CITY OF ARANSAS PASS, TEXAS
Police Department

Policy and Procedure Manual

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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 to 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 both in 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 police 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.

IACP Code of Ethics, adopted 37 Tex. Admin. Code § 1.112

Canons of Police Ethics

Article 1: Primary Responsibility of Job

The primary responsibility of the police service, and of the individual officer, is the protection of people of the United States through the upholding of laws. Chief among these laws is the Constitution of the United States and its Amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

Article 2: Limitations of Authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state, or federal, he must be aware of the limitations and proscriptions which the people, through the law, have placed upon him. He must recognize the genius of the American system of government which gives to no man, groups of men, or institutions, absolute power; and he must ensure that he, as a prime defender of that system, does not pervert its character.

Article 3: Duty to be Familiar with the Law and with Responsibilities of Self and Other Public Officials

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him. He will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Article 4: Utilization of Proper Means to Gain Proper Ends

The law enforcement officer shall be mindful of his responsibility to pay strict attention to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must be by those who enforce it.

Article 5: Cooperation with Public Officials in the Discharge of Their Authorized Duties

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

Article 6: Private Conduct

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity, and morality.

Article 7: Conduct Toward the Public

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can, and will require compliance with the law. He will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his sworn obligation.

Article 8: Conduct in Arresting and Dealing with Law Violators

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator nor to mete out punishment for the offense. He shall, at all times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator. He shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law abiding.

Article 9: Gifts and Favors

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

Article 10: Presentation of Evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

Article 11: Attitude Toward Profession

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships, shall strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office and shall hold police work to be an honorable profession rendering valuable service to his community and country.

IACP Canons of Police Ethics, adopted 37 *Tex. Admin. Code* § 1.113

MISSION STATEMENT

“"To respond, serve, protect, and educate those whom have empowered and entrusted us with their safety, preservation of property, life and liberty through professional policing, delivered with compassion, commitment, and the utmost of integrity."”

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Chapter 1 - Department Organization and Administration

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform his/her function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers pursuant to Tex. Code of Crim. Pro. art. 2.12 and art. 1701. The authority of any such peace officer extends to any place in the State of Texas and assigns the duty to every peace officer to preserve the peace within the State of Texas and their jurisdiction through all lawful means. A peace officer shall perform the duties as required under the Tex. Code of Crim. Pro. art. 2.13.

Special or limited peace officer powers or authority to arrest may be granted to others as specified in Tex. Code of Crim. Pro. art. 2.121 - 2.125.

100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Texas Constitutions.

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Chief Executive Officer

102.1 PURPOSE AND SCOPE

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) has mandated that all sworn officers and dispatchers employed within the State of Texas shall receive initial certification by TCLEOSE within prescribed time periods.

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department shall, as a condition of continued employment, complete the course of training prescribed by TCLEOSE and obtain the Basic Certificate by TCLEOSE within the time frame prescribed by Tex. Educ. Code § 96.641.

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Oath of Office

104.1 PURPOSE AND SCOPE

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees will be required to affirm and sign the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

The oath of office reads as follows:

"IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS, I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

104.1.2 CODE AND CANONS OF ETHICS

All sworn employees shall adhere to the Code of Ethics and Canons of Police Ethics in the Policy Manual preface, as adopted by the International Association of Chiefs of Police (IACP).

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Aransas Pass Police Department is hereby established and shall be referred to as the Policy Manual. The Policy Manual is a statement of the current policies, procedures, rules and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

106.1.1 DISCLAIMER

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

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Chief of Police. Since it is not practicable for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

The assistant chief of police will assist in maintaining the accuracy and completeness of this manual when delegated by the chief of police. The chief of police will further accept recommendations of best practices and localized practices from the department heads within the following departments: Patrol, Investigations, Records, Dispatch. Adoptions of any new policy shall require the approval and oversight of the chief of police and/or the assistant chief of police if delegated by the chief of police.

106.2.1 CHIEF OF POLICE

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall ensure compliance with all applicable Texas law. The Chief of Police is responsible for issuing Departmental Directives which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

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106.2.2 STAFF

Staff shall consist of the following:

- Chief of Police
- Assistant Chief of Police
- Captain of CID
  - Detectives
  - DEA Assigned Detectives (Answers to Chief of Police)
  - Evidence Management Technicians
- Captain of Patrol
  - Patrol Officers
  - Canine Officers
  - SRO Officers
  - Court Warrant Officers (Answers to the Judge and Chief)
- Records Manager
  - Records Clerks
- Dispatch Supervisor
  - Assistant Dispatch Supervisor
  - Dispatchers
- Building Maintenance Staff

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander, who will consider the recommendation and forward it to the chief of police or his designee.

If the revision is accepted, the chief of police or designee will adopt the policy into this manual and notify all staff of the update. The effective date of any new policy shall be stated within the adopted policy.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

All written policies will have a header at the top of the page with the subject of the policy and the policy number. Each policy will begin with a purpose statement, a policy statement when appropriate, and conclude with the directive information of that subject. The published date of the document will be printed in the footer of each page.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

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106.3.2 DEFINITIONS

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

Adult - Any person 17 years of age or older, except as specifically noted

CFR - Code of Federal Regulations

City - The City of Aransas Pass

Department/APPD - The Aransas Pass Police Department

DOT - The Texas Department of Transportation

DPS - The Texas Department of Public Safety

Employee/Personnel - Any person employed by the Department.

Juvenile/Child - Any person under the age of 17 years.

Manual - The Aransas Pass Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Aransas Pass Police Department, including sworn officers, reserve officers, civilian employees and volunteers.

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the Aransas Pass Police Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

Rank - The job classification title held by an officer.

Shall or Will - Indicates a mandatory action.

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

TCLEOSE - The Texas Commission on Law Enforcement Officer Standards and Education

THP - The Texas Highway Patrol

USC - United States Code

106.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Assistant Chief of Police
- Captains
- Sergeants

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- Coporals
- Patrol Officers
- Personnel and Training Personnel
- Shift Commanders
- Criminal Investigations Division
- Records Personnel

An electronic version of the Policy Manual will be made available to all employees on the Aransas Pass Police Department network. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

106.3.4 ACKNOWLEDGEMENT

Each newly appointed employee will acknowledge in writing that he/she has been provided access and ability to review the Policy Manual. All employees will acknowledge in writing the receipt and review of any new directive or modifications to this manual. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Coordinator. Failure to acknowledge receipt, review, and acceptance of this manual could affect one's employment with this department.

106.4 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual, and that they understand they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Training Coordinator will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return e-mail, review the revisions and seek clarification as needed.

Each division commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

106.4.2 PERIODIC REVIEW OF THE POLICY MANUAL

At least annually the Chief of Police will cause the entire manual to be reviewed and updated as necessary to ensure the Policy Manual conforms to actual Department operations and complies with Texas law and Federal law.

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Organizational Structure and Responsibility

110.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

110.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Aransas Pass Police Department. There are three divisions in the Police Department as follows:

- Administration Division
  - Administrative Staff
  - Records
- Operations Division
  - Dispatch
  - Patrol
- Investigation Division
  - Criminal Investigations
  - Evidence/Property Management

110.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the chief of police whose primary responsibility is to provide general management direction and control for the Administration Division, including management of the department budget. The Administration Division consists of Technical Services and Administrative Services.

Annually, the chief of police shall develop a department budget and an inventory of department capital property, equipment and assets. Property, equipment and assets with a beginning value over $5000 and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

110.2.2 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol and Special Operations, which includes Traffic, Canine Operations, and School Resource Officer operations.

The Captain is also responsible for completion of patrol focused case. These cases include matters pertaining to traffic violations and misdemeanor cases. The Captain will insure that cases are complete with statements, evidence, media, criminal complaints, citations, and other required documentation or material. The captain is further responsible for submission of these cases directly to the appropriate court with jurisdiction over prosecution. The captain shall review all self initiated felony cases and insure their completion as well.

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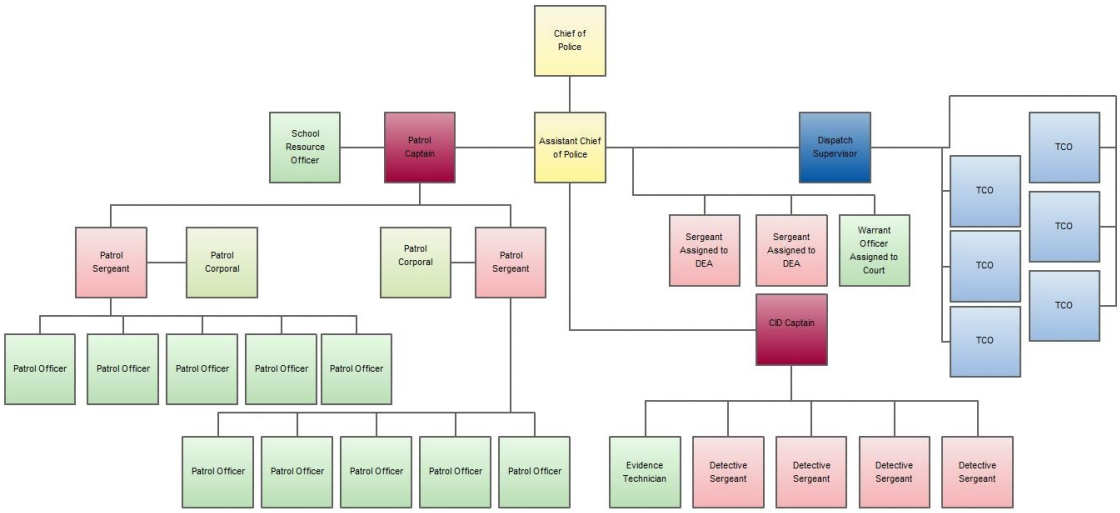
Once completed, the Captain will delivery said felony cases to the proper court for criminal prosecutions over felonies.

110.2.3 CRIMINAL INVESTIGATIONS DIVISION

The Criminal Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Criminal Investigations Division. The Criminal Investigations Division consists of the Criminal Investigations Division, Crime Analysis Unit, Property and Evidence Division and Forensic Services. Criminal Investigations Division is responsible for case investigations over all non-patrol investigated criminal cases. Criminal Investigations Division is also responsible for special operations to assist on crime detection and prevention.

110.3 COMMAND STAFF ORGANIZATIONAL CHART



110.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences and in the absence of the Assistant Chief , the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Assistant Chief of Police

(b) Criminal Investigations Division Commander

(c) Patrol Division Commander

(d) Shift Commander/Supervisor

110.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time

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for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT, Narcotics), any supervisor may temporarily direct any subordinate if an operational necessity exists. Sergeant Investigators within criminal investigations are supervisors for the operational purposes only unless assigned otherwise by the patrol captain or criminal investigations captain.

110.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

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Departmental Directive and Special Orders

112.1 PURPOSE AND SCOPE

Departmental Directives and Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding (MOU). Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

112.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 09-01 signifies the first Departmental Directive for the year 2009.

112.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual thereof and are temporary in nature. Special Orders become inoperative with the passing of the incident or situation that caused its issuance.

112.2 RESPONSIBILITIES

It is the responsibility of the assigned individual(s) or shift(s) to carry out any Directive or Special Order assigned. It is the responsibility of the On-Duty Supervisor or Shift Supervisors to insure all Special Orders and/or Directives are carried out or completed.

112.2.1 STAFF

The staff shall review and submit revisions of the Policy Manual to the Chief of Police, which will incorporate changes originally made by a Interim Directive.

112.2.2 CHIEF OF POLICE

The Chief of Police or his designee shall issue all Interim Directives and Special Orders.

112.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the department.

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Administrative Communications

114.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

114.2 MEMORANDUMS

Memorandums may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status. Memorandums may be issued in writing or by email.

114.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Personnel should use department letterhead only for official business and with the approval of their supervisor.

Internal correspondence should use appropriate memorandum forms when in writing. Email correspondence may be accepted in lieu of written correspondence. These may be from line employee to employee, supervisor to employee or any combination of employees.

114.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

114.5 OTHER COMMUNICATIONS

Departmental Directive and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police, his designee, or Division Commanders.

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Records Release and Security

116.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of department reports and records in accordance with applicable law.

This policy does not prevent the Department from voluntarily making part or all of specific information available to the public, unless disclosure is expressly prohibited by law or the information is confidential under law (Tex. Gov't Code § 552.007).

116.2 PUBLIC REQUESTS FOR RECORDS

Records created by this agency are subject to inspection and release to the public unless otherwise expressly exempt from public disclosure by statute or judicial order (Tex. Gov't Code § 552.001). Public requests for records of this department shall be processed in accordance with Texas Government Code, Chapter 552, regarding public information and this policy.

The Department shall prominently display a sign that contains the basic rights of a person who requests public information, the responsibilities of the Department and the procedures, including fees, for inspecting or obtaining copies of records (Tex. Gov't Code § 552.205).

The Tex. Gov't Code § 552.001 provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in Chapter 552 of the Texas Government Code or otherwise established by statute or judicial order. Public requests for records of this department shall be processed as follows:

(a) Written Request shall be received by the department during normal business hours Mon.-Fri., 8 a.m. to 5 p.m., excluding holidays.. Said request shall outline the records being sought to aid Records Management in the recovery of said records. A reason for said request need not be made known and no member of the department shall demand a reason for such request.

(b) Records under 50 pages may be given out free of charge by the department with approval from the Chief of Police or his designee. All records over 50 pages will require a fee charge unless otherwise determined by the Chief of Police or designee. The fee schedule is as follows:

- Standard paper copy will be charged at a rate of $0.10 per page or part of page, each side of one page is considered one page,
- Nonstandard copy will be charged at the following rates: Diskette = $1.00
- Magnetic tape = Actual Cost
- Data Cartridge = Actual Cost
- Tape Cartridge = Actual Cost
- Rewritable CD (CD-RW) = $1.00
- Non-rewritable CD (CD-R) = $1.00
- Digital Video Disc (DVD) = $3.00
- JAZ Drive = Actual Cost

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- Other Electronic Media = Actual Cost
- VHS Video Cassette = $2.50
- Audio Cassette = $1.00
- Oversize Paper Copy = $0.50/page
- Specialty Paper = Actual Cost
- Programming Labor Charge = $28.50/hr
- Public Service Labor Rate (Over 50 pages or off-site locating or extensive in-house work to fulfill request, Not including Redactions under 50 pages.) = $15.00/hr

(The aforementioned fee schedule is subject to change as applicable by law. If a change is found within the law, the department will employ the full rate as noted in the updated State Law.)

116.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying the associated fees (Tex. Gov't Code § 552.021; Tex. Gov't Code § 552.261). Requests shall be completed as soon as possible based on the circumstances of the request (Tex. Gov't Code § 552.221).

A requestor must complete the examination of the requested information no later than the 10th business day after the department custodian makes the information available. If the requestor does not complete the examination within the 10 days, or does not file a written request for additional time, the request will be considered withdrawn (Tex. Gov't Code § 552.225). If the request cannot be fulfilled within 10 business days after the date of request, the Department shall notify the requester in writing (Tex. Gov't Code § 552.221).

The processing of requests is subject to the following limitations:

(a) The authorized receiving employee shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests may take up to 10 days.

(b) In accordance with the Public Information Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

116.2.2 REDACTED OR WITHHELD RECORDS

The Records Supervisor may allow certain records to be redacted prior to release or withheld without a decision from the Attorney General, but only when allowed by statute. However, such redaction or withholding must be approved by the Chief of Police. An example would be a request for personal public safety employee information (Tex. Gov't Code § 552.151; Tex. Gov't Code § 552.024).

The Records Supervisor should ensure that releases containing redacted information are accompanied by:

(a) An explanation of the redacted or withheld information.

(b) A reference to the section justifying the redaction or withholding of the information.

(c) Instructions regarding how the requestor may seek a decision from the Attorney General regarding whether the redacted or withheld information is exempt from required disclosure.

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A request for information that is not specifically exempt from required public disclosure, by statute or judicial decision, that the Department believes should not be disclosed will be referred to the Attorney General for a decision as to whether the information must be released. Such referrals must be submitted no later than 10 business days after the written request for the information was received by the Department (Tex. Gov't Code § 552.301).

