. The officer shall complete an arrest report.
8. The officer should turn in his arrest report and the original warrant to their supervisor. Supervisors will forward the warrant to Municipal Court for a final disposition and removal from the local warrant database.

9. If the defendant is arraigned by the Municipal Court judge, the completed original warrant can be left with the Municipal Court judge or the court clerk, at their request. If so, the officer will include a copy of the warrant with their arrest report.
10. Communications shall properly remove the warrant from the local warrant database.

## **VI. ARREST WITHOUT A WARRANT (TBP: 7.03)**

A. Federal and state constitutions protect individuals from arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

1. The Texas Code of Criminal Procedure, in Chapter 14, gives officers the authority to make warrantless arrests, supported by "*probable cause*", as follows:

a. Officers may arrest persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws.

b. If an officer has *probable cause* to believe that a person has committed an assault resulting in bodily injury to another and believes that there is danger of further bodily injury to that person, the officer may arrest the violator.

c. If an officer has probable cause to believe that the person has committed an offense involving family violence, the officer may arrest the violator.

d. If a person prevented or interfered with an individual's ability to place an emergency telephone call related to family violence, an officer may arrest the violator.

e. Officers shall arrest a person in violation of a valid protective order when committed in the officer's presence. Officers may arrest an offender for any offense committed within the officer's presence or view, including traffic violations.

f. Officers may arrest at the direction of a Magistrate, when a felony or breach of the peace has been committed.

g. Where it is shown by satisfactory proof to a peace officer, upon the representation of a *credible* person, that a felony has been committed, and that the offender is about to escape, so that there is not time to procure a warrant, said officer may, without warrant, pursue and arrest the accused.

h. Officers may arrest a person who confesses to a felony crime.

2. Warrantless Arrests Outside Officer's Jurisdiction:

- a. Although officers are discouraged from making arrests outside their jurisdiction, officers may make warrantless arrests in compliance with state law. Officers who are outside their jurisdiction may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony, breach of the peace, or violation of Chapter 42 or 49 of the Texas Penal Code.
- b. Any officer making a Warrantless arrest outside his/her jurisdiction shall notify the law enforcement agency of proper jurisdiction. The law enforcement agency shall take custody of the prisoner and arraign the prisoner before a magistrate in compliance with state law.

## **VII. POST-ARREST PROCEDURES**

### **A. Injury before or during arrest**

If a person receives an injury before or during an arrest and either requests medical attention or, in the officer's judgment, medical attention is needed, officers shall transport the suspect or arrange for his or her transportation to the hospital for an examination before booking.

### **B. Mirandizing Arrestees**

1. Arrestees shall be advised of their Miranda rights before any questioning
2. A waiver of the Miranda rights must be obtained before any questioning of an arrestee
3. If the arrestee has not waived his or her Miranda rights, no questioning shall be conducted beyond that necessary to accomplish the booking procedure (name, address, etc.)
4. If the arrestee declines to waive his or her Miranda right to counsel, or if the arrestee, after waiving that right, elects to reassert it, questioning must cease immediately and no further questioning may be conducted unless:
  - a. An attorney representing the arrestee is present, or
  - b. The arrestee voluntarily initiates a further interview, or
  - c. The arrestee has not waived his or her Miranda rights, then even though the arrestee is not being directly questioned officers shall refrain from engaging in conversation among themselves in the presence of the arrestee that is calculated to elicit incriminating statements or admissions from the arrestee

## **VIII. RELEASE FROM ARREST**

- A. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under

arrest did not commit a crime, or that the event was not a crime. It is imperative, then, that the officer end the arrest process and release the person as soon as possible.

## B. Procedure

1. If the arresting officer determines that probable cause no longer exists to arrest a suspect, and the officer is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the officer shall release the suspect.
2. When an officer releases a subject from arrest, he or she shall return the person to the place of the arrest, if the location is safe. The officer shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority assumes custody of the vehicle.
3. Upon releasing a person in this manner, the officer shall immediately contact the on-duty supervisor and advise him or her of the incident.
4. The officer shall document in an incident report:
  - a. The date and time of arrest
  - b. The person arrested (name, address, date of birth, race)
  - c. The location of the arrest
  - d. Probable cause for the arrest and the specific charge(s)
  - e. The location and time of release from arrest and whether the person was transported
  - f. The reasons for discovery of information which led the officer to release the person from arrest.
  - g. Any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved
  - h. Whether force was used in making the arrest, and if so, the nature of any force used and the consequences (including medical aid)

## **IX. IMMUNITY FROM ARREST**

### A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, except for traffic summonses.

2. Members of the Texas Legislature are exempt from arrest during a legislative session (or allowing for one day for every 20 miles such members may reside from the place where the legislature meets before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace.

B. Diplomatic immunity

1. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.
2. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security (202-647-4415, days, or 202-647-1512, nights and weekends).
3. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures--including pat-downs or other legal searches--to ensure safety to the public or other officers. Verification of the diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the chief or their designee shall remain in contact with the State Department.
4. Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory. Note: the list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance. (TBP 10.22)

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 7.4 Search Incident to Arrest and Other Searches Without a Warrant</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.07, 10.14, and 10.15	

**I. POLICY**

In order to ensure that constitutional rights are protected, officers of the SFDR Consolidated Independent School District Police Department will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances. Search warrants are discussed under Policy 7.5.

Searches without a judicial warrant are strictly limited to those circumstances where the courts have granted officers limited exceptions. One of those exceptions was described in Policy 7.2, where, if during an investigative stop, an officer has reasonable suspicion that an individual may be armed with a weapon - the officer may conduct a limited pat-down of the individual's clothing to protect the officer. Other exceptions to the search warrant requirement are provided in this policy.

**II. PURPOSE**

To establish guidelines for searches incident to arrest and other searches without a warrant.

**III. SEARCH INCIDENT TO ARREST**

- A. The general rule is that a reasonable search may follow a valid arrest. The officer has the authority to make a search which may extend to articles carried by the suspect and to the suspect's immediate surroundings. The purpose of this search is to remove any weapons from the arrested person which could be used against the officer while in custody, to remove any items that might facilitate an escape, and to prevent the destruction of any evidence by the arrested person.
- B. A search incident to an arrest must occur in such a way that it and the arrest are part of a continuous, uninterrupted transaction. Two conditions are necessary for this to occur:
  - 1. The search must be made as soon as practical after the arrest.
  - 2. The search must be made at or near the place of the arrest.

C. An officer making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.
2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence.

D. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.

E. Vehicles may be searched contemporaneous with the arrest of the occupant or driver only if:

1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or
2. The officer has a reasonable belief that *evidence related to the crime of the arrest* is located within the passenger compartment.
3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed. Officers may conduct a search of a vehicle passenger compartment in such circumstances if other warrantless search exceptions apply or by obtaining a search warrant.

#### **IV. OTHER WARRANTLESS SEARCHES**

##### **A. Consent Searches**

A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the officer doesn't have to have reasonable suspicion or probable cause to request a consent search: he or she may merely ask for permission from someone with control over the item or premises. If that person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.

1. Consent searches must observe the following rules:
  - a. Generally, the person granting consent must use, access, or control the property. A person having use, access or control of only a part of a jointly-owned property can only give consent for a search of that part.
  - b. If two people have joint ownership of property, either may give consent if they are the only one present. If possible, have all the consenting parties present sign a



written permission-to-search form. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.