116.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions.

116.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

(a) **Victim information -** The following victims shall not have their identifying information made public. Release of confidential information to unauthorized persons is a misdemeanor (Tex. Code Crim. Pro. art. 57.03; Tex. Code Crim. Pro. art. 57B.03; Tex. Code Crim. Pro. art. 57D.03).

1. Victims of crimes who have requested that their identifying information be kept confidential by filing a pseudonym form (Tex. Code Crim. Pro. art. 57.02; Tex. Code Crim. Pro. art. 57B.02; Tex. Code Crim. Pro. art. 57C.02).
2. Victims who are minors (Tex. Family Code § 58.007).

(b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public (Tex. Gov't Code § 552.108).

1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
2. <u>If it has been noted in any report that any individual wishes to protect his/her right to privacy under the Texas Constitution, such information may not be subject to public disclosure.</u>

(c) **Specific crimes** - Certain types of reports involving, but not limited to, child abuse/neglect (Tex. Fam. Code § 261.201), minors and juveniles (Tex. Fam. Code § 58.007; Tex. Family Code § 58.00711; Tex. Code of Crim. Pro. art. 45.0217), and elder abuse (Tex. Hum. Res. Code § 40.005) shall not be made public. Certain individuals may be allowed redacted copies of child abuse or neglect reports. These records may be released only in accordance with Tex. Family Code § 261.201(k) and (l).

(d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Tex. Gov't Code § 552.

116.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives, including attorneys, shall be referred to the County and/or District Attorney, City Attorney or the courts.

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Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals as prescribed by law.

116.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports and related supplemental reports are privileged and for the confidential use of only those identified by law. Employees shall not release traffic collision reports without the legal authority to do so. Among those who may legally obtain a traffic collision report are the following persons and entities (Tex. Transp. Code § 550.065):

(a) The court in which a case involving a party involved in the collision is pending, if the report is subpoenaed.

(b) The Department of Transportation

(c) A person who provides two or more of the following:

1. The date of the collision.
2. The specific address or the highway or street where the collision occurred.
3. The name of any person involved in the collision.

116.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Tex. Gov't Code § 552.102).

Peace officer personnel records are deemed confidential and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police or as required by law.

116.3.5 PHOTOGRAPHS OF OFFICERS

Photographs depicting an officer may not be released by the Aransas Pass Police Department unless one of the following conditions applies (Tex. Local Gov't. Code § 143.090):

(a) The officer has been charged with an offense by indictment or information.

(b) The officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration.

(c) The photograph is introduced as evidence in a judicial proceeding.

(d) The officer gives written consent to the release of the photograph.

116.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of the Evidence Code relating to privilege.

The Department maintains the right to refuse, to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure.

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Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Tex. Gov't Code § 552.111 and 552.103).

116.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

116.5 SUBPOENA DUCES TECUM

Any subpoena duces tecum or discovery request should be promptly provided to a supervisor for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any subpoena duces tecum should be promptly referred to the Department's legal counsel so that a timely response can be prepared.

116.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a subpoena duces tecum shall be marked with a department stamp or marking identifying the individual to whom the record was released.

116.7 PRIVACY AND SECURITY OF RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in a locked room or locked cabinet with only authorized persons having access.

116.8 RECORDS RETENTION

All records will be maintained in accordance with the Retention Schedule for Records of Public Safety Agencies prescribed by the Texas State Library and Archives Commission. A copy of the retention schedule may be obtained by contacting the Texas State Library and Archives Commission or by going directly to the Commission's website at http://www.tsl.state.tx.us/slrm/recordspubs/ps.html#2.2.

No employee shall dispose of any record maintained by this department without proper authorization and not before the expiration of its retention period.

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Criminal History Record Information (CHRI)

118.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of Criminal History Record Information (CHRI), security of that information and persons authorized to release and receive that information (Tex. Gov't Code §§ 411.082, 411.085, 411.087 and 411.089).

118.2 AUTHORITY

This policy is established pursuant to the mandates under Texas Government Code for the Department of Public Safety to maintain, control, disseminate the information and determine who has access to CHRI.

118.3 DEFINITIONS

Criminal History Record Information (CHRI) - Information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations and other formal criminal charges and their dispositions (Tex. Gov't Code § 411.082(2)).

Criminal Justice Agency - Is a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial portion of its annual budget to the administration of criminal justice, or a nongovernmental railroad or campus police department that has obtained an originating agency identifier from the FBI (Tex. Gov't Code § 411.082(3)).

Criminal Justice Purpose - An activity that is included in the administration of criminal justice, or screening of applicants for employment with a criminal justice agency (Tex. Gov't Code § 411.082(4)).

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CHRI.

118.4 AUTHORIZED RECIPIENTS OF CHRI

The Department is entitled to receive CHRI from the Texas Department of Public Safety (Tex. Gov't. Code § 411.089). CHRI may only be released to authorized recipients. All law enforcement personnel with proper identification are authorized recipients.

CHRI may be obtained by authorized recipients for criminal justice purposes only. The information may be disseminated via radio devices when needed and if necessary to another criminal justice agency for a criminal justice purpose (Tex. Gov't. Code § 411.089).

118.4.1 TERMINAL AGENCY COORDINATOR (TAC)

The Dispatch Supervisor is the designated Terminal Agency Coordinator (TAC) for the Aransas Pass Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The TAC will resolve specific questions that arise regarding authorized recipients of CHRI.

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118.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient.

(a) Terminal Agency Coordinator

(b) All Communications Center personnel

(c) All sworn law enforcement personnel

(d) Personnel specifically designated by the TAC and trained to receive CHRI information

118.4.3 CONFLICT PERTAINING TO RELEASE

The TAC is the ultimate judge on information pertaining to CHRI and the TLETs/NLETs system. The TAC can withhold CHRI for other validated reasons not specifically mentioned in this policy.

118.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law or the policies and orders of both the county's juvenile board and the designated juvenile court regarding the release of juvenile offender records. Juvenile records and information are confidential and may only be disclosed pursuant to Tex. Fam. Code § 58.005.

118.6 REVIEW OF CRIMINAL OFFENDER RECORD

The Texas Department of Public Safety provides the authority and procedure whereby an individual may review his/her own criminal history record (Tex. Gov't Code 411.135).

An Individual seeking to review his/her arrest or conviction record should be directed to contact the Texas Department of Public Safety. The requirements and fees can be found at http://www.txdps.state.tx.us.

118.7 PROTECTION OF CHRI

The CHRI attached to completed department reports will be securely stored in the Records Section in accordance with department records retention policies. The CHRI contained in documents outside the Records Section will be in secured areas and access restricted to authorized personnel for the performance of their job duties.

118.7.1 COMPUTER TERMINAL SECURITY

Computer terminals capable of providing access to automated criminal offender information are located in secure areas to preclude access by unauthorized users. The terminals must be housed in areas outside of screen view of the public at all times. Officers shall ensure that patrol vehicles remain secured when unoccupied to preclude access to Mobile Data Terminals (MDTs) located within the vehicle.

Employees must comply with the training programs set forth in accordance with DPS policies prior to using the system.

118.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding. Approved shredding shall employ a crosscut pattern, leaving pieces no larger than 1/2 by 1/8th of an inch.

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Each employee shall be responsible for destroying the CHRI documents he/she receives.

118.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete, at minimum, Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) course, titled "Texas Crime Information Center (TCIC)/National Crime Information Center (NCIC) for Less Than Full Access Operators" in order to access CHRI and related information.

The Training Unit shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

118.9 PENALTIES FOR MISUSE OF RECORDS

The Tex. Gov't Code § 411.085 makes it a Class B misdemeanor to obtain CHRI in an unauthorized manner, to use the information for an unauthorized purpose, to disclose the information to a person who is not entitled to the information or to provide a person with a copy of the person's criminal history record information or to violate any rule pertaining to CHRI adopted by Department of Public Safety under state law. In addition, Tex. Gov't. Code § 411.085 makes it a second degree felony if the CHRI is obtained, used or disclosed for remuneration or the promise of remuneration.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Disciplinary Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Disciplinary Policy.

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Emergency Management Plan

120.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

120.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. The Chief of Police or his designee, Emergency Management Coordinator, or the highest ranking official on-duty may activate the Emergency Management Plan in response to a major emergency.

120.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Aransas Pass Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to respond to an order to report for duty may result in discipline, including termination.

120.3 LOCATION OF MANUALS

The manual for the employees is available in City Hall at the Emergency Management Coordinator's Office, Police Administration, in the Shift Commander's office and in Dispatch.

120.4 PLAN REVIEW

At least once every two years the Emergency Management Coordinator should conduct a review of the Emergency Management Plan, incorporating a full or partial exercise, tabletop or command staff discussion. The department shall participate in this review process and offer incite and support as needed within the scope of the departments responsibilities.

120.5 PLAN TRAINING

The Department shall provide training in the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and what roles personnel will play when the plan is implemented.

120.6 AFTER-ACTION REPORT

After an event requiring the activation of the Emergency Management Plan, the Shift Commander or supervisor present at the incident shall submit an after-action memorandum to the Chief of Police for review. The purpose of the report is to identify any potential issues regarding policy, staffing, equipment, planning or training.

The report should include, at minimum, a description of the event, deployment of the response plan and assignments, and the staffing levels required.

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Supervision Staffing Levels

122.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance employee needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet the operational requirements of the Department.

122.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one shift commander on-duty whenever possible. The shift commander may be a corporal, sergeant, or the patrol captain.

122.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as field supervisors in place of a field sergeant.

With prior authorization from the Patrol Division Commander, an officer may act as the Shift Commander for a limited period of time.

Whenever a field supervisor is not on duty and no assignment has been given by the Patrol Division Commander, the senior most tenured officer will remain the immediate supervisor for the shift.

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Shift Commanders

124.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

124.2 DESIGNATION AS ACTING SHIFT COMMANDER

When a Sergeant is unavailable for duty as Shift Commander, in most instances the senior qualified corporal shall be designated as acting Shift Commander. This policy does not preclude designating a less senior corporal as an acting Shift Commander when operational needs require or training permits.

When the Sergeant is on-duty or returns to duty, the Corporal shall fall in line with the rest of the patrolmen on shift, unless otherwise directed by the shift commander.

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Major Incident Notification

126.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

126.2 POLICY

The Aransas Pass Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

126.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Robberies
- Shootings with injuries
- Traffic accidents with fatalities
- Officer-involved shooting, whether on- or off-duty (See Policy Manual § 210.5.3 for special notifications)
- Significant injury or death of employee, whether on- or off-duty
- Death of a prominent Aransas Pass official or resident
- Arrest of department employee or prominent Aransas Pass official or resident
- Aircraft crashes
- Boat craft crash or incident with major damage and/or injury or death
- Large structure fires or fires to prominent locations or that result in severe injury or death
- In-custody deaths
- Activation of any emergency management events
- Significant weather events

126.4 SHIFT COMMANDER RESPONSIBILITY

The Shift Commander is responsible for making the appropriate notifications. The Shift Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Commander shall attempt to make the notifications as soon as practicable. Notification should be made by phone. The Shift Commander may have Dispatch place the notification phone call but remains the responsible party for insuring the call has been made.

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126.4.1 STAFF NOTIFICATION

In the event an incident occurs as described in Policy Manual § 126.2, the Chief of Police shall be notified along with the affected Division Commander and the Criminal Investigations Division Commander, if that division is affected.

126.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted. That person will then contact the appropriate detective.

126.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Shift Commander shall be notified. The Shift Commander shall lead the investigation into the traffic accident.

126.4.4 MEDIA RELATIONS OFFICER (PIO)

The Media Relations Officer for the department is the Chief of Police or his designee. All other employees shall not communicate with the media directly, unless specifically authorized by the Chief of Police. Matters not subject to Policy Section 126.3 that show to have significant interest to the media shall be reported to the Chief of Police.

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Chapter 2 - Response to Resistance and Pursuit Policies

Use of Force

200.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

200.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

200.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

200.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

200.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force

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that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

200.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to effect an arrest, search, prevent escape or overcome resistance. If it is not reasonably apparent to the person to be arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search the person and identify themselves as peace officers before using force (Tex. Penal Code § 9.51).

200.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

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(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

200.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

200.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

(b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

(c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

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(e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

200.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

200.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

Officers shall not put themselves in danger of being struck by the vehicle which may heighten the level of force to be applied.

200.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report approved by the department, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department requires the completion of additional use of force report forms, as specified in department policy, procedure or law.

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200.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

In all other use of force situations, not requiring an immediate report to a supervisor, the officer shall report the use of force on department approved forms and submit said report to their supervisor for later review.

200.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. **Calls involving these persons should be considered medical emergencies.** Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

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200.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

200.7.1 SHIFT COMMANDER RESPONSIBILITY

The shift commander or the patrol sergeant/captain shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. All use of force situations shall be investigated by a patrol sergeant or captain. Once that investigation is complete, the use of force review report shall be turned over to the Chief of Police or his designee for final review and approval.

200.8 ANNUAL USE OF FORCE REPORT

The patrol commander shall submit an annual Use of Force Report to the Chief of Police. The report should be based on the Use of Force Forms submitted to the patrol commander throughout the year. In compiling the annual report, the patrol Commander should consider reviewing:

(a) The type of force used.

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(b) Whether the force used was effective in controlling the individual.

(c) The location (premise type) where the force was used.

(d) The number of officers present when the force was used.

(e) The identity and number of officers who used force.

(f) Precipitating events leading to the use of force.

(g) The type of offense or arrest.

(h) Whether alcohol and/or narcotics were involved.

(i) The report should analyze the use of force incidents to determine whether:

1. Any policies need revision.
2. Additional training is needed and the scope of the training required.
3. Any equipment changes that may be needed.
4. Any changes in methods of operation or response that may be needed.

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Handcuffing and Restraints

204.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

204.2 POLICY

The Aransas Pass Police Department authorizes the use of restraint devices inaccordance with this policy, the Use of Force Policy and departmenttraining. Restraint devices shall not be used to punish, to displayauthority or as a show of force.

204.3 USE OF RESTRAINTS

Only members who have successfully completed Aransas Pass Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

204.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

204.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor, delivery or recovering from delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury (Tex. Local Gov't. Code § 361.082).

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204.3.3 RESTRAINT OF JUVENILES

A juvenile under 10 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

204.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

204.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

204.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit

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hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

204.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

204.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

204.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

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(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Under no circumstances shall an individual be hogtied.

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Control Devices and Techniques

206.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

206.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Aransas Pass Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

206.3 ISSUANCE AND CARRYING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances.

206.4 RESPONSIBILITIES

206.4.1 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

206.4.2 ARMORER RESPONSIBILITIES

The Armorer shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

In addition to regular supervisory inspections, every control device will be periodically inspected by the Armorer or the designated instructor for a particular control device. The inspection shall be documented.

206.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Armorer for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

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In lieu of a damage report form, the officer may utilize department email or an inner office memorandum.

206.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

206.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

206.7 OLEORESIN CAPSICUM (OC) GUIDELINES

206.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

OC spray carried shall not be flammable and should be compatible for use in combination with a conducted energy device.

206.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

The use of a pepper projectile system is subject to the following requirements:

(a) All officers using the pepper projectile shall be trained and certified in it's use.

(b) Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system deployments where the suspect has been hit. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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(c) Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

206.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

206.8 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

206.8.1 DEPLOYMENT

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

206.8.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding deployment distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

206.8.3 SAFETY PROCEDURES

Shotguns designated for the use of kinetic energy projectiles will be specially marked as such.

Officers carrying these shotguns will inspect the shotgun at the beginning of each shift to ensure that it is in proper working order and loaded only with approved projectiles.

206.9 TRAINING FOR CONTROL DEVICES

The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this department's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this department's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

206.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Conducted Energy Device

208.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER® device.

208.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

208.2.1 DEFINITIONS

CED is Conducted Energy Device

Taser is a CED and refers to CED in use throughout this policy section.

208.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.

208.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

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(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

208.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

208.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

208.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

208.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

208.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

208.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

208.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

208.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

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Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

208.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

208.6.1 TASER DEVICE FORM

Items that shall be included in the TASER device report form are:

(a) The type and brand of TASER device and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the TASER device was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Coordinator should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

208.6.2 REPORTS

The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

208.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

208.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or the armorer and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

208.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Coordinator. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

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The Training Coordinator is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

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Officer-Involved Shooting

210.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

210.2 INVESTIGATION RESPONSIBILITY

This department will request the assistance of the Texas Rangers or Texas DPS for investigating officer-involved shootings.

210.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander.

(b) A criminal investigation of the involved officer(s) conducted by an outside agency.

(c) A civil investigation to determine potential liability conducted by the involved officer's agency.

(d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

210.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

210.4.1 ARANSAS PASS POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Aransas Pass Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by this department or an uninvolved allied agency.

210.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Aransas Pass Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by this department or an uninvolved allied agency. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

210.4.3 ARANSAS PASS POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation

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of the suspect(s) to another agency. The Aransas Pass Police Department will conduct timely civil and/or administrative investigations.

210.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
APPD Officer in This Jurisdiction	APPD Investigators	APPD Investigators or Allied Agency	APPD Civil Liability Team	APPD Internal Affairs Unit
Allied Agency's Officer in This Jurisdiction	APPD Investigators	APPD Investigators or Allied Agency	Involved Officer's Department	Involved Officer's Department
APPD Officer in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	APPD Civil Liability Team	APPD Internal Affairs Unit

210.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting:

210.5.1 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).

1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on-scene supervisor should not attempt to order any officer to provide other than public safety information.

(e) Provide all available information to the Shift Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

(g) As soon as practicable, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

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1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

210.5.2 SHIFT COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Shift Commander shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Division Commander.

210.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- Chief of Police
- Assistant Chief of Police
- Criminal Investigations Division Commander
- Allied agency investigators (if appropriate)
- Internal Affairs Investigator
- City Manager / Civil Liability Response Team
- Psychological/peer support personnel
- Medical Examiner or Justice of the Peace (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Chief of Police.

210.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Chief of Police for release to the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

210.5.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the station, the Shift Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for department or legal representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.

(d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer upon request.

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints, until investigators or the evidence management technician can properly retrieve it.

Detectives shall make reasonable accommodations to address the officer's physical and emotional needs.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Patrol Division Commander to make schedule adjustments to accommodate such leave.

210.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

210.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Criminal Investigations Division supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from an allied agency should this investigation be assumed by another agency. Detectives may be assigned to separately handle the investigation of any related crimes not being investigated by the allied agency.

All related department reports except administrative and/or privileged reports will be forwarded to the investigations division commander for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

210.6.2 CRIMINAL INVESTIGATION

This department may utilize an allied agency to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

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If available, detective personnel from this department may be assigned to partner with investigators from the allied agency to avoid duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

210.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports in order to facilitate the apprehension and prosecution of those individuals.

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activity by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures. They should also be included for reference in the investigation of the officer-involved shooting.

210.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

210.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs Investigator and will be considered a confidential peace officer personnel file.

(a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interview.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interview(s) should be recorded by the investigator. The officer may also record the interview.

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4. The officer shall be informed of his/her *Garrity* rights and, assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The Internal Affairs Investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with department policy on use of deadly force.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
9. The administrative investigation will not include any polygraph examination unless it is requested by the employee or otherwise authorized under Tex. Gov't Code § 614.063.

210.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation; the person assigned to this task shall be given reasonable access to all other investigations.

210.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or City Attorney's Office as appropriate.

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Use of Force Review Boards

212.1 PURPOSE AND SCOPE

This policy establishes a process for the Aransas Pass Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

212.2 POLICY

The Aransas Pass Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

212.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

212.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administration Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

212.4.1 COMPOSITION OF THE BOARD

The Administration Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Coordinator
- Non-administrative supervisor

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- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

212.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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Vehicle Pursuit Policy

214.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

214.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

214.2 DEFINITIONS

Vehicle Pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Blocking or Vehicle Intercept - A low-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing In - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage of otherwise force the violator's vehicle to stop.

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Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Spikes or Tack Strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

214.3 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren unless exempt under Tex. Transp. Code § 546.004. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Tex. Transp. Code § 546.005.

214.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Availability of other resources, such as aircraft assistance.

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport.

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214.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) Pursued vehicle's location is no longer definitely known.

(c) Officer's pursuit vehicle sustains damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) Hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Directed by a supervisor.

214.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

214.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers shall stay out of the pursuit but should remain alert to its

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progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

At no time should the officers involved in the pursuit leave the City of Aransas Pass completely unattended during a pursuit. A minimum of one officer shall remain within the City Limits, if the pursuit is covered by at least two law enforcement police units.

214.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

214.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Officer(s) in such vehicles, however, may become involved in emergency activities involving serious crimes or life-threatening situations. Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency law enforcement vehicles or any law enforcement aircraft.

214.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

The primary unit should notify Dispatch that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

(a) Reason for the pursuit.
(b) Location and direction of travel.
(c) Speed of the fleeing vehicle.
(d) Description of the fleeing vehicle and license number, if known.
(e) Number of occupants.
(f) The identity or description of the known occupants.
(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

214.4.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

(a) Immediately notifying the dispatcher of entry into the pursuit.
(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

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(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

214.4.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspect(s).

(d) Notifying the Texas Highway Patrol or other law enforcement agency if it appears that the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

214.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

214.4.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

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The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

214.4.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

Since the Aransas Pass Police Department does not have an aircraft division, policies and procedures on aircraft involvement in a pursuit may vary depending on the agency supplying the aircraft. Further, when using an outside agency's aircraft for a pursuit, video evidence from that agency's aircraft shall be requested as evidence in the criminal case to ensue.

214.5 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and the risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Engage in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercise management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Direct that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensure that aircraft assistance is requested if available.

(g) Ensure that the proper radio channel is being used.

(h) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Control and manage APPD units when a pursuit enters another jurisdiction.

(j) Prepare a post-pursuit critique and analysis of the pursuit for training purposes and policy compliance.

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214.5.1 SHIFT COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Shift Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Commander shall review all pertinent reports for content and forward them to the Patrol Division Commander.

214.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communication will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communication to an emergency channel most accessible by participating agencies and units.

214.6.1 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following:

(a) Coordinate communications among the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the Patrol Division Commander as soon as practicable.

214.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

214.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

214.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Aransas Pass Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless continued assistance of the Aransas Pass Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its officers will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

214.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional factors:

(a) Ability to maintain the pursuit.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

As soon as practicable, a supervisor or the Shift Commander should review a request for assistance from another agency. The Shift Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

214.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

214.8.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each

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tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

214.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

214.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force and are subject to department policies guiding such use. Officers who have not received department-approved training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics and after giving consideration to the following:

1. When the need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers or other members of the public.
2. When all other reasonable intervention techniques have failed or reasonably appear ineffective.
3. When employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. When the target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act; that is a matter for the courts to determine by established

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law. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is to be employed as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
2. The suspect is driving in willful or wanton disregard for the safety of persons, or is driving in a reckless and life-endangering manner.

(d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

214.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

214.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports should be completed to comply with appropriate local and state regulations:

(a) The primary officer shall complete appropriate crime/arrest reports.

(b) The primary officer or supervisor shall complete the appropriate pursuit report.

(c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or authorized designee. This memo should minimally contain the following information:

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1. Date and time of pursuit.
2. Length of pursuit.
3. Involved units and officers.
4. Initial reason for pursuit.
5. Starting and termination points.
6. Disposition: arrest, citation or other release. Arrestee information should be provided if applicable.
7. Injuries and/or property damage.
8. Medical treatment.
9. Name of supervisor at scene.
10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

(d) After receiving copies of reports, logs, and other pertinent information the Patrol Division Commander shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.

(e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits. The review and analysis minimally should include information about policy suitability, policy compliance and training needs.

214.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risk to officers and others.

214.9.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

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Foot Pursuit Policy

216.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

216.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

216.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Canine search.

(c) Saturation of the area with patrol personnel.

(d) Aerial support.

(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to

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immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

216.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect(s) should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with Dispatch or with backup officers.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or to the public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render aid.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

216.4 RESPONSIBILITIES IN FOOT PURSUITS

216.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt

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to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Number of suspects and description.

(e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

216.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

216.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

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216.4.4 DISPATCH RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, Dispatch personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, Dispatch personnel are also responsible for the following:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing officer as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as directed by a supervisor.

(f) Coordinate response of additional resources to assist with the foot pursuit.

216.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

    1. Any use of force shall be reported and documented in compliance with the department Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Chapter 3 - Field Operations and Custody

Patrol Function

300.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

300.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Aransas Pass, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency in nature.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community oriented policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies.

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by community oriented policing and problem solving strategies.

(i) Traffic direction and control.

(j) Traffic investigations.

300.1.2 TERRORISM

It is the goal of the Aransas Pass Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Criminal Investigations Division Commander in a timely fashion.

300.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Aransas Pass Police Department.

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300.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Section for distribution to all divisions within the Department through daily and special bulletins. Officers need to advise records which reports need to be specifically broadcasted out and to whom. If an item requires immediately rebroadcast, officer shall submit such information to dispatch.

300.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation. Crime reports assigned shall be completed by the officers end of duty unless otherwise directed by the shift commander.

300.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits. Patrol briefings shall commence at the beginning of an officer's shift. The prior patrol shift commander or senior most officer is responsible for maintaining that pertinent information is passed along.

300.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

Due to the advent of email, email may be used in place of informational clipboards and to aid in the reduction of wasted paper.

300.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Criminal Investigations Division for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room clipboard. Patrol scheduling and other pertinent information pertaining to patrol shall be made available on this bulletin board.

300.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws, such as Tex. Penal Code § 42.03 (Obstructing Highway or Other Passageway), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Briefing Training

302.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing; however officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

302.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

302.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be documented by the shift supervisor. As needed, some briefing training information may need to be turned over to the Training Coordinator for inclusion in training records as appropriate.

302.4 REPORTS

During briefing, the shift supervisor shall go over rejected or otherwise returned reports. These reports shall be corrected, completed, or resubmitted as required by the division which returned or rejected the report. All reports in this category shall be completed before commencing shift, unless otherwise directed by the shift supervisor.

302.5 EMAIL

All officers shall check their department issued email at the beginning of their shift and around the time of briefing. All email shall be noted and/or responded to during this time.

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Mobile Audio Video

304.1 PURPOSE AND SCOPE

The Aransas Pass Police Department has equipped each marked patrol car with a Mobile Audio and Video (MAV) recording system. The MAV is designed to assist and complement patrol officers in the performance of their duties. The MAV is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer's report.

In lieu of the MAV system, officers may also have been equipped with a body worn camera system manufactured by Taser. The optimal preference is that officers utilize both camera systems. However, one may be used place of the other, if both are not simultaneously operational.

304.2 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will check out a Taser body worn camera system. The camera system shall be inspected for proper operational standards and will be synchronized to reflect the officer whom has checked it out via the Taser Sync application installed on the patrol computers. At the end of the officer's shift, the camera and battery pack will be returned to the ETM docking station.

Officers shall also test the MAV system installed inside their patrol vehicles. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service. A supervisor shall permit the officer to utilize the vehicle only if the officer is equipped with a body worn Taser camera system.

If either camera system is discovered to be down, a damaged property report or email shall be completed and forwarded to the shift supervisor for repair.

304.2.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Texas law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Tex. Penal Code § 16.02).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order or authorization of the Chief of Police.

304.3 ACTIVATION OF CAMERAS

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until turned off manually. The audio portion must be activated manually by each officer and is independent of the video; however, when audio is being recorded the video will also record.

Taser body worn camera systems need to be manually activated. Officers shall activate this camera system prior to exiting their patrol vehicles. On hot calls or vehicle pursuits, officer shall activate their body worn cameras immediately.

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304.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used. However there are many situations where the use of the MAV system is appropriate. In addition to the required situations, an officer may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The activation of the MAV system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
   1. Vehicular pursuits.
   2. Suspicious vehicles.
   3. Arrests.
   4. Pedestrian checks.
   5. DWI investigations including field sobriety tests.
   6. Consensual encounters.
   7. Responding to an in-progress call.

(b) All self-initiated activity in which an officer would normally notify Dispatch or activity as it relates directly with law enforcement.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
   1. Family violence calls.
   2. Disturbance of peace calls.
   3. Offenses involving violence or weapons.

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(e) Any other circumstances where the officer believes that a recording of an incident would be appropriate.

Once the MAV or Taser body worn camera system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and booked into jail and all witnesses and victims have been interviewed.

304.3.2 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV or Taser body worn camera system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties or under the direction of the chief of police or his designee.

304.4 REVIEW OF MAV RECORDINGS

Recordings may be reviewed in any of the following situations:

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(a) By a supervisor investigating a specific act of officer conduct.

(b) By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.

(c) By department personnel who request to review their own recordings.

1. Employees desiring to view any recording may direct such request to the Shift Commander.
2. The employee shall not be allowed control over a recording to the extent that the employee can alter or destroy the original content (i.e. a copy should be provided or the viewing should be monitored by a supervisor).

(d) By court personnel through proper process or with permission of the Chief of Police or designee.

(e) By members of the media with permission of the Chief of Police or his/her designee, or in compliance with a Public Records Act request.

(f) For department training purposes. If an involved officer objects to the showing of the recording, staff will determine if the training value outweighs the officer's objection.

(g) By a supervisor during periodic reviews for compliance with racial profiling laws (Tex. Code of Crim. Pro. art. 2.132(d)).

In no event shall any recording be used or shown for the purpose of intentionally ridiculing or embarrassing any employee. Supervisor's shall be responsible for the content of recordings shown to groups of employees and should consider the possible impact on the employee's involved.

304.5 DOCUMENTING MAV USE

Any incident that was recorded with either the video and/or audio system shall be documented in the officer's report. If a citation was issued, a notation may be placed on the back of the records copy of the citation that the incident was recorded.

304.6 VIDEO MEDIA STORAGE AND INTEGRITY

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for a minimum of 90 days after which time it will be erased, destroyed or recycled.

304.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request by any person authorized by this policy.

Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Police or authorized designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

304.6.2 VIDEO RECORDINGS AS EVIDENCE

All video recordings shall be handled with care and treated like digital evidence. The custodian of video evidence will be the primary manager of all video recordings. On rare occasional, some video may need to be copied or it's original held inside the secured evidence room. In such case, the evidence/property management technician shall

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received the video evidence from the custodian of video evidence and secure it inside the department evidence/property room.

304.7 CUSTODIAN OF VIDEO EVIDENCE

The video custodian of video evidence shall be designated by the chief of police or his designee. The custodian of video evidence shall maintain a log of all video evidence. The log may be written or in the form of digital media. Only the custodian of video evidence shall compile video evidence for attachment to case records. Any officer within the department may request that a video evidence be attached to a case record.

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Search and Seizure

306.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Aransas Pass Police Department personnel to consider when dealing with search and seizure issues.

306.2 POLICY

It is the policy of the Aransas Pass Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

306.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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306.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

306.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Cite and Release Policy

308.1 PURPOSE AND SCOPE

Tex. Code of Crim. Pro. art. 14.06 permits law enforcement agencies to use citation release procedures in lieu of arrest for Class A, B and C misdemeanor offenses with certain exceptions.

308.2 TYPES OF RELEASE BY CITATION

Citation releases are authorized by Tex. Code of Crim. Pro. art. 14.06. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

308.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

It is recommended that full time regular and honorably retired officers commissioned by this department carry their department approved and/or issued on-duty or off-duty firearm for events that may arise and require their immediate intervention. It is further recommended that these officers remain armed while traveling about the United States of Amercia in accordance with federal law. (USCODE Title 18, Part I, Chpt. 44, Sec. 926B)

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

308.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

308.3.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations for certain Class A and B misdemeanors to all persons, if the person to be cited resides in the county in which the offense occurred (Tex. Code of Crim. Pro. art. 14.06(c)). With the exception of an offense under Tex. Penal Code § 49.02, officers may issue a citation to all persons for Class C

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misdemeanors (Tex. Code of Crim. Pro. art. 14.06(b)). Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate.