- c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
- d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use if they are the only one present. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- e. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
- f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
- g. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
- h. Consent must be given voluntarily. If an officer requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual and the officers should seek a warrant. The officer may have the burden of demonstrating voluntariness.
- i. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
- j. Refusal to give consent, in itself, cannot justify further law-enforcement action.
- k. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

## 2. Documentation of Consent Searches

- a. Although verbal consent is valid, Police officers will carry and use the Voluntary Consent to Search form. The form should be completed and signed by the consenting parties. All Consent to Search Forms shall be copied and the original forwarded to the Records Unit for filing. A copy should accompany any case forwarded to the prosecutor.
- b. If a person gives verbal consent but refuses to give written consent, police officers should consider the severity of the case along with viable options (i.e., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search.

- c. If a police officer proceeds to search on verbal consent, it should be remembered that the burden of proof is always on the government. Officers should attempt to receive unequivocal verbal consent (i.e., "yes" or "You can search anywhere and anything in my car", rather than accepting the suspect nodding or saying, "uh huh").
- d. Police officers will not only have to prove the consent was voluntary, but that it was actually given (officer's word against defendant).

Officers should attempt to take additional steps to eliminate this argument (i.e., tape record the verbal consent, have an impartial third party witness the consent by signing the form).

- e. Police Officers should make every effort to minimize conditions which could be offered as "threat or intimidation"; such as:
  - i. Number of Police officers present (especially in uniform);
  - ii. Amount of force used to detain or arrest - i.e., display of firearms, use of handcuffs, etc.;
  - iii. Language and tone of voice used in requesting consent;
  - iv. Other non-verbal communications.

#### B. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
2. Police Officers may make a warrantless search of any person or anything, whether personal belongings, vehicles, or buildings, anytime they have probable cause to believe it is necessary to save a life, prevent injury, or prevent the destruction of evidence.
3. Police Officers who observe criminal activity occurring inside a private place from outside the private place may not always be able to secure a proper warrant in a timely manner and will adhere to the following guidelines:
  - a. If the offense is a misdemeanor, Police officers will not enter unless:
    - i. Valid consent is given by a person with apparent authority to grant such permission, or
    - ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.
    - iii. Circumstances where alcohol and/or illegal drugs are present, and the health and

safety of minors is a legitimate concern.

- b. If the offense is a felony, police officers will not enter unless:
  - i. Valid consent is given by a person with apparent authority to grant such permission.
  - ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if it is not immediately recovered, or
  - iii. There is reason to believe there is an immediate need to protect the physical safety of some person inside the location.
- c. Where police officers enter private property under felony circumstances as described above, and misdemeanor violations are also observed, they may take appropriate action with regard to all criminal conduct regardless of the kind of offense or the age of the individuals engaged in any criminal or status offense.
4. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

#### C. Plain view

A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentalities of the crime), two requirements must be met:

1. From a lawful vantage point, the officer must observe contraband left in open view; and
2. It must be immediately apparent to the officer that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

#### D. Plain feel

During a lawful frisk (stemming from a lawful stop), if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, then the object may be seized. Threatening items such a weapon may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent.

#### E. Abandoned property and open fields

A search warrant is not required for property that has been abandoned.

1. To constitute abandoned property, three conditions must apply:
  - a. Property was voluntarily abandoned.
  - b. The abandonment was not a result of police misconduct.
  - c. Property was discarded outside the area in which someone has a reasonable expectation of privacy.
2. Open fields are not protected by the Fourth Amendment, but officers must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

## **V. VEHICLES**

A. In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under a number of conditions and circumstances. It is imperative that officers understand the different types of vehicle searches and their limitations.

### **B. Definitions**

1. For the purposes of this section, a motor vehicle is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.
2. For the purposes of this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

### **C. When warrantless vehicle searches may be performed**

1. As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a with the following limitations:
  - a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.

- b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.
- c. When consent has been obtained from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.
- d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect. (See Section III above for a fuller treatment of searches incident to arrests and restrictions. Once an individual is restrained or removed from the immediate area of the vehicle, the authority to search the area within reach is removed.)
- e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle.
- f. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.
- g. An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.
- h. Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentalities of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

#### D. Containers within the vehicle

- 1. As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.
- 2. Procedures for unlocked containers
  - a. In a probable cause search, containers may be opened wherever found in the vehicle.
  - b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
  - c. During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.

- d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
- e. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.

### 3. Procedures for locked containers

- a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:
  - i. Consent has been given.
  - ii. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
  - iii. Inventory, only if a key is present.

### E. Conduct of the vehicle search

- 1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
- 2. When possible, officers shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
- 3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases.

### F. Vehicle Inventory

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded. Vehicle impound procedures are provided in Policy 8.8.

<b>S.F.D.R.C.I.S.D.POLICE DEPARTMENT</b>	
<b>Policy 7.5 Search Warrants</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 7.06	

**I. POLICY**

The federal and state constitutions guarantee every person the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that a person's Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential harm to members of the community, the risks to officers' safety and to the department image in the community, officers shall have a thorough knowledge of the legal requirements in obtaining and executing search warrants.

**II. PURPOSE**

The purpose of this general order is to establish guidelines and procedures which officers must follow when conducting searches and seizures.

**III. DEFINITIONS**

- A. *Search warrant:* A written order, issued by a magistrate, and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate or commanding him to search for and photograph a child and deliver to the magistrate any of the film exposed pursuant to the order.
- B. *Search site:* The premises to be searched, as explicitly stated in the search warrant.
- C. *Lead detective:* The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.
- D. *Protective sweep:* Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to

officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

- E. *Curtilage*: Curtilage usually refers to the yard, garden, or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation.

#### **IV. PROCEDURES - General**

##### **A. State Law**

1. Chapter 18 of the Texas Code of Criminal Procedure controls the use of search warrants in Texas. It states that a judge or magistrate may issue a search warrant if the following circumstances exist:
  - a. There is probable cause to do so, and
  - b. There is a complaint on oath supported by an affidavit.
2. Search warrants may be issued for the search of or for specified places, things or persons, and seizure there from of the following things as specified in the warrant:
  - a. Weapons or other objects used in the commission of a crime.
  - b. Articles or things the sale or possession of which is unlawful.
  - c. Stolen property or the fruits of any crime.
  - d. Any object, thing, or person including documents, books, records, paper, or bodily fluids constituting evidence of a crime.

##### **B. Supreme Court decisions**

1. The Supreme Court of the United States issues decisions which must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, officers bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:
  - a. Was there probable cause to issue the search warrant?
  - b. Was the scope of the search appropriate?