Officers may issue a citation in place of taking a child into custody for public intoxication (Tex. Penal Code § 49.02), but only if the officer releases the child to the child's parent, guardian, custodian or other responsible adult in accordance with Tex. Code of Crim. Pro. art. 45.058. The officer should receive supervisor approval prior to making such a release.

308.3.2 JAIL RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Shift Commander approval.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons below.

308.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of following situations is present:

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety.

    1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care and with the intention of immediately re-arresting the same individual upon discharge from the hospital unless it can be determined that the hospital can bill and collect from a third-party payment source.

(c) There are one or more outstanding arrest warrants for the person.

(d) The person could not provide satisfactory evidence of personal identification.

(e) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(f) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(g) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(h) There is reason to believe the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Shift Commander for approval and included with the case file in the Records Section.

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308.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the disqualifying circumstances listed above, the Shift Commander shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record.

(b) The person lacks ties to the area, such as a residence, job or family.

(c) Unusual circumstances lead the officer responsible for the releasing the prisoner to conclude that he/she should be held for further investigation.

308.3.5 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear (Tex. Code of Crim. Pro. art. 14.06).

308.4 CHILD CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Texas Transportation Code.
- Violations of Class C misdemeanors, other than an offense under Tex. Penal Code § 49.02, if the child resides in the county where the offense occurred (Tex. Code of Crim. Pro. art. 14.06(b)).

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Criminal Investigations Division for further action including diversion.

308.5 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most penal code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

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Custody Searches

312.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures regarding frisks (pat-down searches), searches incident to arrest, booking and strip searches of arrested persons-arraignment detainees.

312.2 DEFINITIONS OF SEARCHES

Frisk (Pat-Down Search) - This is a limited type of search used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a weapon or items that could pose a danger to the officer or others.

Booking Search - This search involves a thorough search of an arrested individual's clothing. All pockets, cuffs and folds on the clothing are checked to locate all personal property, contraband or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female.

312.3 FRISKS (PAT-DOWN SEARCHES)

(a) When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or when the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a frisk of the individual.

(b) Prior to detaining any individual in any police vehicle, an officer should conduct a frisk of that individual.

(c) Whenever practicable, a frisk of an individual should be conducted by an officer of the same sex as the person being frisked. Absent the availability of a same-sex officer, it is recommended that a witness officer be present during any frisk of an individual who is the opposite sex of the officer conducting the frisk.

312.4 BOOKING SEARCHES

A thorough search shall be conducted on each arrested person prior to the person being transported to jail. Officers shall also search their patrol vehicle before and after transporting an arrested person to ensure that no weapons or contraband are available to or were left by the arrested person. A follow-up search of each arrested person should be performed upon entry into a jail facility prior to the booking process (37 Tex. Admin. Code § 265.2(a)).

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312.5 STRIP SEARCHES

(a) No person arrested and held in custody shall be subjected to a strip search or visual/manual body cavity search prior to placement in the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search (37 Tex. Admin. Code § 265.2(b)).

(b) No strip search or visual body cavity search shall be conducted without prior written authorization from a supervisor. The time, date and place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.

(c) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.

(d) Unless conducted by a physician or other licensed medical personnel, the officer conducting the strip search or visual body cavity search shall be of the same sex as the person being searched.

(e) Whenever possible, a second officer of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(f) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

(g) No employee should view an arrestee's underclothing, breasts, buttocks or genitalia while that person is showering or changing clothes unless the arrestee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the arrestee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the arrestee's consent and/or otherwise protect the arrestee's privacy and dignity.

(h) Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence from an arrestee in accordance with the provisions of (c) through (f) above and based on a valid exigency, consent or a search warrant.

312.5.1 VISUAL/MANUAL BODY CAVITY SEARCH

(a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant and approval of a supervisor.

(b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.

(c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Level II Emergency Medical Technician (EMT) may conduct a manual body cavity search.

(d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

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Temporary Holding Facility

314.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the booking, housing, security and release of prisoners at the Aransas Pass Police Department Temporary Holding Facility.

In addition to this policy, the Aransas Pass Police Department shall maintain the Operations and Procedures Manual to guide the operation of the Temporary Holding Facility.

The Department shall maintain custody of inmates in accordance with this policy, the Operations and Procedures Manual and in accordance with applicable law.

314.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in a Temporary Holding Facility unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies within the facility. This person will be designated by the Temporary Holding Facility supervisor and must not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Whenever one or more female inmates are in custody, there shall be at least one female employee who shall, in like manner, be immediately available and accessible to the females.

The Temporary Holding Facility supervisor shall ensure that any personnel responsible for supervising prisoners shall receive proper training and/or certification (37 Tex. Admin Code 275.2).

314.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

It is the policy of the Aransas Pass Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practicable.

314.1.3 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, a designated medical facility or the county mental health facility as appropriate:

(a) Any person who is sick, injured or who has any other medical condition, including pregnant females who may require medical attention, supervision or medication during confinement.

(b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.

(c) Any person suffering from a severe mental disorder.

(d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility.

(e) A prisoner who is or may be contemplating suicide.

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(f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of any of the above.

314.1.4 DETAINABLE PRISONERS

Arrestees who fall within the following classifications may be detained in the Aransas Pass Police Department Temporary Holding Facility with the approval of the Shift Commander. This includes those arrested and detained pending:

(a) Posting of bail.

(b) Release on Personal Recognizance (P.R.).

(c) Release on citation in accordance with the Cite and Release Policy in this manual.

(d) Transportation to the County Jail.

(e) In-custody interview or other investigation.

314.1.5 COURT HOLDING - TEMPORARY HOLDING FACILITY PRISONERS

Prisoners who are temporarily housed in this facility pending court appearance will be segregated according to this department's classification policy (37 Tex. Admin. Code § 271.1(a)).

314.1.6 INTOXICATED PERSONS

Prisoners who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing. The following guidelines apply when placing any prisoner in a sobering cell:

(a) Placement of a prisoner into the cell requires approval of the Shift Commander.

(b) A cell log shall be initiated every time a prisoner is placed into the cell. The log shall be maintained for the entire time the prisoner is housed in the cell.

(c) A safety check consisting of direct visual observation sufficient to assess the prisoner's well-being and behavior shall occur at least once every hour. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness twice a shift.

(d) Under no circumstances shall a prisoner be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the prisoner does not have an urgent medical issue.

(e) Prisoners will be removed from the cell when they no longer pose a threat to their own safety or the safety of others and are able to continue processing.

314.1.7 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

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Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department, the transporting officer shall be responsible for the following:

(a) Verify that the identity of each prisoner to be transported matches the booking paperwork.

(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property and warrant copies.

(c) Ensure that any known or suspected threat or danger the prisoner may pose, such as escape risk, suicide potential, medical condition or intellectual disability is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility (Tex. Code of Crim. Pro. art. 16.22).

314.1.8 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists.

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the Shift Commander shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours after removal, to determine if the removal will be injurious to the health or safety of the prisoner.

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the prisoner should be transferred to an appropriate medical detention facility.

314.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established:

(a) Facility Administrator: The Chief of Police shall be the facility administrator officially charged, by law, with the administration of the Temporary Holding Facility.

(b) Temporary Holding Facility Manager: The patrol commander will be assigned the responsibility for planning, managing, administrative functions, review of the facility manual and the operation of the Temporary Holding Facility.

(c) Maintenance Manager: The department custodian will be responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility. The Records Supervisor will be responsible to the Facility Manager.

(d) Temporary Holding Facility Supervisor: The employee with 24-hour-per-day functional responsibility for the Temporary Holding Facility will be the Shift Commander. Any other supervisor may provide assistance as needed.

(e) Custodial Personnel: Custodial personnel shall be those on-duty sergeants, corporals, officers, detectives or other designated employees who possess a basic jailer proficiency certificate.

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314.3 PRISONER MONITORING AND CLASSIFICATION

314.3.1 MONITORING OF PRISONERS

All prisoners shall be visually checked no less than once every hour. Visual checks shall be performed at least every 30 minutes on inmates known to be assaultive, potentially suicidal, mentally ill or who have demonstrated bizarre behavior. This check will be conducted through direct visual observation without the aid of surveillance cameras. There shall be a two-way voice communication capability between the inmates and staff at all times (37 Tex. Admin. Code § 275.1). These checks will be documented in the Temporary Holding Facility Log or other check sheet designed for that purpose.

314.3.2 LOG ENTRIES AND SECURITY CHECKS

(a) All adult bookings should be logged into the Temporary Holding Facility Log. The following entries are to be completed by the booking officer and personnel responsible for maintaining prisoners in the facility:

1. Case number
2. Date/time of booking
3. Charges
4. Arrestee's name
5. Arresting officer's name
6. Date and time of release

(b) The log shall be kept in the booking area of the Temporary Holding Facility. It is the responsibility of the Facility Supervisor to ensure that all appropriate entries are made.

(c) The Shift Commander should make periodic checks to ensure the log and security checks are made on time.

(d) The Facility Manager should review all Temporary Holding Facility Logs and shall report to the Facility Administrator as required.

(e) All logs and reports should be maintained in the Records Section for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

314.3.3 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION

It is the policy of the Aransas Pass Police Department Temporary Holding Facility to segregate prisoners in compliance with the requirements noted in 37 Tex. Admin. Code § 271.1.

(a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior, medical problems, mental state, developmental disabilities and sexual orientation, and housed in order to provide for the safety of prisoners and staff.

(b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner using the Prisoner Classification and Screening Form. This form shall be completed in its entirety in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior and other criteria to ensure the safety of the prisoner and staff.

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(c) All employees with information relevant to an arrestee's risk of suicide shall ensure such information is provided to a supervisor and the arrestee's booking officer. During the booking procedure, the booking officer shall ask the prisoner if he/she is contemplating suicide. The officer shall evaluate the prisoner for other signs or indications the prisoner may be suicidal. If there is any suspicion the prisoner may be suicidal, he/she shall be transported to the County Jail or the appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking form) that the suspect may be suicidal.

(d) It is the responsibility of the arresting officer's supervisor to ensure that the Prisoner Classification and Screening Form has been properly completed. After the completion of the form, the arresting officer's supervisor will be required to authorize, on a case-by-case basis, the placement of each prisoner in the Temporary Holding Facility who is not immediately released or transported to the County Jail or other appropriate facility.

1. The prisoner will then be housed or transported.
2. The completed classification form will be attached to the arrest report, booking forms and fingerprints as applicable.
3. The prisoner classification form should be retained in the prisoner's arrest file.

(e) During the booking procedure, the booking officer shall evaluate each incoming prisoner to determine any apparent medical or health issues. The prisoner's responses to such questions and the officer's observations shall be documented in the appropriate form. The booking officer shall promptly notify his/her supervisor of any conditions which may warrant immediate medical attention or other appropriate action.

314.3.4 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy. Juveniles will not be permitted in the Temporary Holding Facility.

314.3.5 TEMPORARY DETENTION OF FEMALES

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner unless another female employee is present. Female inmates shall be separated by sight and sound from male inmates (37 Tex. Admin. Code § 271.1(a)(6)).

In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the County Jail or released pursuant to another lawful process (e.g., citation or P.R. release).

314.3.6 RESTRAINT OF PREGNANT ARRESTEES

No arrestee who is in labor, delivery or recovering from delivery shall be restrained unless a supervisor determines that the use of the restraints is necessary to (Tex. Local. Gov't. § 361.082):

(a) Ensure the safety and security of the woman or her infant, the jail or medical personnel or any member of the public.

(b) Prevent a substantial risk that the woman will attempt escape.

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The type and manner in which the restraint is used must be the least restrictive available under the circumstances to ensure safety and security or to prevent escape.

314.4 TEMPORARY HOLDING FACILITY SEARCHES

Immediately upon securing their weapons, officers bringing prisoners into the Temporary Holding Facility shall thoroughly search prisoners. All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed (37 Tex. Admin. Code § 265.2(a)).

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible. Male employees shall remain outside the closed door but available to immediately assist if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

Arrestee search procedures and policies are found in the Custody Searches Policy.

314.5 FIRE SAFETY

The Temporary Holding Facility is equipped with strategically located fire extinguishers and smoke detectors, which notify the dispatch office of smoke in the facility. The person designated by the facility supervisor as having responsibility for the Temporary Holding Facility should, at the beginning and end of each shift, inspect the Temporary Holding Facility to ensure:

(a) No flammable materials are stored in the detention area.

(b) Fire extinguishers are serviceable.

(c) Cell keys are available in the Shift Commander's office and Dispatch for emergency use.

(d) First-aid kits are readily available and completely stocked.

(e) Smoke detectors are operational.

The Temporary Holding Facility shall be inspected annually by the Fire Department. A written plan for fire prevention and a fire hazard inspection checklist, approved by the Texas Commission on Jail Standards, shall be implemented and evaluated at least once each calendar quarter (37 Tex. Admin. Code § 263.42).

The Facility Administrator shall inspect the Temporary Holding Facility at least two times per year, but preferably at least every four months, for security, control, conditions and the overall state of compliance with the rules of the Texas Commission on Jail Standards (37 Tex. Admin. Code § 297.1).

314.5.1 FIRE PROCEDURES

(a) In the event of a fire in the detention area, the discovering employee should immediately:

1. Notify the Fire Department, Shift Commander and on-duty patrol personnel simultaneously through Dispatch.
2. Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.

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3. Begin fire suppression procedures as applicable.

(b) Responding patrol officers, under the direction of the Temporary Holding Facility Supervisor, should be responsible for:

1. The evacuation of prisoners.
2. Obtaining medical services as needed.
3. Securing prisoners in a temporary holding area.
4. Arranging transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary.
5. Initiating an investigation concerning the origin of the fire along with filing necessary reports.

(c) The Facility Manager, in coordination with the Fire Department and qualified first aid/CPR instructional personnel, shall oversee the training of all department personnel and ensure they are familiar with:

1. The Temporary Holding Facility policy and procedures.
2. The fire safety and evacuation plan including the use of the fire extinguisher.

(d) The Fire Department shall make annual inspections of the Temporary Holding Facility.

314.6 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

314.6.1 PRIMARY CONCERNS

(a) Safety of public

(b) Safety of department personnel

(c) Safety of prisoners

(d) Security of prisoners

314.6.2 NOTIFICATION

(a) Shift Commander

(b) All available sworn personnel

(c) Fire Department

(d) Medical aid

(e) Facility Manager

(f) Facility Administrator

314.6.3 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or in the case of an emergency of a long duration, until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners; females are to be kept separate from male prisoners.

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Only after the safety and security of the prisoners is assured will those personnel who are not detailed to prisoner security participate in fire suppression or other emergency activities.

314.6.4 CITY-WIDE OR REGIONAL DISASTERS

In cases of City-wide or regional disasters, the Shift Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

314.6.5 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION

As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured because of the emergency or injured during the evacuation procedure, until professional medical aid arrives to assist.

314.6.6 REPORTS

The Shift Commander will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports are forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

314.7 PRISONER TELEPHONE CALLS

Every prisoner, whether adult or juvenile, detained in the Temporary Holding Facility shall be entitled to at least two completed telephone calls immediately upon being booked and no later than four hours after arrival (37 Tex. Admin. Code § 291.1(1)).

If it is determined that the person is a custodial parent with responsibility for a minor child, the person shall be entitled to make two additional telephone calls for the purpose of arranging care for the minor child.

There is no obligation for the officer to make a call on a prisoner's behalf, for example in the case of a person who is so intoxicated that he/she cannot make a call. An officer is not required to wake an intoxicated person four hours after booking so that they may complete a call.

There is also no limit on the amount of time a prisoner's phone call can last. A prisoner should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his/her judgment in determining the duration of the calls.