C. Exceptions to search warrant requirements are discussed in Policy 7.4.

#### **V. PROCEDURES - Obtaining a search warrant**



- A. Prior to obtaining a search warrant, officers should consult a departmental supervisor for review of the probable cause and approval to seek a search warrant. This review may be conducted by telephone if necessary. If the supervisor approves the warrant application, the supervisor shall notify their division lieutenant, who will decide whether to immediately inform the Chief of Police of the circumstances surrounding the offense and the need for the warrant.
- B. The approving supervisor will be in charge of the warrant execution. While the lead officer may develop the case information, construct the affidavit, and obtain the warrant, the approving supervisor is responsible for the proper and safe execution of the warrant including compliance with this policy.
- C. Essential legal requirements
  - 1. To obtain a search warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
  - 2. The officer shall carefully document in an affidavit specific facts that constitute probable cause. Two kinds of facts must be considered:
    - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched.
    - b. The facts which address the reliability of the source of the officer's information.
  - 3. The court considers only those facts presented in the warrant and affidavit. Conclusions and suspicions are not facts. Facts must be recent.
  - 4. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
  - 5. Reliability of facts is established by:
    - a. Personal observation or knowledge by an officer.
    - b. Eyewitnesses who have first-hand knowledge.
    - c. Informants (if proven reliable or corroborated by personal observation of an officer).
- D. Affidavits
  - 1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, officers shall provide the information listed below. Texas CCP 18.01 requires officers to swear to the facts of the affidavit before a judge or magistrate.

2. The affidavit shall include the following elements:
  - a. A detailed description of the place, thing, or person to be searched
  - b. A description of the things or persons to be searched for
  - c. A substantial allegation of the offense in relation to which the search is to be made
  - d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense
  - e. Material facts which would show that there is probable cause for issuing the search warrant
  - f. Facts that establish probable cause and that the item to be seized is at the location to be searched
- E. Language of the warrant
  1. Only the things specified in the search warrant can be seized (for a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see Policy 7.4). The warrant shall specify the areas to be searched shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.
  2. If motor vehicles to be searched are on the premises, the warrant shall specify.
  3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
  4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.
  5. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
  6. If time and opportunity permit, the affidavit and warrant should be reviewed by the District Attorney prior to presenting it to a magistrate.
  7. If officers believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to utilize a "no-knock"

warrant execution, the reasons for that belief should be clearly explained in the affidavit. The magistrate should be requested to review and authorize the no-knock entry.

## **VI. PROCEDURES - Executing a search warrant**

### **A. When a search warrant must be executed**

1. An officer is required to execute a warrant within the limitations imposed by statute. If it has not been executed during that time, the officer shall void the warrant and return it to the magistrate who issued it.
2. An officer may execute a search warrant either during the day or at night. The time of day selected to execute the warrant should take into consideration the likelihood that specific individuals will or will not be present. (Example: children or elderly.) Officer safety will also be considered in determining when to execute a warrant.

### **B. Preparing to execute the warrant**

1. Before executing the warrant, the supervisor shall review the warrant and the affidavit; and brief the search team officers on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.
2. All members of the search team shall be in uniform or wear a clearly marked jacket with "POLICE" in large letters on the front and back.
3. All members of the search team shall wear protective body armor during the execution of all warrants.

### **C. Gaining entrance to premises**

1. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed. The lead detective shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
2. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed officers shall be the most visible members of the search team and shall conduct the initial entry.
3. In most cases the officer shall do all of the following before entering the premises to be searched:

- a. He or she must announce their presence as a law-enforcement officer
- b. The officer must announce that their purpose is to execute a search warrant
- c. The officer must wait a reasonable time either to be admitted or refused admission to the premises

4. When entrance is refused

If the officer is refused entrance after a reasonable time, he may force his way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

- a. No one has admitted the officer within a time in which it would be reasonable to expect someone to let the officer in if he or she is going to be admitted at all.
- b. The officer waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.

5. No-knock or exigent entry

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry may be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

- a. Bodily harm either to the officer or to someone within the premises to be searched.
- b. The escape of the person to be searched or arrested.
- c. The destruction of evidence.

6. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety, such as "Police, search warrant, get down."

D. Conduct of the search

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.

3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search.
4. Once all the evidence being searched for is located, the search must cease at that point.
5. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.
6. An officer may seize only the property listed in the warrant with two exceptions:
  - a. The other evidence is reasonably related to the offense for which the search warrant was issued.
  - b. It is property which the officer knows or has probable cause to believe is evidence of another crime.
7. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by department policy.
  - a. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
  - b. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
8. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person beyond a frisk for officers' safety.
2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.

3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

## **VII. PROCEDURES - Return of the search warrant**

- A. After an officer has finished a search, he or she shall perform the following:
  1. Note the date of execution on the search warrant.
  2. The officer must make an inventory of all the property seized and leave a copy with the person in charge of the premises.
  3. Within three days following the execution of the search (excluding Saturdays, Sundays, or legal holidays) make return of the warrant to the magistrate who issued the warrant. The following
    - a. The search warrant.
    - b. The affidavit.
    - c. Either the inventory of articles seized or a notation that nothing was seized during the search.
- B. Responsibility for property seized
  1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to identify all seizures.
  2. Officers shall place evidence in the proper storage area or locker reserved for the purpose prior to the end of shift.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.1 Prisoner Restraints</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 10.01	

**I. POLICY**

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and restraining devices. The SFDR Consolidated Independent School District Police Department requires officers to observe their own safety and that of the people they transport by carefully utilizing restraints on prisoners (except children) who must be taken to a jail or other location. See also Policy 8.2, Prisoner Transportation.

**II. PURPOSE**

To establish guidelines for the use of handcuffs and other restraining devices.

**III. PROCEDURES - Arrested Persons**

A. General

1. Officers shall handcuff all arrested adults unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury. If a prisoner is not handcuffed, they shall be transported in a vehicle with a prisoner cage and two officers shall conduct the transport. Officers must be able to justify exceptions without unduly risking safety.
2. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer.
3. Officers are reminded to refer to SFDR CISD PD Policy 11.6 – Communication with the Deaf and Hearing Impaired on how to handcuff someone who is deaf or hard of hearing.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions without unduly risking safety.

Some possible exceptions are:

- a. Children under 10 years of age;
  - b. Pregnant females;
  - c. Handicapped or disabled suspects; or
  - d. Elderly suspects.
2. Normally, officers shall handcuff a subject with the hands in back, but he may choose to handcuff hands in front due to the suspect's handicap or disability. If handcuffed in the front, officers should attempt to secure the handcuffs to the body by use of a belt if possible.
  3. When a suspect is handcuffed, officers should double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.
  4. Officers shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of handcuffs.
  5. Individuals will not be handcuffed to any portion of a police vehicle during transport.

#### C. Body Belt

The body belt allows the officer to handcuff the prisoner in front, yet restricts the movement of the prisoner's arms and hands. The body belt will be used when the officer deems it appropriate.

#### D. Ankle Shackles

Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk or when circumstances deem it appropriate.

#### E. Plastic Handcuffs

Plastic handcuffs shall be used when officers take several prisoners into custody, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can only be removed with scissors, or wire cutters and should never be cut off with a knife.

#### F. Hobble Technique

1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope around the prisoner's ankles and then extending the other end of the device onto the door jam and then shutting the vehicle door, thus holding the prisoner's feet in place.



2. The hobble device should only be applied to a prisoner's legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself or another with the use of his feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.
3. A prisoner that requires the hobble device requires a two officer transport so that one officer can monitor the status of the prisoner while in transport, e.g. prevent prisoner head strikes against windows etc.

#### **IV. PROCEDURES - Persons not arrested**

- A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to potential suspects while officers investigate an incident. Officers should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.
  1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.
  2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
  3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the investigation.
- B. If an individual is handcuffed or otherwise restrained for officer safety reasons during an investigation and later released, officers shall document their actions in an offense or incident report and include the reasons officers handcuffed the individual, the approximate length of time of the restraint, and the results of the investigation.