314.7.1 TELEPHONE CALL PROCEDURES

The Department will pay the cost of local calls. Long-distance calls must be paid by the prisoners using calling cards or by calling collect (37 Tex. Admin. Code § 291.1).

Calls between the prisoner and his/her attorney shall be deemed confidential and shall not be monitored, intentionally overheard or recorded.

314.7.2 ONGOING TELEPHONE ACCESS

Once a prisoner has completed telephone calls and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the prisoner with ongoing access to a telephone, as practicable. In providing access to a telephone, legitimate law enforcement interests, such as officer safety, effect

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on ongoing criminal investigations and logistics, should be balanced against the prisoner's desire for phone access.

314.8 HANDLING OF INMATE'S PROPERTY

Officers shall take care in the handling of inmate's property to avoid discrepancies or losses.

Any personal property belonging to the inmate but retained by the officer for safekeeping, shall be kept in a secure location until the inmate is released or transferred. Smaller items such as a driver's license, pocket knife, wallet, prescription medications and other similar property, shall be placed in a property bag and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Inmate property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the inmate but retained by the officer as evidence shall be booked according to procedures. The inmate shall be advised that such property will be kept as evidence and where demanded, the officer will issue the inmate a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

314.8.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

314.8.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing on the booking sheet.

When a prisoner is released from custody, all property will be returned to him/her and he/she will be required to sign the back of the booking sheet.

If a prisoner is released to the court or an officer of another agency, all property will be released to that officer, who will be required to verify and sign for the property. The officer transporting prisoners to court is required to obtain the receiving officer's signature on the booking form as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the Shift Commander, who will interview the prisoner claiming the shortage prior to his/her release. The Shift Commander shall ensure that a search for the alleged missing items is complete

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and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

314.9 TEMPORARY HOLDING FACILITY PROCEDURES

314.9.1 SECURITY

(a) Firearms, deadly weapons or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager or Shift Commander.

(b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning, when no prisoners are present, or in the event of an emergency, such as an evacuation.

(c) Cell doors are to be locked at all times when prisoners are detained in the facility.

(d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.

(e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy and only with the approval of the Shift Commander.

314.9.2 RECEIPT OF PRISONERS

The arresting and/or booking officer should:

(a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible.

(b) Inventory and record all property removed from the prisoner's person.

(c) Secure property for safekeeping.

(d) Remove all hazardous items from the prisoner's person.

(e) Remove belts, shoes and jackets.

(f) Complete the following:

1. For non-detainable misdemeanor offenses, complete one Aransas Pass Police Department fingerprint/palm card.
2. For detainable misdemeanor and felony offenses, complete one Aransas Pass Police Department fingerprint/palm card and one CR 43 Print Card and Form.
3. For warrant arrests, complete one Aransas Pass Police Department fingerprint/palm card and one CR 43 Print Card and Form.
4. For traffic offense warrants, complete one Aransas Pass Police Department fingerprint/palm card.
5. For juvenile arrests, complete one Aransas Pass Police Department fingerprint/palm card and one CR 43J Print Card and Form.

(g) Photograph all prisoners arrested, both adult and juveniles. In the event of a digital camera malfunction, a 35mm camera is stored in the booking area and two front view photos will be taken. Tattoos, scars, and other obvious marks shall be photo-documented as well.

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(h) Complete the prisoner classification and screening form. The arresting officer will seek approval from his/her supervisor regarding the decision to keep the prisoner or transport.

(i) Complete the Aransas Pass Police Department booking form or County Intake Form.

(j) In the case of an arrest involving an intoxicated person, complete a Detoxification Assessment Form.

(k) Before the booking procedure is completed, the arresting or booking officer will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility and shall include those prisoners whose admittance is for booking only.

314.9.3 HOLDING CELL SECURITY

(a) Prior to placing a prisoner into a cell, the cell shall be searched to ensure there are no weapons or contraband present and to ensure the cell is clean and sanitary. If other prisoners are present in the cell, this inspection shall be done visually without removing other prisoners.

(b) If the booking officer is alone, any other prisoners in a cell should be directed to stand against the far wall of the cell prior to opening the cell door.

(c) Keys shall be returned to their secure location prior to the officer leaving the building.

(d) Access to the booking and holding cell area is restricted to officers who are in the process of or assisting with the booking or release of prisoners, or personnel who are conducting prisoner checks.

(e) Maintenance and/or cleaning personnel shall be accompanied at all times by an officer when inside the Temporary Holding Facility.

314.9.4 HOLDING CELLS AND PRISONER BEDDING

(a) Temporary Holding Facility cells have toilets and water available at all times. Prisoners will not be placed in cells where toilet or water service is not available.

(b) The booking officer shall provide one blanket (or more depending upon climate conditions), one mattress, one sheet or mattress cover and one towel to each person booked into the facility (37 Tex. Admin. Code § 277.8).

(c) Clean bedding should be stored in the Temporary Holding Facility storage room.

(d) Blankets that have been used by a prisoner should be placed in the laundry bin by the officer releasing the prisoner.

(e) Used bedding will be cleaned, as needed, upon the direction of the Temporary Holding Facility Manager. It is the manager or the authorized designee's responsibility to ensure that adequate supplies of clean blankets are available in the storage room for issue as needed.

314.9.5 PRISONER FOOD SERVICE

(a) Prisoner food will be prepared on-site or purchased from a retail or commercial food provider.

(b) Meals will be provided for prisoners detained in excess of six hours.

(c) Meals shall be served three times in any 24-hour period. No more than 14 hours shall pass between meals without supplemental food being served.

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314.9.6 ATTORNEYS AND BAIL BONDSMEN

(a) Attorneys and bail bondsmen who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.

(b) Both the attorney and prisoner should be searched for weapons or contraband prior and after being admitted to the Temporary Holding Facility interview room.

(c) Attorneys must produce a current identification card from a recognized state bar association as well as other matching appropriate identification.

(d) Interviews between attorneys and clients shall not be monitored or recorded.

314.9.7 VISITORS

In accordance with safety and security procedures, may should be allowed visitors during normal working and evening hours. Special exceptions may be made to allow necessary communication between parents or caregivers of minors regarding the minors' well-being. Prisoner's property, such as cash, car or house keys, or medications, may be released at the prisoner's consent along with a supervisors approval. Proper identification of the person receiving the property along with a signed property release form is required.

314.9.8 MEDICATION

The Temporary Holding Facility is generally not appropriate for holding persons who will require medication during the period of their detention. It is preferable that persons requiring medication be housed at another facility.

Exceptions may be made by the Shift Commander or another supervisor only under unusual circumstances. A supervisor authorizing this type of detention shall note in the booking log the unusual circumstances necessitating the detention, the maximum period of the detention and sign the booking entry.

Prisoners who require medication during their detention will require a pre-booking medical examination. Only medication approved by the medical professional conducting the pre-booking examination may be provided to the prisoner. This includes any medication in the possession of the prisoner or provided by a friend or relative. The medication shall be dispensed by an officer as directed by the medical professional conducting the pre-booking examination.

The directions relating to the dispensing of the medication will be maintained with the medication, and a copy retained with the booking record. The prisoner's medication will be kept secure in the medication cabinet and transferred with the prisoner or provided to the prisoner on release.

A notation on the facility log or jail check sheet will be made listing the type, date and time of any dispensing of medication and signed by the officer dispensing the medication.

Officers will observe the prisoner take the medication. If the medication is not taken as directed, a supervisor shall be immediately notified. Medication shall not be returned to the container.

314.9.9 MEDICAL CARE

Should a prisoner be injured or become ill during incarceration, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at the Temporary Holding Facility to allow access to the prisoner. The decision to transport a prisoner to a hospital will be the decision of the paramedic. The method and means of transportation

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is subject to the approval of the supervisor. If any prisoner is transported while still in custody, the prisoner will be accompanied by an officer. If the prisoner is incarcerated for a misdemeanor, the supervisor may release the prisoner to facilitate medical care and transport.

314.9.10 RELEASE OF PRISONERS

(a) Prior to removing a prisoner from a cell for release, the releasing officer will compare the intake photograph of the prisoner with the individual being released to ensure proper identity. If any questions exist regarding proper identification, a supervisor should be summoned to the Temporary Holding Facility.

(b) The Temporary Holding Facility should be inspected for damage, trash, or other items left behind prior to the release or transportation of any prisoner.

(c) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted, they will be made. Photographic evidence should be obtained and documented to support additional charges.

(d) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/she may not be compelled to clean up nor may his/her release be delayed to accomplish this.

(e) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All proper reports and forms shall be completed prior to release.
2. All bail money is accounted for.
3. Bail bonds are attached to the necessary paperwork and placed in the bond basket in the Records Section.
4. All property, not to include evidence, contraband or dangerous weapons, is returned to the prisoner.
5. The appropriate Temporary Holding Facility Log will be completed, showing the date, time and reason for release, as well as the releasing officer's name.
6. Notification to Dispatch of the prisoner's release.
7. That the prisoner being released is escorted from the Temporary Holding Facility or police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

314.9.11 FACILITY SANITATION AND MAINTENANCE

The Temporary Holding Facility shall be kept clean, sanitary and well maintained at all times.

The Shift Commander should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.

314.9.12 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of this department, the Shift Commander shall be notified and he/she will make the appropriate additional notifications as directed in the Temporary Holding Facility Manual.

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314.9.13 ACCESS TO FAITH AND MORALS-BASED PROGRAMS

In accordance with available resources, safety and security, the religious beliefs and needs of all prisoners should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals-based programs and other secular volunteer programs. No prisoner shall be required to participate in any such program.

314.10 PRISONER ESCAPE

In the event of an attempted escape from the holding facility, the following measures should be taken to thwart the attempt:

(a) The Temporary Holding Facility video system will be monitored by Dispatch.

(b) If an escape attempt is underway, with or without an officer present, Dispatch should perform the following actions in sequential order:

1. Broadcast an immediate alarm over the radio system.
2. Notify the Shift Commander, other supervisors and other resources as directed by supervisors, to immediately respond to the Temporary Holding Facility to prevent the escape and/or assist the officer involved.
3. Announce the escape attempt on the internal communication system of the Temporary Holding Facility.
4. Alert administrative personnel of the attempted escape using appropriate communication systems.

(c) All available personnel are to respond to aid in prevention of an escape.

(d) If the escape is successful, Dispatch will complete a TCIC/NCIC teletype broadcast to surrounding agencies. The teletype, with the approval of a supervisor, provides a physical description of the escapee(s), the reason for his/her detention, whether the escapee is armed and if there are injuries related to the escape.

314.10.1 USE OF FORCE TO PREVENT ESCAPE OR CAPTURE ESCAPEES

Officers attempting to prevent the escape shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to accomplish a legitimate law enforcement purpose.

314.11 POST-ESCAPE INCIDENT ACTIONS

Once the escape has been thwarted or escapees recaptured, Dispatch will announce via internal intercom and alpha page signifying an end to the alert. The Shift Commander will ensure all persons notified of the event, including the Division Commanders and the Chief of Police, are notified of the resolution of the event.

The Shift Commander will ensure that reports and any other necessary documentation of the escape, or attempted escape, are completed. This documentation includes, at a minimum:

(a) Additional charges being filed against those involved in the incident, when applicable.

(b) Use of force report, if appropriate.

(c) New, follow-up or additional crime reports.

(d) A post-incident report of the incident details to the Chief of Police.

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The Temporary Holding Facility Manager shall complete an assessment of the incident, including any recommendations regarding operations, policy and facility, to reduce the potential for other incidents, and submit a completed report of the assessment to the Chief of Police.

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Temporary Custody of Juveniles

316.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Aransas Pass Police Department.

316.2 AUTHORITY TO DETAIN AND RELEASE

Legal authority for taking custody of a child or releasing a child is found in Tex. Fam. Code § 52.01 et seq.

316.2.1 STATEMENTS AND CONFESSIONS

The following are types of statements a child may make while in custody and the related procedures an officer is expected to follow (Tex. Fam. Code § 51.095 (a)):

(a) **Written statements:**

1. Officers who wish to obtain a written statement from a child who is in custody must ensure that the child first receives the required warnings from a magistrate (Texas Family Code § 51.095(a)). The magistrate is responsible for ensuring that the child is voluntarily waiving, or giving up, these rights before and during the making of the statement (Tex. Family Code § 51.095(a)).
2. After the magistrate determines that a child wishes to waive his/her rights and wants to give a statement, an officer should then return the child to the juvenile processing office for an interview and to obtain a written statement. The statement, however, cannot be signed until the child is again brought before the magistrate. The confession will be signed in the presence of a magistrate by the child with no law enforcement officer or prosecuting attorney present (unless an officer's presence is requested by the magistrate and the officer is unarmed per Tex. Family Code 51.095(a)).

(b) **Corroborated oral statements** - A statement of facts or circumstances that are found to be true and that tend to establish the child's guilt may be admissible in future proceedings against a child. Examples include the finding of secreted or stolen property or the finding of the instrument with which the child states the offense was committed.

(c) **Recorded statements** - Officers may obtain a recorded statement from a child only if the magistrate's warnings and the child's waiver of those warnings are contained within the recording (Tex. Family Code § 51.095). If the magistrate chooses to review the recorded confession to ensure voluntariness, the officer shall return to the magistrate with the recording for review (Tex. Family Code § 51.095(f)).

Nothing in this section is intended to preclude the admission of a statement made by a child that is not the result of an interrogation, or without regard to whether the statement stems from an interrogation, is made voluntarily and has bearing on the credibility of the child as a witness.

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316.3 JUVENILE CUSTODY

An officer may take a juvenile into temporary custody pursuant to Tex. Fam. Code § 52.01. An officer may transport a juvenile in lawful custody to the Aransas Pass Police Department's designated juvenile processing office or other named facility (Tex. Family Code § 52.025(a)). A juvenile may not be held in the juvenile processing office for longer than six hours (Tex. Fam. Code § 52.025(d)).

316.3.1 JUVENILE SPECIAL CIRCUMSTANCE CUSTODY

Special circumstances may permit taking custody of juveniles. These instances include:

(a) An officer who has probable cause to believe that a child is in violation of the compulsory school attendance law under Tex. Educ. Code § 25.085, may take the child into custody for the purpose of returning the child to his/her school campus to ensure the child's compliance with compulsory school attendance laws (Tex. Fam. Code § 52.01(e)).

(b) A child taken into custody on reasonable grounds that the child has been operating a motor vehicle in a public place while having any detectable amount of alcohol in the child's system may:

1. Be taken to a place to obtain a specimen of the child's breath or blood as provided by Tex. Transp. Code Chapter 724.
2. Have breath alcohol testing and video recording of the child in an adult processing office of the Department (Tex. Fam. Code § 52.02(c)).
    (a) If the breath testing equipment is located in the Temporary Holding Facility, adult offenders should be locked down while the juvenile is being processed. The juvenile may only remain in the Temporary Holding Facility for as long as it takes to satisfy the mandatory 15-minute observation period and to administer the test.

(c) A child may be taken into temporary custody for comparative investigation purposes:

1. To take the child's fingerprints when the officer:
    (a) Has probable cause to believe the child has engaged in delinquent conduct.
    (b) Has investigated that conduct and has found other fingerprints during the investigation.
    (c) Has probable cause to believe the child's fingerprints will match the other fingerprints.
2. To take the child's photograph when the officer:
    (a) Has probable cause to believe the child has engaged in delinquent conduct.
    (b) Has probable cause to believe the child's photograph will be of material assistance in the investigation of that conduct.

A child taken into custody under special circumstances shall be released from temporary custody as soon as the fingerprints or photographs are obtained, provided the child is not in custody under Tex. Fam. Code § 52.01. An officer who obtains fingerprints or photographs under these circumstances shall immediately destroy them if they do not lead to a positive comparison or identification, and shall make a reasonable effort to notify the child's parent, guardian or custodian of the action taken (Tex. Fam. Code § 58.0021).

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316.3.2 JUVENILE CUSTODY DISPOSITION

Once custody has been triggered, prompt transportation is required, and the officer must make one of the following dispositions of the child:

(a) Release the child to the child's parent, guardian, custodian or other responsible adult on that person's promise to bring the child to court on request.

(b) Bring the child before an office or official designated by the juvenile board, but only if there is probable cause to believe the child has engaged in delinquent conduct or conduct indicating a need for supervision.

(c) Bring the child to a certified juvenile detention facility designated by the juvenile board.

(d) Bring the child to a secure detention facility as provided by and in compliance with Tex. Fam. Code § 51.12 et seq.

(e) Bring the child to a medical facility if the child is believed to suffer from a serious physical condition or illness that requires prompt treatment.

(f) Release the child without court referral Tex. Fam. Code § 52.03.

316.3.3 DETENTION PERIOD, NOTIFICATION AND DOCUMENTATION

Juveniles may not be held at this facility for more than six hours from the time of arrival at the Aransas Pass Police Department. When a juvenile is taken into temporary custody, the following steps shall be taken by the arresting officer or the detective assigned to the case:

(a) Once the detained juvenile has been placed in custody, complete the Juvenile Detention Log located in Dispatch. Close all log entries upon release.

(b) Take immediate steps to notify the juvenile's parent, guardian or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition.

(c) Submit a completed report to the Shift Commander for approval (Tex. Fam. Code § 52.025(d)).

316.3.4 TEMPORARY CUSTODY REQUIREMENTS

All juveniles detained or held in temporary custody shall be held in a suitable place of detention for juveniles. The facility is to be inspected at least annually by the appropriate county authorities and written certification obtained and maintained that such facility is suitable for juvenile detention (Tex. Fam. Code § 51.12).

Juveniles should have the following made available to them:

(a) Reasonable access to toilets and washing facilities.

(b) Food, if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply.

(c) Reasonable access to drinking water.

(d) Private visits with family, guardian or lawyer.

(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

(f) Immediately after being taken to a place of temporary confinement and except where physically impossible no later than one hour after being taken into custody, the detaining officer shall advise and provide the juvenile an opportunity to make at

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least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer or an attorney.

316.3.5 SEPARATION REQUIREMENTS

Juveniles shall not be transported in the same vehicle with adults who are suspected of or charged with criminal acts. Juveniles shall be separated at any and all times by sight and sound from adults detained in the same building. Separation requires that adults and juveniles in detention are unable to see each other or to converse (Tex. Fam. Code § 51.12).

316.4 TYPES OF CUSTODY

An officer may detain juveniles temporarily during an investigation in the field in the same manner as an adult is detained.

The three types of juvenile custody are as follows:

(a) **Pursuant to Tex. Fam. Code § 52.01 (Taking Into Custody; Issuance of Warning Notice)** - A juvenile in custody pursuant to this section must be taken without unnecessary delay to a juvenile processing office or room following arrest.

(b) **Pursuant to Tex. Code of Crim. Pro. art. 45.058 (Children Taken Into Custody)** - A juvenile in custody for violation of a city ordinance punishable by fine only, a criminal offense punishable by fine only, or an offense that arises under Chapter 106 of the Tex. Alcoh. Bev. Code punishable by fine only and who has not been released to a qualified individual shall be taken to a place of non-secure custody. The juvenile processing office or room may serve as a place of non-secure custody if the door remains unlocked.

(c) **Status Offenders** - A juvenile accused of conduct that would not, under state law, be a crime if committed by an adult (including, but not limited to truancy, runaway, possession of tobacco/alcohol) and who has not been released to a qualified individual shall be taken to a place of non-secure custody (Tex. Fam. Code § 51.02).

The Aransas Pass Police Department has provided juvenile processing rooms outside of the adult jail facility.

316.4.1 JUVENILE PROCESSING OFFICE

The juvenile processing office rooms are designed for the temporary detention of juveniles and may not be a cell or holding facility used for purposes other than a juvenile processing office and may not be designated, intended, set aside or used as either a secure detention area or for residential purposes (Tex. Fam. Code § 52.025(a)). Detentions in the juvenile processing office are permitted for no longer than six hours. Detainees are entitled to be accompanied by parents, guardians, custodians or attorney (Tex. Fam. Code § 52.025(c)). The following provisions apply to types of custody and detentions of juveniles brought to the Aransas Pass Police Department.

Detentions in the juvenile processing office are restricted to facilitating:

(a) Return of the child to the custody of a person under Tex. Fam. Code § 52.02(a)(1).

(b) Completion of essential forms and records required by the juvenile court or the Texas Family Code.

(c) Photographing and fingerprinting if otherwise authorized by law at the time of temporary detention.

(d) Issuance of warnings as required or permitted by law.

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(e) Receipt of a statement by the child in accordance with Tex. Fam. Code § 51.095(a)(1), (2), (3) or (5).

The juvenile processing office may serve as the place of non-secure custody if the door remains unlocked (Tex. Fam. Code § 52.01).

316.4.2 JUVENILE PROCESSING OFFICE PROCEDURE

Officers or detectives placing juveniles in processing rooms shall comply with the following (Tex. Fam. Code § 52.025):

(a) The juvenile processing office rooms must remain unlocked if used as a place of non-secure custody or for a status offender. In all other instances, the juvenile processing office may be secured.

(b) A detainee may not be secured physically to a cuffing rail, chair, desk or stationary object absent extraordinary circumstances and shall not be if he/she is placed in the juvenile processing office pursuant to Tex. Code Crim. Pro. art. 45.058 as outlined above or as a status offender.

(c) A detainee may not be held longer than necessary to accomplish the purposes of identification, investigation, processing, release to a parent, guardian, custodian or arrangement of transportation to school or court.

(d) A detainee must be under continuous visual supervision by an officer or other person during the time the juvenile is in the juvenile processing office.

(e) It is the officer's responsibility to notify the Shift Commander, desk personnel and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time detention will last and that it may not exceed a total of six hours.

(f) Any juvenile placed in a processing room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Shift Commander shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

(g) A written record will be maintained by dispatch. This log will include the charges for which the juvenile is being detained, the circumstances that warrant the detention, the time the detention began and the time it ended. The dispatch log shall be ordered by the Shift Commander approving the detention and Dispatch's log will show when the juvenile is released.

(h) It is the responsibility of the officer or detective placing a juvenile into custody to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian or the appropriate juvenile custody facility. Transfer of this responsibility to another officer, detective or the Shift Commander or authorized designee, shall be documented in writing on the appropriate booking record. The person accepting transfer is responsible for ongoing monitoring of the detention of the juvenile and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The Shift Commander shall be notified in all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the person taking responsibility for the detention and processing of the juvenile.

(i) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the

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juvenile. Any damage to the room shall be photographed and documented in the arrest report.

316.4.3 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel or locked in a juvenile property locker until the juvenile is released from the custody of the Aransas Pass Police Department.

316.4.4 MONITORING OF JUVENILES

The juvenile shall be monitored at all times and shall not be left unattended. Audio/video systems are insufficient for monitoring during the detention.

Only employees or volunteers who successfully complete a background and criminal history check may assist with the temporary care of a child who is taken into temporary custody (Tex. Fam. Code § 262.009).

316.4.5 FORMAL BOOKING

No juvenile shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Shift Commander.

An officer may take fingerprints and photographs of children if the child is taken into custody or referred to the juvenile court for conduct that constitutes a felony or a misdemeanor punishable by confinement in jail.

An officer may take fingerprints and photographs of a child who is not in custody if the child's parent or guardian voluntarily consents in writing to the fingerprinting of photographing of a child.

The Department may forward information, which includes fingerprints, relating to a child who has been detained or taken into custody for inclusion in the juvenile justice information system only if the child or the child's case is referred to juvenile court. This includes referral to a juvenile probation office or prosecutor only if the child or the case is referred on or before the 10th day after the date the child is detained or taken into custody.

If the child or case is not referred to juvenile court within that time, the Department shall destroy all information, including photographs and fingerprints, relating to the child unless the child is placed in the First Offender Program under Tex. Fam. Code § 52.031, or upon informal disposition under Tex. Fam. Code § 52.03.

316.4.6 DISPOSITIONS

(a) An officer authorized to take a child into custody may dispose of the case of a child without referral to juvenile court, if (Tex. Fam. Code § 52.03):

1. Guidelines for such disposition have been adopted by the juvenile board of the county in which the disposition is made as required by Tex. Fam. Code § 52.032.
2. The disposition is authorized by the guidelines.

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3. The officer makes a written report of the disposition, identifying the child and specifying the grounds for believing that the taking the juvenile into custody was authorized.

(b) A child taken into custody may be referred to the First Offender Program and not the juvenile court if (Tex. Fam. Code § 52.031(d)):

1. The child has not previously been adjudicated as having engaged in delinquent conduct.
2. The referral complies with guidelines for disposition under the Texas Family Code.
3. The officer reports in writing the referral to the agency, identifying the child and specifying the grounds for taking the child into custody.

(c) An officer shall not detain a child in custody if the child is referred under the first offender program. The parent, guardian or other custodian of the child shall receive notice that the child has been referred for disposition under the First Offender Program. The notice shall (Tex. Fam. Code § 52.031(e) and (f)):

1. State the grounds for taking the child into custody.
2. Identify the officer or department to which the child was referred.
3. Briefly describe the nature of the program.
4. State that the child's failure to complete the program will result in the child being referred to the juvenile court.

(d) Ninety days after successful completion by the child of the First Offender Program under Tex. Fam. Code § 52.031, the Department shall destroy all information, including photographs and fingerprints, relating to the child (37 Tex. Admin. Code § 27.57).

(e) If the 6-hour time limit has expired, the juvenile should be transported to a secure detention facility to accept custody. Any juvenile not transported to an appropriate detention facility shall be released to one of the following (Tex. Fam. Code § 52.026).:

1. A parent or legal guardian.
2. An adult member of his/her immediate family.
3. An adult person specified by the parent/guardian.
4. An adult custodian willing to accept responsibility when the juvenile's parents are unavailable, and as approved by the Shift Commander.

(f) If a juvenile is to be transported to a secure juvenile detention facility, the following forms shall accompany the juvenile:

1. The state approved juvenile booking form.
2. Fingerprint card containing the juvenile's fingerprints.
3. A juvenile referral form which contains probable cause.
4. Any personal property taken from the juvenile at the time of detention.

316.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

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(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and to maintain a low profile police presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:

1. When practicable and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.

2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.

3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.

   (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.

   (b) If the officer reasonably believes that exigent circumstances exist that would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. The exigent circumstances should be set forth in a related report.

(c) Any juvenile student who is a suspected victim of child abuse shall be interviewed by a certified forensic child interviewer in a child friendly environment typically used for forensic interviews of children. Forensic interviews of children do not permit any other people in the room during an interview without prior approval from the certified forensic interviewer.

316.6 RELEASE OF INFORMATION CONCERNING MINORS

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a minor. Juvenile records and information are confidential and may only be disclosed pursuant to Tex. Fam. Code § 58.005. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

316.6.1 RELEASE OF INFORMATION BY DESIGNATED JUVENILE COURT ORDER

A copy of the current policy of the designated juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual.

316.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

State law authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Criminal Investigations Supervisors to ensure that personnel of those bureaus act within legal guidelines.

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316.6.3 REQUIRED SCHOOL NOTIFICATION

An officer who arrests any person for crimes listed in Tex. Code of Crim. Pro. art. 15.27, or refers a child to the agency designated by the juvenile board shall attempt to ascertain that individual's enrollment status in a public primary or secondary school.

If it is determined that the person is enrolled, the handling officer shall notify the appropriate school official of the arrest or referral within 24 hours or before the next school day, whichever is earlier.

Within seven days after making oral notification to the proper school authority, the Records Section shall mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the appropriate school authority. The written notification must include the facts provided in the oral notification, including the date and time of the oral notification and the name of the person who was notified.

Both the written and oral notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the school officials to determine whether there is reasonable belief that the student has engaged in conduct defined as a felony offense by the Texas Penal Code.

Electronic notification may be substituted for oral notification where oral notification is required by this article. If electronic notification is substituted for oral notification, any written notification required by this policy is not required.

All pertinent details of the offense or conduct must also be reported in the oral and written notice, including the details of any assaultive or violent behavior and any weapons used or possessed in the commission of the offense or conduct.

The following crimes must be reported (Tex. Code of Crim. Pro. art. 15.27):

(a) Any felony offense

(b) Unlawful restraint (Tex. Penal Code § 20.02)

(c) Indecent exposure (Tex. Penal Code § 21.08)

(d) Assault (Tex. Penal Code § 22.01)

(e) Deadly conduct (Tex. Penal Code § 22.05)

(f) Terroristic threat (Tex. Penal Code § 22.07)

(g) Engaging in organized criminal activity (Tex. Penal Code § 71.02)

(h) The unlawful use, sale or possession of a controlled substance, drug paraphernalia or marijuana (Tex. Health and Safety Code § 481)

(i) The unlawful possession of any club, explosive weapon, firearm, firearm silencer, handgun, knife, knuckles, machine gun, short-barrel firearm, switchblade knife, armor piercing ammunition, hoax bomb, chemical dispensing device or zip gun

(j) Any weapon listed as a prohibited weapon under Tex. Penal Code § 46.05

316.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

316.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Shift Commander shall be notified of the need for medical attention for the juvenile (Tex. Fam. Code § 52.02(a)(5)).

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In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

(a) The designated juvenile court.

(b) The parent, guardian or person standing *in loco parentis* of the juvenile.

316.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior which may indicate the juvenile may harm him/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Shift Commander if he/she believes the juvenile may be a suicide risk. The Shift Commander will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. Under these circumstances, the juvenile shall be taken to an appropriate mental health facility and shall be under constant personal supervision until the transfer is completed.

316.7.3 USE OF RESTRAINT DEVICES

The department Leg Restraint Policy describes the only restraint device authorized. It is the policy of this department that restraints will not be used on inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. Restraints shall only be used when the juvenile:

(a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.

(b) Is a serious and immediate danger to him/herself or others.

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

The Shift Commander shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment or as a substitute for treatment.

316.7.4 DISCIPLINE OF JUVENILES

Department personnel are prohibited from administering discipline to any juvenile.

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316.7.5 DEATH OF A JUVENILE WHILE DETAINED

The Justice of Peace and/or Medical Examiner will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Investigations Division Commander or authorized designee will conduct an administrative review of the incident.

In the event of a fatal injury or death of a juvenile in custody of Aransas Pass Police Department, the Shift Commander shall be notified and he/she will make the appropriate notifications.

In any case in which a juvenile dies while detained at the Aransas Pass Police Department, the following shall apply:

(a) The Chief of Police or authorized designee shall file a written report of the cause of death with the Attorney General no later than the 30th day after the date on which the person in custody died (Tex. Code of Crim. Pro. art. 49.18(b)).

The Investigations Division Commander or authorized designee (Texas Rangers, etc.) will conduct an administrative review of the incident. If an incident involves alleged criminal conduct or negligence, the appropriate offense report will be forwarded to the District Attorney's Office.

316.7.6 CURFEW VIOLATIONS

An officer taking into custody a person younger than 17 years of age for violation of a juvenile curfew ordinance shall, without unnecessary delay (Tex. Code of Crim. Pro. art. 45.059):

(a) Release the person to the person's parent, guardian or custodian.

(b) Take the person before a justice or municipal court to answer the charge.

(c) Take the person to a place designated as a juvenile curfew processing office.

316.7.7 SEARCHING JUVENILES

Juveniles will be searched in the same manner as adults and pursuant to the Custody Searches Policy in this manual.

316.8 INTOXICATED AND SUBSTANCE ABUSING MINORS

Minors who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs and other intoxicant-related disorders.

A medical clearance shall be obtained prior to detention of minors at the Aransas Pass Police Department when the minor displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- A known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- The minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A minor who is intoxicated to the level of being unable to care for him/herself.

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- An intoxicated minor whose symptoms of intoxication are not improving.

Minors with lower levels of alcohol in their system may not need a medical evaluation. An example is a juvenile who has ingested one or two beers; this person would not normally meet this criterion.

316.8.1 MONITORING INTOXICATED MINORS

A minor detained and brought to the Aransas Pass Police Department who displays symptoms of intoxication as a result of alcohol or drugs requires the following monitoring and ongoing evaluation:

(a) Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.