#### **V. SPECIAL CIRCUMSTANCES**

##### **A. Restraint prohibitions**

1. Officers shall not place subjects in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices.
2. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position. Suspects shall never be transported in a prone, face down position.
3. Intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when restrained. All suspects will be monitored during custody for indications of medical problems and medical treatment obtained if required.

4. Officers will be aware of the concerns associated with positional asphyxia and shall ensure an open airway of the suspect through upright posture as soon as possible after making a prone arrest.

## **B. Excited Delirium**

1. Excited Delirium is a condition brought on by the use of drugs or the lack of required medication. Subjects in this state have readily identifiable symptoms and behavioral patterns. For the safety of both the officers and the subjects, recognition of these signs is a must. This is especially true in cases when more than two or three of the symptoms are exhibited at the same time by the same person. Some of the symptoms to be aware of include, but are not limited to:
  - a. Bizarre and/or aggressive behavior such as self-inflicted injuries; jumping into water; shouting; hiding behind cars, trees, and bushes; public disrobing (due to high body temp)
  - b. Irrational or incoherent speech
  - c. Dilated pupils; shivering; profuse sweating
  - d. Fear; paranoia, or panic
  - e. Violence towards others; violence toward objects, especially glass, or violence in general
  - f. High resistance to pain
  - g. Unexpected physical strength
  - i. Officers should never go "one-on-one" with a subject displaying these symptoms.
  - ii. These subjects may resist violently and then may become extremely tranquil, appearing to have given up and accepting their fate. This term is called, "Sudden Tranquility" and usually occurs just prior to death. If this circumstance occurs, officers should be mindful that seeking immediate medical attention may be necessary.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.2 Prisoner Transportation</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 10.01, 10.10, and 10.12	

## I. POLICY

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, such as the county jail, to a hospital, doctor, dentist, or other medical facility, to court, and for other reasons. Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of the SFDR Consolidated Independent School District Police Department to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody.

## II. PURPOSE

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

## III. PROCEDURES (TBP: 10.01)

### A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

### B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.
2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan and shall use personal protective equipment when necessary.
3. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property. (TBP: 10.10)

#### C. Searching the police vehicle

The transporting officer shall search the vehicle immediately before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence. (TBP 10.01)

#### D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used in transporting prisoners have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners while transporting.
3. Vehicles used for transporting prisoners should be checked for proper security measures and any contraband at the beginning of each shift and before transporting prisoners.

#### E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 8.1.
2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A single officer shall never transport two or more suspects in a non-caged vehicle.

3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.
  - a. One officer shall position him or herself in the rear of the transporting vehicle behind the driver with the prisoner (seat belted) on the rear passenger side.
  - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear passenger side (seat belted) and the assisting officer should position himself behind the driver's seat in order to see the prisoners at all times and protect the driver.
4. Officers shall not transport prisoners who are restrained in a prone position as doing so increases the risks of medical complications.

#### 5. Control of prisoners while transporting

#### F. Observation and Medical Assistance (THP: 10.12)

1. During custody and transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
2. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently ill prisoner if he or she wishes medical assistance.
3. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical or mental health state.
4. Prisoners shall not be left unattended at any time during transport with the exception of situations in Section G. below.

#### G. Stopping to provide law enforcement services while transporting

1. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:
  - a. A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
  - b. A person has been injured and assistance is required immediately.
2. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
3. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

## H. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:
  - a. Location
  - b. Direction and method of travel, and means of escape
  - c. Name, physical description of escapee
  - d. Possible weapons possessed by the escapee
  - e. Pending charges
2. Try to recapture the escapee as soon as possible.
  - a. The transporting officer shall submit a written report to the Chief of Police as soon as practical explaining the circumstances of the escape.
3. Prisoner communication
  - a. The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

## I. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:

1. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle.
2. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

#### J. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. As a rule, officers should not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting with the on-duty supervisor. The supervisor shall observe the following procedures to ensure control of the prisoner:
  - a. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.
  - b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
  - c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then maintain the guard until the prisoner makes bond or the case is filed. When the case is filed attempt to transfer responsibility to the Val Verde County Sheriff's Office.
  - d. Until relieved by the Val Verde County Sheriff's Office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.
  - e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.
  - f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

#### K. Special transport problems

1. Transport of prisoners by officers of different sex than prisoners.
  - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
  - b. At a minimum the transporting officer shall:
  - c. Contact the dispatcher by radio and request that the time and odometer mileage be logged

- d. Go directly to the destination by using the shortest practical route
- e. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged

#### L. Prisoner with disabilities

1. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
2. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
3. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
4. Transportation of dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency or the sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

#### M. Documentation

Officers shall document all prisoner transports and shall note any unusual circumstances or events in the arrest report. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment.



<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.3 Prisoner Processing</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 10.10, 10.12, 10.14, 10.15, and 10.22.	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department does not maintain or operate a holding facility. All persons taken into custody are taken directly to the GEO Detention Facility. The policy of our department is to process prisoners without delay and safely transport them to the GEO Detention Facility as soon as possible.

**II. PURPOSE**

To provide operational procedures for transport of prisoners to the County Jail.

**III. GENERAL ISSUES**

A. Supervision

The operational policies and supervision of the Val Verde County Jail is the responsibility of the Sheriff. Members of this agency will conform to their requirements when processing prisoners for holding in their facility. Any difficulties encountered by members of the SFDR Consolidated Independent School District Police Department should be brought to the attention of a supervisor as soon as possible.

B. Access to Facility

Access to the county jail is limited to authorized sworn personnel. Juveniles are prohibited from entering the facility at any time. Juveniles taken into custody are transported immediately to the juvenile's home, to the juvenile processing room at the SFDR Police Department, or to the Juvenile Probation Office.

**IV. FACILITY SECURITY**

A. Firearms and Weapons

1. Weapons shall be secured in an appropriate lock box or secured in the officer's vehicle trunk prior to entering the facility. No firearms or other weapons are allowed in the jail area.
2. Weapons (that are not contraband) that are not part of an investigation, but are part of prisoner's property will not be placed in prisoner's property in the holding facility, but will be placed in the property room at the police department for safekeeping.

## **V. PRISONER PROCESSING**

### **A. Prisoner Control and Security**

1. All arrested persons shall be thoroughly searched for weapons and contraband at the scene of the arrest prior to being placed in a police vehicle. Any contraband located on the arrested person is considered evidence, is seized, and properly secured as evidence. Any property removed from a suspect shall be securely maintained by the arresting officer and released to the custody of Val Verde County Jailor GEO staff when the individual is booked into the jail. (TBP 10.10)
2. Persons arrested by this agency may be transported to the SFDRICISD Police Department for paperwork processing prior to transport to the Val Verde County Jail or GEO Detention Facility. At no time will any person arrested or detained be left alone while in custody in the police vehicle or while in the police department facility. \* This includes any interview room.
3. Persons to be detained in the Val Verde County Jail or GEO Detention facility are escorted into the facility through the holding facility door near or through the sally port.
4. Officers will take extra precautions to ensure that all items taken from a prisoner in the field are turned over to the jail staff for safekeeping so they may be released to the individual when they are released from jail.

### **B. Juvenile Detentions**

1. If a child is detained and transported to the SFDRICISD Police Department building, they shall only be detained in the areas designated as Juvenile Processing Offices. Under no circumstances will a child who is in custody be left unsupervised. All children held at the police facility remain out of sight and sound of adult prisoners.
2. A child who is being held for a status offense shall not be detained in a secured area or any locked room. Status offenders are to be held in a non-secured area, out of sight and sound of adult prisoners.

#### C. Medical Attention (TBP: 10.12)

1. Should an arrested person have obvious injuries or complain of injury or illness, the arresting officer will ensure the individual is examined by either EMS personnel or medical personnel before transport to the Detention Facility.
2. If the severity of medical conditions is unclear or if a prisoner requests medical attention, he shall be transported as soon as possible to a medical facility for evaluation. If available, the arresting officer shall be responsible for transporting the prisoner to and security of the prisoner while at a designated medical care facility.

#### D. Fingerprints and Photographs

1. Fingerprinting and Photographs will be conducted by County Jail or GEO Detention staff or under their direction.

#### E. Arrest Reports

1. All individuals detained will have an Arrest Report completed using the computerized offense and arrest report system.
2. Arrest reports contain information about the offense and the probable cause to believe the person committed the offense or a reference to an offense report where such information is provided.
3. Arrest reports are completed in the format provided in the computer system.
4. All arrest reports and related offense reports will be completed by the arresting officer prior to end of shift and copies provided to the County Jail personnel.
5. If County jail or GEO Detention supervisors do not believe there is sufficient probable cause to hold an individual, the on-duty or on-call supervisor should be contacted.

#### F. Transportation of Prisoner to other Agencies

1. SFDRICISD Police Officers are not usually required to transport prisoners to other agencies. This function is usually carried out by the Transportation Section of the Val Verde County Sheriff's Office. If an SFDRICISD PD Officer is required to transport a prisoner to another agency, they will:
  - a. Comply with the other agencies' rules including locking up all weapons prior to entering the facility
  - b. Ensuring the prisoner remains handcuffed until released to their custody

- c. Provide the receiving agency with all necessary paperwork and prisoner's property
2. Officers picking up prisoners from the county will inquire about any physical or mental problems the prisoner may have. All of the prisoner's property will be signed for by the prisoner and provided to the transporting officer for safekeeping. (TBP: 10.10)

## **VI. PRISONER RIGHTS**

### **A. Access to Consul (TBP: 10.22)**

1. Detainees shall be asked their country of citizenship following arrest if it is in question. Should a detainee be other than a U.S citizen, the detainee will be asked by the arresting officer if they wish their Consular to be notified. If so, the Consul will be notified by Communications using the list maintained in the communications office. Notification or refusal shall be noted in the arrest report.

### **B. DWI Blood Tests**

1. Suspects arrested for DWI have the right to request a Blood Test by a physician of their choice within two hours after their arrest per TRC 724.019. Individuals should be allowed access to a telephone for this purpose as soon as possible if requested.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.4 Juvenile Procedures</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP 10.02 and 10.03	

**I. POLICY**

The SFDR Consolidated Independent School District Police Department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The SFDR Consolidated Independent School District Police Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes.

**II. PURPOSE**

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses and those charged with criminal offenses.

**III. DEFINITIONS**

- A. *Child (Juvenile):* A person who is ten years of age or older and less than seventeen years of age.
- B. *Conduct in Need of Supervision:* Conduct, other than a traffic offense, that violates the penal laws of the state punishable by fine only, or violations of municipal ordinances, failure to attend school, and runaway.
- C. *Delinquent Conduct:* Conduct, other than a traffic offense (except DWI) that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.
- D. *Delinquent child:* A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 17th birthday.
- E. *Intake officer:* A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer.

- F. *Juvenile court*: The Court designated under Texas Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
  - 1. All juvenile offenses other than class “C” offenses occurring within the jurisdiction of SFDR CISD PD are heard in District Court.
- G. *Referral to Juvenile Court*: The referral of a child’s case to the official, including the intake officer, designated by the Juvenile Board to process children within the Juvenile Justice System.
- H. *Status Offender*: A juvenile who is charged with an offense that would not be a crime if committed by an adult.
- I. *Responsible Adult*: In the absence of a juvenile’s parents or legal guardian, a responsible adult is one who is responsible for the physical custodian of a juvenile or who is another adult acquaintance of the juvenile’s parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
- J. *Juvenile Processing Office*: The office(s) within the SFDR CISD Police Department or school facility, approved by the Juvenile Court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the Juvenile Detention Center.

**IV. PROCEDURES – General (TBP: 10.02)**

A. Overview

- 1. All members of the department shall cooperate with juvenile justice authorities and their support activities.
- 2. Juveniles have all the same constitutional rights as do adults and all requirements for protection of those rights apply to juveniles as well as adults. Additional rules are prescribed by the Texas Family Code. All department personnel are responsible for following the Family Code and this order.

B. Handling of juvenile offenders - general

- 1. A juvenile offender shall be handled with firmness and respect.
- 2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
- 3. All investigative detentions and enforcement actions involving juveniles will be documented, either by use of a written warning, citation, or incident report. If a

written warning or citation is issued and the circumstances of the contact are recorded on the form, no incident report is required. If no written warning or citation was issued, an incident report will be generated to document the contact and actions taken. If possible, all contacts with juveniles will be recorded as best possible on the in-car audio/video system.

#### C. Authority for Taking a Child into Custody

1. Section 52.01 of the Texas Family Code allows police officers to take children into custody:
  - a. Pursuant to an order of the Juvenile Court;
  - b. Pursuant to the laws of arrest;
  - c. For conduct which violates a penal law of this state or a municipal ordinance;
  - d. For Delinquent Conduct or Conduct Indicating a Need for Supervision, including truancy and runaway;
  - e. Pursuant to a Directive to Apprehend.
2. The section also authorizes officers to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent.
3. In making the decision to handle the juvenile either informally with a warning or formally by referral to the Juvenile Court, the officer shall consider the following:
  - a. Seriousness of offenses.
  - b. Prior record of child.
  - c. Child's age.
  - d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
  - e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

#### D. Enforcement Alternatives

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following, listed in order of severity:
  - a. release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult;

- b. field release with written warning or citation, limited custody and station house warning, arrest under non-secure custody, and release to parents with or without referral to Juvenile Court or First offender Program; and
  - c. arrest and secure custody, with transfer to detention and referral to Juvenile Court.
2. Enforcement criteria for the use of these alternatives is provided below.
  3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
  4. In all cases where a juvenile is believed to have committed a violation, regardless of the disposition, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances of the contact.

## **V. ENFORCEMENT CRITERIA**

- A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.
  1. Release without further action, release with verbal warning, referral to parents or responsible adult or informal counseling with contact of parents or responsible adult.
    - a. Appropriate in incidents where no violation was determined or where the violation was very minor and officers explained the law and consequences.
      - i. No property damage or personal injury was involved
      - ii. No prior record
      - iii. May include contact with parents if appropriate. Examples of these incidents include, but are not limited to curfew violations, minor liquor law violations, and disorderly conduct.
    - b. If a non-traffic citation is issued, the juvenile's parents may be contacted by telephone from the scene and advised of the offense and disposition. If the parents cannot be contacted, officers will make a copy of the citation and forward the copy to the SFDRICISD PD secretary for mailing to the parents. On it, the officer shall give a complete description of the circumstances of the contact.
    - c. If officers detain a juvenile for a non-traffic offense and decide not to issue a warning or citation, officers shall complete an incident report and forward it to their supervisor.