(b) Observation of the juvenile to ensure that there has not been any vomiting while sleeping, and ensuring that the intoxicated juvenile remains on his/her side rather than his/her back to prevent the aspiration of stomach contents.

(c) An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(d) Personal observation shall be conducted at all times while the juvenile is in the custody of the Aransas Pass Police Department.

(e) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.

(f) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

(g) A medical clearance is required before the juvenile is transported to a juvenile detention facility if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required.

316.8.2 MEDICAL CLEARANCE, WHEN NOT REQUIRED BY POLICY

A juvenile who requires or requests medical clearance/treatment, outside the scope of this policy section, during the juvenile's detention or transfer to a secured, approved detention facility, shall be accompanied by an adult parent or legal guardian. The juvenile's parent or guardian must approve the medical treatment before such treatment can be rendered. Further, the parent or guardian authorizing the treatment shall be responsible for any costs associated with such treatment.

To accompany the juvenile in custody means that the parent will follow the officer/ambulance or meet the officer/ambulance the medical facility where the juvenile will be receiving treatment.

316.9 WARNING NOTICES

An officer authorized to take a child into custody may issue a warning notice to the child under appropriate circumstances if (Tex. Fam. Code § 52.01 (c)) :

(a) The guidelines for warning dispositions have been issued by the Department.

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(b) The guidelines have been approved by the juvenile board of the county.

(c) The disposition is authorized by the guidelines.

(d) The warning notice identifies the child and describes the child's alleged conduct.

(e) A copy of the warning notice is sent to the child's parent, guardian or custodian as soon as practicable after disposition.

(f) A copy of the warning notice is filed with the Department and the office or official designated by the juvenile board.

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Detentions And Photographing Detainees

318.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to conduct an FI or to photograph a field detainee shall be left to the discretion of the involved officer, based on the totality of the circumstances available to him/her at the time of the detention.

318.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

318.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

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(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

318.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Aransas Pass Police Department to strengthen our community involvement, community awareness and problem identification.

318.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

318.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to, the following:

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(a) The type of crime suspected, particularly in crimes of violence where, the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

318.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

318.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

318.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

318.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

318.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

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If a photograph is not associated with an investigation where a case number has been issued, the Shift Commander should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Shift Commander will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Street Gangs Policy.

(b) Photographs that do not qualify for criminal street gang file retention or that are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in Detentions and Photographing Detainees Policy.

When a photograph is taken in association with a particular case, the detective may use the photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section and stored electronically.

318.7.1 PURGING THE FIELD PHOTO FILE

The Records Supervisor will be responsible for ensuring that photographs retained by the Records Section that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided a notation of that fact is added to the file for each additional year they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Aransas Pass Police Department and the booking file remains in the Records Section.

318.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI card. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI card is properly reviewed according to this policy. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

318.8.1 REVIEW PROCESS

Upon receipt of a written request, the Chief of Police or authorized designee will permit the individual to appear in person. Any minor must be accompanied by a parent or legal guardian for a review of the status of the photograph/FI card.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

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A meeting for the review of the status of any non-arrest photograph/FI card is not intended to be a formal hearing but simply an informal opportunity for the individual to meet with the Chief of Police or authorized designee to discuss the matter.

After carefully considering the information available, the Chief of Police or authorized designee will determine, generally within 30 days of the original meeting, whether the photograph/FI card was obtained in accordance with existing law and Aransas Pass Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI card.

If the Chief of Police or authorized designee determines that the photograph/FI card was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI card shall be retained according to this policy and applicable law.

If the Chief of Police or authorized designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Aransas Pass Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or authorized designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI card no longer exists or that the original FI card was not obtained in accordance with established law or Aransas Pass Police Department policy, the original FI card may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) who was the subject of that field contact.

If the Chief of Police or authorized designee determines that any involved Aransas Pass Police Department personnel violated existing law or department policy, the Chief of Police or authorized designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employee(s).

The person photographed or interviewed will be informed in writing within 30 days of the Chief of Police's determination whether the photograph/FI card will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Hearing Impaired/Disabled Communications

320.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq., it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact (Tex. Hum. Res. Code § 121.001).

320.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness vs. impairment).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access to critical services for individuals suffering from apparent disabilities, while not imposing undue burdens on the Department or its officers.

320.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

320.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and

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honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to, the following:

320.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communication exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual utilizing lip reading and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

320.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document, such as a citizen complaint form, to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

320.3.3 TELEPHONE INTERPRETER SERVICES

The Shift Commander and Dispatch Supervisor will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time, generally not to exceed three hours.

320.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

320.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

320.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUALS

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying

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on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

320.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

320.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

320.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

To ensure that the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance. 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 communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on the individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices, such as a wheel chair or crutches, during a custodial situation, the removal of such items will require that other reasonable

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accommodations be made to assist these individuals with access to all necessary services.

(c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

320.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

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 disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees 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 disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

320.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

320.5 TRAINING

To ensure that all employees in public contact positions or who have contact with those in custody are properly trained, this department will provide periodic training in the following areas:

(a) Employee awareness of related policies, procedures, forms and available resources.

(b) Ensuring that employees having contact with the public, or those in our custody, are trained to work effectively with in-person and telephone interpreters and related equipment.

(c) Training for management staff, even if they may not interact regularly with disabled individuals, so they remain fully aware of and understand this policy, thereby enabling them to reinforce its importance and ensure its implementation by staff.

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Child Safety Policy

322.1 PURPOSE AND SCOPE

The Aransas Pass Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian.

322.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Aransas Pass Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

322.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any dependent minor children.

(b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.

(c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.

322.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any

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decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.

(c) Notify Child Protective Services if appropriate.

(d) Notify the field supervisor or Shift Commander of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

322.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law.

322.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed and with whom or which agency.

322.3 CHILD WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child welfare service or other department-approved social service.

Only when other reasonable options are exhausted should a child be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

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322.4 TRAINING

The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children participate, on a timely basis, in an approved course on effective child safety when a parent or guardian is arrested.

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Ride-Along Policy

324.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

324.1.1 ELIGIBILITY

The Aransas Pass Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons. However any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age if not currently enrolled in the Aransas Pass PD Explorer Program
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

324.1.2 AVAILABILITY

Approved riders may ride along anytime of the week, day or night. All riders must receive initial approval from the Chief of Police and shall be approved prior to each event by the patrol shift commander, thereafter.

324.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Shift Commander. The participant will complete the ride-along waiver form which has been approved by the Chief of Police. Information requested will include a valid driver's license, address and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Shift Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

324.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than twice every six months. An exception would apply to the following: cadets, explorers, chaplains, reserves, police applicants and all others with approval of the Shift Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

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Ride-along requirements for police cadets are covered in the Police Cadet Policy.

324.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

324.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require. The peace officer, if currently employed full-time as a peace officer within another Texas Police agency, may carry a firearm that is concealed.

324.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Criminal Justice Information System check prior to approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Aransas Pass Police Department).

324.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Shift Commander is responsible for maintaining and scheduling ride-alongs. In lieu of a written schedule or log, the shift commander may rely upon the dispatchers log for ride-along records.

324.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit his/her participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home or to the station if the ride-along interferes with the performance of the officer's duties.

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(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence or other establishment not readily open to the public with an officer without the expressed consent of the resident or other authorized person over the residence or establishment.

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News Media Relations

326.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

326.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Commanders and designated Media Relations Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

326.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Chief of Police or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

326.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Chief of Police or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter

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and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Chief of Police or the designated media relations officer.

326.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Commander. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, age (excluding birth date) and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Tex. Code of Crim. Pro. art. 57.02 shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or release of information is otherwise cleared through the Medical Examiner's Office or Justice of the Peace.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Commander. Such requests will generally be processed in accordance with the provisions of the Public Information Act (Tex. Gov't Code Chapter 552).

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326.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (See Release of Records and Information and Peace Officer Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information.

1. The identities of officers involved in a shooting or other major incident may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Information Act.

(b) Copies of traffic accident reports (except to those authorized pursuant to Tex. Transp. Code § 550.065).

(c) Criminal history information.

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(e) Information pertaining to pending litigation involving this department.

(f) Information obtained in confidence.

(g) Any information that is otherwise privileged or restricted under state or federal law.

326.4.2 RESTRICTED INFORMATION

To protect the safety and rights of officers and other persons, advance information should not be provided to the news media regarding search warrant or arrest warrant actions planned by law enforcement personnel, nor should media representatives be solicited or invited to be present. Any exceptions require prior approval of the Chief of Police.

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Racial/Bias-Based Profiling

328.1 PURPOSE AND SCOPE

The Aransas Pass Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other inherent differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group. Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law (Tex. Code of Crim. Pro. art. 2.132).

328.2 DEFINITION

Racial/Bias based profiling and the act of racial profiling - For purposes of this section, means and encompasses 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 (Tex. Code of Crim. Pro. art. 3.05, and 2.132(b)(1)).

328.3 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by this Department (Tex. Code of Crim. Pro. art. 2.131).

(a) It is the responsibility of every member of this department to prevent, report and respond appropriately to clear discriminatory or biased practices.

(b) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

1. To the extent that written documentation would otherwise be completed (e.g., arrest report, FI card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.
2. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.
3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Department shall provide public education relating to the complaint process during public contacts or meetings when appropriate (Tex. Code of Crim. Pro. art. 2.132(b)(4)). Additionally, the Department will maintain educational pamphlets at the front desk regarding the complaint process for distribution or such information may be posted publicly on the Aransas Pass Police Departments online website.

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328.3.1 DATA COLLECTION

Any officer conducting an enforcement stop on any motor vehicle shall collect the following information relating to the stop (Tex. Code of Crim. Pro art. 2.132 and Tex. Code of Crim. Pro. Art. 2.133):

(a) The location of the stop

(b) The initial reason for the stop

(c) The physical description of the driver including:

1. The person's gender
2. The person's race or ethnicity as stated by the person or as best as can be determined by the officer

(d) Whether the officer knew the race or ethnicity of the detained person before the stop

(e) Whether a citation or a warning was issued as a result of the stop

(f) Whether an arrest was made and, if so, for what offense

(g) Whether the officer conducted a search and, if so, whether the search was based on consent, probable cause or reasonable suspicion, incident to arrest, the result of towing the vehicle or any other reason

(h) Whether any contraband or evidence was discovered and whether it was in plain view

(i) A description of any contraband or evidence located

328.4 TRAINING

(a) All sworn members of this department will be scheduled to attend Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) approved training on the subject of racial profiling.

(b) Pending participation in such TCLEOSE-approved training and at all times, all members of this department are encouraged to familiarize themselves with and to consider racial and cultural differences among members of our community.

(c) Each member of this department undergoing initial TCLEOSE-approved training will thereafter be allowed to complete an approved refresher course every five years or sooner if deemed necessary in order to keep current with changing racial issues and cultural trends.

328.5 COMPLAINTS

The Aransas Pass Police Department will investigate all complaints against its members of alleged racial/bias-based profiling.

On the commencement of an investigation regarding a complaint in which a video or audio recording was made of an alleged incident of racial/bias-based profiling, the Department shall promptly provide a copy of the recording to the officer on his/her written request (Tex. Code of Crim. Pro. art. 2.132(f)).

328.5.1 CORRECTIVE ACTION

Employees found to be in violation of this policy are subject to discipline in accordance with the Conduct Policy and shall receive additional training and instruction by the Training Unit except when disciplinary action results in termination (Tex. Code of Crim. Pro. art. 2.132(b)(5)).

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328.6 ADMINISTRATION

Each January, the Patrol Division Commander shall review the Department's effort to prevent racial/bias-based profiling and submit an overview, including public concerns, to the Chief of Police. This overview shall not contain any identifying information regarding any specific complaint, citizen or officer.

328.6.1 REVIEW OF MPAV RECORDINGS

The Shift Commander shall periodically review Mobile/Portable Audio/Video (MPAV) recordings to ensure compliance with racial profiling laws (Tex. Code Crim. Pro. art. 2.132(d)). The Shift Commander shall keep a review log of the MAV reviews for documentation purposes.

328.7 ANNUAL REPORT

The Chief of Police shall submit an annual report as required by Tex. Code of Crim. Pro. § 2.132(b) to TCLEOSE and each governing body served by this agency. Further, unless exempt under Tex. Code of Crim. Pro. art. 2.135, each year prior to March 1, the Chief of Police shall provide to TCLEOSE and to each governing body served by this agency a report containing an analysis of the information required by Tex. Code of Crim. Pro. art. 2.133 (Tex. Code of Crim. Pro. art. 2.134(b)).

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Arrest or Detention of Foreign Nationals

330.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by U.S. law enforcement officials in this country. This policy provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State website.

330.1.1 DEFINITIONS

Foreign National - Is anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

330.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

330.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

330.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from

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all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Texas; but they do occasionally visit the state.

330.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court of jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by the Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

330.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in Texas.

330.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying foreign service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

330.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plate labels with the words diplomat or consul. Vehicles owned by honorary consuls are not issued OFM license plates; but may have Texas license plates with an honorary consul label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating U.S. as the state, if the officer has reason to question the legitimate possession of the license plate.

330.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling incidents involving foreign nationals:

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330.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, these additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.

(c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word refused shall be entered in the signature box, and the violator shall be released.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear but a signature shall not be required if their immunity status is uncertain.

(f) All other claimants are subject to the provisions of policy and procedures outlined in this chapter.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

330.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 330.7.1 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim unless restraint is necessary for the protection of the officer or others.

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State Protocol Office are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), Official (green bordered). The Department of State identification cards are 3-3/4 inches by 1-1/2 inches and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

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Office of Foreign Missions
Houston, TX
(713) 272-2865
(713) 272-2866 FAX
(0800-1700 CST)

Office of Foreign Missions
Diplomatic Motor Vehicle Office
Washington D.C.
(202) 895-3521 (Driver License Verification) or
(202) 895-3532 (Registration Verification)
(202) 895-3533 FAX
(0815-1700 EST)

Department of State
Diplomatic Security Service
Command Center
Washington D.C.
(202) 647-7277
(202) 647-1512
(Available 24 hours)
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by the Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving While Intoxicated (DWI) Arrest-Investigation Report and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. If the violator is either stopped or issued a Notice to Appear for a violation of Tex. Penal Code §§ 49.031, 49.04, 49.07 or 49.08, while operating a motor vehicle, the officer shall either complete a notice to appear or a written report documenting the incident.

This department shall then contact the Department of State, as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this department shall send to the Bureau of Diplomatic Security Office of Foreign Missions of the Department of State a copy of the notice to appear and any accident or other written report documenting the incident (Tex. Transp. Code § 543.011 et seq.). The Department of State will take

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appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

330.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License issued by the DMVO, shall have D coded in the license class box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 330.5 of this policy.

330.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

330.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Commander/supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of the Department of State and all necessary follow-up occur.

330.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

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- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

330.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact Dispatch as soon as practicable and request the appropriate embassy/consulate be notified. Officers shall provide Dispatch with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Dispatch with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

330.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

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Immigration Violations

332.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

332.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, U.S.C. dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of an inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C. §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

332.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the ICE. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

332.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

332.3.2 SWEEPS

The Aransas Pass Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

332.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

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332.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (e.g., infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

332.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation. A field supervisor shall approve all such arrests.

332.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

If a person is detained for an infraction, and that person's identity can not be established, that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Transportation Code infraction involved.

332.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever an officer has reason to believe that any person arrested for any offense described under the Texas Controlled Substances Act, Texas Health and Safety Code, Chapter 481 or for any other felony may not be a citizen of the United States, and the individual is not going to be booked into County Jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.

If an officer has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented alien, and after he/she is formally booked there is no intention to transport to the County Jail, ICE may be informed by the arresting officer so that ICE may consider placing an immigration hold on the individual.

In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

(a) Seriousness of the offense

(b) Community safety

(c) Potential burden on ICE

(d) Impact on the immigrant community

Generally, officers will not need to notify ICE when booking arrestees at the County Jail. Immigration officials routinely interview suspected undocumented aliens who are booked

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into the County Jail on criminal charges. Notification will be handled according to jail operation procedures.