2. Field release with written warning or citation, or limited custody and station house warning, arrest under non-secure custody and release to parents with or without referral to Juvenile Court or First Offender Program.
  - a. Officers may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the Juvenile Processing Office until he is released to a parent or guardian.
    - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
    - ii. there was property damage or minor injury not amounting to a felony;
    - iii. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;
    - iv. the youth fails to cooperate or to positively respond to police intervention and direction;
    - v. the youth's parents or responsible adults have apparently failed to provide appropriate control and supervision.
  - b. Officers may elect to file a referral to the Juvenile Court depending on the nature of the offense and prior history of the offender.
3. Arrest and secure custody, with transfer to detention and referral to Juvenile Court. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in section 2 above.
  - a. Officers should file delinquency charges against juveniles when they commit:
    - i. acts that if committed by an adult would be felonies;
    - ii. delinquent acts involving deadly weapons;
    - iii. serious gang-related offenses;
    - iv. delinquent acts involving serious assault;
    - v. delinquent acts while on probation or parole or when they have charges pending against them;
    - vi. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs;
    - vii. when it has been determined that parental or other adult supervision is ineffective.

4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.
  - a. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.
  - b. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
  - c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
  - d. Transportation of a juvenile in a caged vehicle is not considered secure custody.
  - e. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
  - f. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be under constant visual supervision; afforded reasonable access to toilets and washing facilities; provided food if in need of nourishment to include any special diets necessary for health or medical purposes; provided with reasonable access to water or other beverages; and allowed reasonable access to a telephone.

## **VI. JUVENILE PROCESSING**

### **A. Searching and Transportation of juveniles**

1. No juvenile under 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
2. Juveniles are searched and transported in the same manner as adults in compliance with Policy 7.11 Prisoner Transportation.
3. Juveniles are typically not handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer

### **B. Actions when taking a juvenile into Custody**

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.

2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:
  - a. Release the child to his parent, guardian, custodian, or other responsible adult upon that person's promise to bring the child before the Juvenile Court when requested by the court;
  - b. Bring the child to a Juvenile Processing Office designated by the Juvenile Court;
  - c. Bring the child before the office or official designated by the Juvenile Court;
  - d. Bring the child to a medical facility if the child is believed to suffer from a serious physical condition, illness, injury or mental condition that requires prompt treatment;
  - e. Referral of the child and/or parent, guardian or custodian to the appropriate social agency;
  - f. In cases of truancy, the child is immediately returned to the proper school official within the appropriate public or private school;
  - g. Take the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or
  - h. Release the child with no further action pending.

C. Notifications:

1. The arresting officer shall promptly notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas Family Code.
2. Notification of the parents or attempts at notification shall be documented in the arrest report.

D. Designated Juvenile Processing Area:

1. A juvenile may be detained in a holding area certified by the Juvenile Court. The SFDRCSISD Police Department approved Juvenile Processing Office is the interview room located near the dispatch office, and every CID office.
2. Juveniles are detained under the following conditions:
  - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
  - b. At no time will a juvenile who is in custody be left unsupervised in the juvenile holding area.

- c. All juveniles held in the Juvenile Processing Office are out of sight and sound of adult prisoners.
- d. No juvenile is held in custody longer than is reasonable to conduct an investigation, prepare a case, or to await the arrival of a parent or guardian.
- e. At no time will a juvenile be held in the Juvenile Processing Office longer than six hours. If not otherwise released, the juvenile will be taken to the Juvenile Detention facility within 6 hours of an arrest.

#### E. Taking a Runaway into custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Verify status as runaway
2. Take the child into custody.
3. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent. If a parent cannot be located, take the juvenile to the juvenile processing office and make contact with the Juvenile Detention Center Intake Officer for instructions.
4. The Juvenile Processing Office may not be locked when holding status offenders. An officer will remain with the juvenile until disposition is made.
5. Notify Communications to remove the runaway report from the computer system
6. In any event, officers shall complete incident reports for any runways taken into custody.
7. Out-of-town runaways, take the child into custody and verify runaway status with the other jurisdiction. If a detention order is on file, follow the instructions for serving a detention order.
  - a. Notify the intake officer of the juvenile court of the action taken. The intake officer will then determine what the next step will be. The officer shall:
    - i. Follow the intake officer's instructions for detention or child placement.
    - ii. Notify parents that the child is in custody.
    - iii. If the child is to be released and the parents cannot respond within a reasonable period of time, then [either contact a runaway house, if appropriate in your jurisdiction, or arrange to detain the juvenile].

#### F. Taking a Truant into Custody

1. When custody occurs because a juvenile is a reported truant by school officials, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
2. The officer shall complete an incident report which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

## **VII. PROTECTIVE CUSTODY**

A. A law enforcement officer may take protective custody of a child without a court order for the following reasons and no others:

1. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.
2. Upon the voluntary delivery of the child, by the parent, managing conservator, guardian, caretaker, or custodian who is entitled to possession of the child.
3. Upon personal knowledge of facts which would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
4. Upon information furnished by another which has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
5. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.
6. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.

B. Emergency Treatment For Juveniles

1. In the absence of the responsible parent or guardian, police officers are expected to immediately take custody of any juvenile found to be in need of emergency medical care and to see that the juvenile is taken to an emergency hospital for treatment.

### C. Procedures To Take Custody Of The Juvenile

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expedient manner:
  - a. The officer takes custody of the juvenile either in person or requests an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
  - b. The officer utilizes all available resources to immediately contact a parent or guardian (school officials, etc).
  - c. The officer then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
    - i. Name, race, and date of birth of the juvenile,
    - ii. Parent's name and address if available,
    - iii. What hospital the juvenile has been taken,
    - iv. What efforts have been made to contact the child's parents or guardian,
2. Follow-Up Investigation:
  - a. The officer conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.
  - b. The officer will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

### D. Persons Who May Consent To Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and surgical treatment of a child when the person having the right to consent as otherwise provided by law cannot be contacted and that person has not given actual notice to the contrary:

1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person, an adult who has actual care, control, and possession of the child and has written authorization to consent from the person having the right to consent.
2. A peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment, or

3. Any court having jurisdiction over the child.

## **VIII. INVESTIGATIVE PROCEDURES**

### **A. Custodial Interrogation Of Juveniles**

1. Custodial interrogation of juveniles by Department employees shall adhere strictly to procedural requirements established by the Texas Family Code and relevant court rulings.
2. The custodial officer or a detective interviews the juvenile. The officer explains to the juvenile the procedures that will relate to their case. The officer or detective may, at their discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.
3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

### **B. Written Confessions/Statements:**

Officers will follow the procedure outlined below while taking written statements/confessions from juveniles:

1. Written confessions are taken in compliance with the Texas Family Code.
2. A magistrate, outside the presence of law enforcement officers, first warns the juvenile.
3. An officer then takes the typed or handwritten statement, but leaves the statement unsigned.
4. The officer then returns the juvenile and the statement to the magistrate.
5. The magistrate will review the statement with the juvenile outside the presence of law enforcement officers.
6. The juvenile is then allowed to sign the statement in the magistrate's presence.

### **C. Fingerprinting And Photographing Juveniles:**

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.
2. Fingerprints and photographs of juveniles are destroyed as directed by the Texas Family Code.
3. Fingerprints are taken to comply with state reporting requirements. All juveniles placed in custody for cases classified as class "B" misdemeanor or higher are

fingerprinted and photographed. These records are maintained at the County Juvenile Detention Center and also in the State files.

4. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that they are those of a particular child, unless otherwise prohibited by law, the officer may fingerprint the child regardless of the age or case for the purpose of immediate comparison with the latent fingerprints.
5. Disposition of Fingerprints Taken: If the comparison is negative the fingerprint card and other copies of the fingerprints taken are destroyed immediately. If the comparison is positive and the child is referred to the Juvenile Court, the fingerprint card and other copies of the fingerprints are filed locally and with the State. If the child is not referred to the Court the fingerprints taken are destroyed immediately.

#### D. Required Notification of Schools

1. Officers that arrest or take into custody an individual that, because of age, may be enrolled in a primary or secondary school, as provided by Chapter 52, Family Code shall;
  - a. Attempt to determine if the individual is a student.
    - i. If the individual is known to or believed to be enrolled in a school mentioned above, and
    - ii. The child's alleged offense is an offense under section: 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code, or
    - iii. The Unlawful Use, Sale or Possession of a Controlled Substance, Drug Paraphernalia, or Marijuana, as defined by Chapter 481, Health and Safety Code; or
    - iv. The Unlawful Possession of any of the Weapons or Devices listed in Section 46.01(1)-(14) or (16), Penal Code; or a Weapon listed as a Prohibited Weapon under Section 46.05, Penal Code; or
    - v. Any felony offense.
  - b. If the individual meets these requirements the officer or detective assigned shall give oral notification to the Superintendent or the designee of the public school district within 24 hours after the arrest or detention of a child, or on the next school day.
  - c. Written notification shall be mailed within seven (7) days after the date of oral notification to the appropriate aforementioned school official, marked "Personal and Confidential" on the mailing envelope.



2. The complete text of this responsibility is found in Article 15.27 Code of Criminal Procedures.

E. Juvenile Records

All juvenile records are maintained separately from adult records and shall be stored securely.

<b>S.F.D.R.C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.5 Domestic Violence and Protective Orders</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.08	

## I. POLICY

The SFDR Consolidated Independent School District Police Department assigns domestic or family violence calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in responding to cases of domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

## II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

## III. DEFINITIONS

- A. *Assault* - Intentionally, knowingly, or recklessly causes bodily injury to another including the person's spouse or threatens to cause imminent bodily injury to another including the person's spouse. This definition is not all inclusive as family violence may also entail aggravated circumstances, sexual assault, as well as other offenses. See Chapter 22 and 25 of the Texas Penal Code.
- B. *Domestic violence shelters/programs* - Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.
- C. *Family abuse* - Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury

and which is committed by a person against such person's family or household member.

D. *Family or household member*

1. Spouses, whether or not residing in the same home
2. Former spouses, whether or not residing in the same home
3. Persons who have a child in common, whether or not they have ever been married or resided together
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters half-brothers and half-sisters regardless of whether they reside in the same home with the suspect
5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect
6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect
7. (See Sections 71.003, 71.004, and 71.005 of the Texas Family Code.

E. *Protective order* - A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid for up to two years. Types of protective orders:

1. Emergency protective order
2. Protective order
3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present; a person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established the actor had been served with the order prior to the commission of the act(s) violating the order. In the event that an officer arrives and the actor is not aware of the order, the officer may assist the protected person in informing the actor subject of the existence of the order.

The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

#### **IV. PROCEDURES - General responsibilities**

- A. Department personnel shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.
- B. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

#### **V. PROCEDURES - Patrol responsibilities**

- A. Arrival at the scene
  - 1. Obtain all available information from the dispatcher before arrival.
  - 2. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
- B. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon on arriving officers.
- C. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
- D. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
- E. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
  - 1. Initial contact with occupant(s).

- a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). A Certain identity of the complainant, and ask to see him or her and any other person at the home.
  - b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.
  - c. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
  - d. Refusal of entry or no response to a knock at the door may require a forced entrance only if officers have a reasonable belief that the safety of people inside is in jeopardy.
  - e. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
  - f. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If both are present, either one may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
- F. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: officers believe that someone, perhaps the victim or a child, is in need of emergency assistance).
1. Officers shall evaluate the following elements when considering a warrantless entry:
    - a. The degree of urgency involved and the time required to get a warrant.
    - b. The possibility of danger to others, including officers left to guard the site.
    - c. Whether the suspected offense is serious or involves violence.
    - d. Whether officers reasonably believe that persons may be armed.
    - e. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.

2. Once inside, establish control by:
  - a. Inquiring about the nature of the dispute.
  - b. Identifying disputants.
  - c. Being aware of potential weapons in surroundings.
  - d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
  - e. Protect the victim from further abuse. Separate the victim and suspect and arrange for medical attention if either are hurt.

If the victim or suspect appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph all injuries if possible.

- f. Ascertain whether a protective order has been violated.
  - g. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.
  - h. Transporting family/household members to the hospital, safe shelter, or magistrate.
3. Officers shall transport victims to a safe location as they wish or as the circumstances require.
  4. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.

#### G. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, if identifiable.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.

3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption.  
  
(This may help the parties relieve emotional tension.) Although the disputants may be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allow the parties to point out anything that might be misrepresented).
6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

#### H. Interviewing the victim

Ascertain the following information from the victim:

1. What happened
2. Any injuries, who caused them, and what weapons or objects were used
3. Relationship to suspect
4. Any threats made against victim or others
5. Forced sexual contact against victim's will
6. Any court cases pending against suspect or any protective orders in effect
7. Is suspect on probation or parole
8. Did suspect threaten others, particularly children, damage property, or hurt pets

#### I. Interviewing witnesses

1. Interview any witnesses to the incident including children, other family members, neighbors as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.

4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

#### J. Collection of Evidence

Officers should ensure they treat a family violence offense with the same seriousness as other criminal offenses and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence.
2. Photograph any damages or injuries received by any parties.

### **VI. PROCEDURES - Arrests**

- A. Officers may make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person's family or household. Further, the department promotes a policy of arrest when the elements of an appropriate offense are present.
- B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
- C. In cases where the conditions of a protective order have been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists.
- D. Officers making arrests for family violence may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.
- E. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).
- F. In determining probable cause, the officer shall not consider:
  1. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
  2. Whether the complainant has not sought or obtained a protective order.
  3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.



4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
5. That the complainant has not begun divorce proceedings.
6. Assurances of either disputant that violence will stop.
7. The lack of visible bruises or injuries.
8. Denial by either disputant that violence occurred.

G. Factors favoring the decision to arrest

1. Arrest is the most appropriate response when these factors are present:

- a. Serious, intense conflict.
- b. Use of a weapon.
- c. Previous injury or damage.
- d. Previous court appearance against the offending party.
- e. Previous attempt to sever the relationship.
- f. Previous calls for law enforcement help.
- g. When a felony has occurred.
- h. Evidence of drugs or alcohol use at the assault.
- i. Offenses committed with the officer present.
- j. Valid warrants on file for other crimes.
- k. A protective order has been violated.
- l. Aggressive behavior toward anyone, pets, or any other threatening behavior.

H. Making the arrest

1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-

lookout" message describing the suspect if necessary and arrange for an arrest warrant.

3. If an arrest must be made because a protective order has been violated, verify its validity by:
  - a. Examining the victim's copy, if available.
  - b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.
    - I. If the abusive person is not arrested
      1. Complete an incident report and give a copy or arrange to have a copy given to the victim.
      2. Inform the victim that the department will begin proceeding to procure a warrant for the offender if an offense occurred.
      3. Advise the victim of the importance of preserving evidence.
      4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
      5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.
      6. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency
      7. Assure the victim that the Department shall assist in future emergencies and explain measures for enhancing his or her own safety.
    - J. Gathering evidence:
      1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
      2. The victim's account of injuries sustained should be corroborated by a physician if possible.
      3. When feasible, take photographs of injuries.
      4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.

5. Collect evidence according to the same principles as applied to any crime scene.
6. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
7. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

K. Documenting the incident

1. All incident reports on domestic violence shall follow general reporting procedures.
2. Include in all reports of domestic violence:
  - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
  - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
  - c. The victim's statements as to the number of prior calls for law enforcement assistance.

L. The disposition of the investigation.

1. In any case involving domestic violence thoroughly document probable cause to arrest.
2. If an arrest is not made for domestic violence the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
  - a. What referral information was given
  - b. The name of any counselor contacted
  - c. Why no arrest was made, nor any warrant issued
3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services
4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.

M. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this department, the responding officer shall summon the field supervisor, who shall in turn notify his or her chain of command and the Chief of Police immediately.
2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
3. The on-call investigator shall be summoned who shall begin an internal and/or criminal investigation.
  - a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.
  - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
  - c. The investigator shall speedily present the case to the district attorney.
4. Upon termination of the criminal investigation, the Chief may assign an officer to undertake an internal administrative investigation into the incident consistent with Policy 2.4. The Chief may suspend the employee pending the outcome of the investigation.
  - a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
  - b. If the internal administrative investigation supports a violation of agency policy, the sheriff shall take appropriate action consistent with Policy 2.5. Further, if the investigation confirms that domestic violence occurred, the Chief of Police may require counseling, psychological evaluation, demotion, or termination of employment.
  - c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification, which would lead to termination of employment.
  - d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued

weapons. Failure by an officer to notify the Chief of Police that they are subject to a protective order will result in discipline.

## **VII. PROCEDURES - Issuing an emergency protective order**

### **A. Emergency protective orders (EPO) (domestic violence)**

1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrate's own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.
  - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the District Attorney.
  - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
  - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, or possessing a firearm, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO.
4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provided with a copy and informed of its requirements.
5. A copy is also delivered to the Chief of Police and communications center for the jurisdiction where the victim resides.

### **B. Protective Orders from Other States**

Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

<b>S.F.D.R C.I.S.D. POLICE DEPARTMENT</b>	
<b>Policy 8.6 Vehicle Operation</b>	
<b>Effective Date:</b>	
<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
<b>Reference:</b> TBP: 7.15, 7.20, and 7.24	

**I. POLICY**

All personnel operating SFDR Consolidated Independent School District Police Department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

**II. PURPOSE**

To establish procedures governing the operation of police vehicles.

**III. DEFINITIONS**

- A. *Emergency driving.* Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency driving with emergency lights and siren activated allows officers to disregard certain traffic regulations but officers must still drive with due regard for the safety of the officer and others.
- B. *Emergency equipment.* Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- C. *Normal or routine driving.* That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."

**IV. GENERAL PROCEDURES FOR ALL RESPONSES (TBP: 7.15)**

## A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Texas Transportation Code authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for failure to use reasonable care in such an operation.

## B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty supervisor to conduct an investigation.
2. Accidents involving members of this department will be investigated by the sheriff's department, DPS, or other neighboring police agency. Drivers shall also write a memorandum detailing the circumstances.
3. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report.
4. Vehicles used in routine or general patrol service shall be conspicuously marked unless being used for covert patrol operations.
5. Unmarked cars shall not be used in any pursuit but may be used for patrol. They may be used to stop vehicles provided they are equipped with emergency lights and a siren.
6. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights may be used at any time the department vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles.
7. Seat belts and shoulder straps shall be worn by all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible.(TBP: 7.20)
  - a. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release the seat belt.

8. Any young children transported in a police vehicle will be transported in the manner prescribed by the Texas Transportation Code using Infant/Child car seats when necessary.

#### C. Inspection (TBP: 7.24)

1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be reported to the supervisor.
2. Officers shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering. Officers shall also check tires for tread wear and proper inflation.
3. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to the on-duty supervisor.
4. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
5. Officers who discover a department vehicle in need of repairs shall immediately inform their supervisor.
6. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
7. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.
8. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and tail-light lenses are kept clean, insofar as circumstances permit.
9. No officer or employee shall operate any department vehicle which he or she believes to be unsafe.

#### D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.



2. A department vehicle shall not be left unattended with the engine running nor shall the vehicle be left unlocked when the officer has left it to handle other business.
3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly.
4. Officers responding to certain crimes-in-progress may discontinue the use of the siren upon approaching the location of the occurrence. While this is allowed by Texas law and this policy, officers shall understand that to do so means that they are no longer operating in a manner that would warn other traffic and should remember that they still have a duty to drive with due regard to other motorists and pedestrians.
5. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
6. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.
7. Regardless of the seriousness of the situation to which the officer is responding, and exempting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
8. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.
9. Operators of department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

## **V. PROCEDURES FOR EMERGENCY DRIVING**

### **A. General**

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. Section 546.005 of the Texas Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount; the responding officer must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

#### B. Response codes

1. Calls for service are classified as Code 1 or 3 depending on circumstances. Code 3 calls are authorized by the dispatcher, a field supervisor, or the patrol officer, subject to the considerations discussed below. The codes are defined as follows:
2. Code 1 responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Units responding to Code 1 calls shall respond to the location without delay, complying with all traffic regulations and shall not use emergency warning devices.
3. Code 3 responses are authorized for any emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
4. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.

#### C. Dispatcher assignments

1. The dispatcher shall assign Code 3 classification to those calls for service which meet the description under B.3 above, which indicate a crime involving violence is in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Some felonies-in-progress that do not apparently involve violence are dispatched as Code 3.

Examples of Code 3 calls (not all inclusive) include:

- a. An officer who needs urgent help

- b. A burglary in progress
  - c. A robbery in progress
  - d. A serious-injury or fatal accident or hit/run
  - e. A riot or large disturbance with fighting or injuries or damages occurring
  - f. An apparent homicide
  - g. A fight or an assault-in-progress
  - h. A sex offense in progress
  - i. Domestic dispute with an assault in progress, or just occurred with a suspect still on location
  - j. An in-progress suicide attempt
- D. Officer's response to call
1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or canceled.
  2. All units responding to robbery-in-progress and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights. Officers are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
  3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
  4. Officer-initiated response.
    - a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.
    - b. Examples include:

- i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
- ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
- iii. Responding to Code 1 calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
- iv. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.
- v. In response to an officer's emergency request for assistance.
- vi. For pursuit, see Policy 8.7

E. Use of emergency warning devices in non-emergencies

1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

# **S.F.D.R.C.I.S.D. POLICE DEPARTMENT POLICY**

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