332.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Aransas Pass Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members of this department should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. § 1373 and U.S.C. § 1644).

332.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Criminal Investigations Division Commander assigned to supervise the handling of any related case. The Criminal Investigations Division Commander should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification, if necessary. Instructions for completing DHS Forms I-918/I-914 can be found on the U.S. DHS website at http://www.uscis.gov/portal/site/uscis.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

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Private Persons Arrests

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to state law.

334.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All officers shall advise citizens of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

334.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

(a) Any person, may, without a warrant, arrest an offender when the offense is committed in his/her presence or within his/her view, and if the offense is one classed as a felony or as an offense against the public peace (Tex. Code of Crim. Pro. art. 14.01).

(b) Any person with reasonable grounds to believe property is stolen may seize the stolen property and the person suspected of committing the theft and bring the person and the property before a magistrate or to a peace officer for that purpose (Tex. Code of Crim. Pro. art. 18.16).

(c) A person who reasonably believes that another has stolen or is attempting to steal property is privileged to detain that person in a reasonable manner and for a reasonable time to investigate ownership of the property (Tex. Civ. Prac. and Rem. Code § 124.001).

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed. The felony must in fact have taken place.

334.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual pursuant to a Notice to Appear.
3. Release the individual and instruct the arresting party/victim to contact the Aransas Pass Municipal Court for further criminal prosecution procedures.

334.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a municipal complaint packet or criminal complaint and provide a statement to an investigator, when required.

In addition to the Private Person's required documentation, officers shall complete a report regarding the circumstances and disposition of the incident.

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Mobile Data Terminal Use

336.1 PURPOSE AND SCOPE

The Mobile Data Terminal (MDT) accesses confidential records from the State of Texas, Department of Public Safety databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

336.2 MDT USE

The MDT shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature, or are otherwise critical of any member of the Department are strictly forbidden. Department personnel should remain cognizant of the fact that all MDT communications are subject to an Open Records Request. MDT use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline or termination.

All calls dispatched to patrol units should be communicated by voice and MDT unless otherwise authorized by the Shift Commander.

336.2.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

336.2.2 DOCUMENTATION OF ACTIVITY

MDT's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDT.

336.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the police radio and through the MDT system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

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Other changes in status may be entered by depressing the appropriate keys on the MDT's.

336.2.4 EMERGENCY ACTIVATION ON MDT

If the emergency button is depressed on the MDT, the dispatcher will call the unit and ask if the unit is Code 4. If there is no emergency, then he/she should answer "Code 4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available units to assist in locating the unit that is transmitting the emergency. When a location is known, immediately dispatch the nearest available unit Code 3.

(b) Notify the Shift Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code 4, unless they are themselves handling an emergency.

336.3 MDT CONSIDERATIONS

336.3.1 NON-FUNCTIONING MDT

Whenever possible, officers will not use units with malfunctioning MDTs. Whenever officers must drive a unit in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of Dispatch to record all information that will then be transmitted verbally over the police radio.

336.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDTs. Operating the MDT may cause some devices to detonate.

336.3.3 MDT SECURITY

All MDT's shall be securely locked into place inside the patrol vehicle at all times. When the patrol vehicle is down for service, the MDT shall be removed and turned into the patrol division commander.

Officers shall take appropriate measures to safeguard information on the MDT. Information on the MDT shall not be shared or viewed by others within the public. Safety measures to secure such data would include: putting the MDT screen down when not in use, locking the MDT's operating system, and obstructing the MDT's screen from view by prisoners or outsiders.

336.4 VIOLATIONS OF THIS POLICY

Because of the seriousness of the consequences of breaching the security and privacy of Criminal Justice Records, any violation of this policy or procedure will be dealt with accordingly. Disciplinary action for such violations may include immediate termination of employment.

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Patrol Rifles

338.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Aransas Pass Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

338.2 PATROL RIFLE

338.2.1 DEFINITION

Patrol Rifle - An authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to the duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and through the department Armorer.

338.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the AR-15.

338.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer, who shall inspect and service each patrol rifle on a monthly basis.

(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor.

(d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Armorer at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Armorer, including personally owned patrol rifles.

338.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed department training. This training shall consist of an initial 8-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and the yearly firearms proficiency qualification conducted by a certified patrol rifle instructor (37 Tex. Admin. Code § 217.21).

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer

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be authorized to carry the patrol rifle without again successfully completing the initial course and qualification.

338.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

338.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Deadly Force Policy.

338.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

338.9 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the department armory in rifle racks or other designated locker, assessable to patrol.

(b) At the start of each assigned shift, any qualified, on-duty officer may contact the Shift Commander for access to the department armory.

(c) The last three digits of the assigned patrol rifle serial number will be recorded on the Daily Activity Log kept by dispatch.

(d) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.

(e) At the end of the assigned officer's shift, the patrol rifle will be returned and secured in the department armory or other designated locker.

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Traffic Function and Responsibility

340.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment, and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

340.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Aransas Pass Police Department. Information provided by the Texas Department of Public Safety is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident-causing violations during high-accident hours and at locations of occurrence. All officers will take directed enforcement action on request and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

340.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Tex. Transp. Code § 720.002). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

340.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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340.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

(d) The court contact information.

340.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction over the violation within the county where the offense was committed (Tex. Transp. Code § 543.006).

340.3.4 REFUSAL TO SIGN TRAFFIC CITATION

A person who refuses to sign a traffic citation, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (Tex. Transp. Code § 543.002(a)(2)).

340.3.5 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Texas Transportation Code or Texas Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter.

(b) Felony and misdemeanor driving under the influence of alcohol/drugs.

(c) Felony or misdemeanor hit-and-run.

(d) Refusal to sign Notice to Appear.

(e) Any other traffic offense, other than speeding and/or the open container law, at the reasonable discretion of the officer.

340.3.6 NOTICE TO APPEAR REQUIRED

An officer is required to issue a Notice to Appear when the offense charged is speeding or a violation of the open container law, and the person makes a written promise to appear in court (Tex. Transp. Code § 543.004).

340.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Texas Manual on Uniform Traffic Control Devices, 43 Tex. Admin Code § 25.1).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

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340.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

340.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit and in the side box of each police motorcycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Patrol Commander should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Citations

342.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

342.2 RESPONSIBILITIES

The Patrol Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Texas Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by Records Section staff. Officers will sign for the citation books when issued.

In lieu of a citation book, officers within the Aransas Pass Police Department may check out and utilize the electronic ticket writers provided. Officers shall create a unique password to log into the electronic ticket writer and take appropriate measure to insure that no one else is able to obtain access into the officers' electronic ticket writer account.

342.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Shift Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Shift Commander may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

342.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the municipal court.

342.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit a written complaint attached to the traffic citation. The complaint shall outline the data needing correction. The ticket and complaint shall then be turned into the municipal court.

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342.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Section.

342.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

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48-Hour Parking Violations

344.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles parked in violation of the 48-hour parking and abandoned vehicle laws under the authority of Tex. Transp. Code § 683.011(a).

344.1.1 DEFINITION

Pursuant to Tex. Transp. Code § 683.002, a motor vehicle is abandoned if:

(a) It is inoperable, is more than five years old and has been left unattended on public property for more than 48 hours.

(b) It has remained illegally on public property for more than 48 hours.

(c) It has remained on private property without the consent of the owner or person in charge of the property for more than 48-hours.

(d) It has been left unattended on the right-of-way of a designated county, state or federal highway for more than 48 hours.

(e) It has been left unattended for more than 24-hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority Division of the Texas Department of Transportation or a controlled access highway.

(f) It is considered an abandoned commercial motor vehicle under Tex. Transp. Code § 644.153(r).

344.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Aransas Pass 48 hour parking and abandoned vehicle laws shall be marked with a window sticker and noted on the Aransas Pass Police Department RMS reporting system.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. If chalk is not available, officers shall take appropriate steps in documenting how they know the vehicle has remained undisturbed for the time required.

If the marked vehicle has been moved and no further violation remains, no further officer action is required and the report surrounding the 48-hour violation can be dismissed.

Parking citations for the 48-hour parking ordinance shall not be issued when the vehicle is stored for the 48-hour parking violation.

344.2.1 MARKED VEHICLE FILE

Each patrol officer shall be responsible for maintaining a file for all Marked Vehicle Cards issued for vehicles he/she is following up on.

Each patrol officer shall be responsible for the follow up investigation of all 48-hour parking violations marked by the officer.

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344.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to immediately notify the Texas Crime Information Center (TCIC). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through Texas Law Enforcement Telecommunications System (TLETS) computers. Notice to all such individuals shall be sent certified mail pursuant to Tex. Transp. Code § 683.012.

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Traffic Collision Response And Reporting

346.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity.

The Aransas Pass Police Department prepares traffic collision reports in compliance with the Tex. Transp. Code § 550.041 and as a public service makes traffic collision reports available to the community with some exceptions.

346.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include a Code-3 response, if the officer reasonably believes such a response is appropriate.

346.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a collision, should consider the following:

(a) The most appropriate route to the incident.

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene.

(c) Additional support that may be necessary (e.g., traffic control, medical aid, ambulance and tow vehicles).

(d) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary.

(e) Provision of traffic control and protection of the scene.

(f) Clearance of the roadway.

346.3 COLLISION INVESTIGATION

Investigation of traffic collisions should include, as a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) Determination if any crime has occurred and taking appropriate enforcement action.

(d) Identify and protect items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

346.4 TAKING ENFORCEMENT ACTION

Officers typically cannot make an arrest for a Class C misdemeanor which did not occur in their presence. After a thorough investigation, in which physical evidence or independent witness statements indicate a violation of the Transportation Code that led to the accident, officers may issue a citation to the offending driver (Tex. Transp. Code § 550.041).

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Accidents involving more serious violations, such as Driving While Intoxicated, Involuntary Manslaughter and Intoxication Assault or Intoxication Manslaughter, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

346.5 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be documented on the forms adopted by the Texas Department of Transportation (TXDOT). Reports shall be forwarded to the records division after entry into the RMS system. The Patrol Commander will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Chief of Police, if requested.

All traffic collision reports taken by members of this department involving injury, death or more than $1,000 in property damage must be submitted to TXDOT no later than the 10th day after the collision (Tex. Transp. Code § 550.062(a) and (b)). It shall be the responsibility of the Patrol Commander to ensure that the traffic collision reports are submitted to TXDOT as required.

346.5.1 MODIFICATIONS TO TRAFFIC COLLISION REPORTS

A change or modification of a written report prepared by a peace officer that alters a material fact in the report may be made only by the peace officer who prepared the report. A written supplemental report may be made by any authorized employee (Tex. Transp. Code § 550.068).

346.6 REPORTING SITUATIONS

346.6.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the Chief of Police.

Photographs of the collision scene and vehicle damage shall be taken.

346.6.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Aransas Pass Police Department resulting in a serious injury or fatality, the Patrol Commander or the Shift Commander, may notify the Texas Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

346.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Commander or on-duty Shift Commander may request assistance from the Texas Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

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346.6.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall be taken for traffic collisions occurring on private property when the accident results in injury to, or death, of any person or total property damage to an apparent extent of $1,000 or more. This does not apply to privately owned residential parking areas or a privately owned parking lot where a fee is charged for parking or storing a vehicle (Tex. Transp. Code § 550.041).

An Incident Report may be taken at the discretion of any supervisor.

346.6.5 TRAFFIC COLLISIONS DAMAGING FENCES

An officer who responds to, or investigates, a traffic collision involving a fence that the officer reasonably believes is intended to enclose livestock or other animals is required to (Tex. Local Gov't Code § 370.004):

(a) Immediately determine the owner of the land on which the damaged fence is located.

(b) Notify the owner of the type and extent of the damage if the owner has registered as required by Tex. Local Gov't Code § 370.004 (c).

346.6.6 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports may be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances (Tex. Transp. Code § 550.041):

(a) When there is a death or injury to any person involved in the collision.

(b) Property damage exceeding $1,000 to any one party to the collision.

346.7 NOTIFICATION TO THE CHIEF OF POLICE

In the event of a serious injury or death-related traffic collision, the Shift Commander shall notify the Patrol Commander to relate the circumstances of the traffic collision to the Chief of Police

346.8 REPORTING CONFORMITY RESPONSIBILITY

The Patrol Commander will be responsible for distribution of the Collision Investigation Manual. The Patrol Commander will receive all changes in the state manual and ensure conformity with this policy. All collision reporting shall be made on forms approved by the Department of Public Safety (Tex. Transp. Code § 550.063).

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Disabled Vehicles

348.1 PURPOSE AND SCOPE

Law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

348.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practicable.

348.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

348.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair. In using push bumpers, officers shall first obtain recorded consent or in times when the possibility of damage is outweighed by the safety risk of leaving the vehicle in the roadway.

348.4 PUBLIC ACCESS TO THIS POLICY

Pursuant to Chapter 552, Tex. Gov't Code, this written policy is available upon request.

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Vehicle Towing and Release Policy

350.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Aransas Pass Police Department.

350.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows:

350.2.1 COMPLETION OF VEHICLE IMPOUND REPORTS

Department members requesting storage of a vehicle shall complete a Vehicle Impound Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practicable after the vehicle is stored.

If the vehicle is abandoned and to be stored, the vehicle shall be entered into the TCIC stored or abandoned vehicle file.

Approved storage forms shall be promptly attached to the digital case file so that they are immediately available for release or for information should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through TCIC. Notice to all such individuals shall be sent by certified mail within 10 days of impound (Tex. Transp. Code § 683.012(b)(1)).

350.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies maintained in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Aransas Pass. The officer will then store the vehicle using a Vehicle Impound Report.

Dispatchers, when directing a towing company to remove a vehicle involved in a collision and abandoned on private property, should provide the towing company with the name and telephone number of the property owner or the owner's agent, if known. Or, if the vehicle is situated in a rural area, should otherwise comply with the provisions of Tex. Occ. Code § 2308.257.

350.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

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350.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request (Tex. Occ. Code § 2308.209).

350.3 TOWING SERVICES

The City of Aransas Pass periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts those firms shall be placed in a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

350.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle, subject to the exceptions described below. However, a vehicle shall be stored when the community caretaker doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed or the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

Though officers are not required to independently investigate whether alternatives to impoundment exist after an arrest, no impound should occur if other alternatives are available that would ensure the vehicle's protection. The following factors should be considered by officers in determining whether to impound a vehicle pursuant to this policy:

- Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- Whether the vehicle can be secured.
- Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- Whether the owner/operator requests that the vehicle be stored.
- Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

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In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

350.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers and to protect the Department against fraudulent claims of lost, stolen or damaged property.

350.6 NOTIFICATION UPON IMPOUND

The vehicle storage facility holding a vehicle that has been impounded by this department is required to provide the registered owner or operator of the vehicle with formal notice of his/her right to a court hearing on whether probable cause existed for the removal of the vehicle (Tex. Occ. Code § 2303.151, Tex. Occ. Code § 2308.454).

If an owner or operator of an impounded vehicle contacts the Department to dispute an impound and it is determined that he/she has not received formal notice from the vehicle storage facility, the owner or operator should be referred to the vehicle storage facility so that he/she may obtain a copy of such notice.

To ensure that the owner or operator of an impounded vehicle has a basic understanding of the remedies available, officers may advise the owner or operator of their right to submit a written request for a hearing to the justice court, per Tex. Occ. Code § 2308.456.

350.7 SECURITY OF VEHICLES AND PROPERTY

After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the officer should make reasonable accommodations to permit a driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions).

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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Driving While Intoxicated Enforcement

354.1 PURPOSE AND SCOPE

This policy provides for the immediate suspension of Texas driver's licenses in certain Driving While Intoxicated (DWI) cases. Tex. Transp. Code § 724.032 requires that officers immediately suspend driving privileges in certain situations.

354.2 SUSPENSION OF TEXAS DRIVER LICENSES

The driver license of a person suspected of driving while intoxicated of any combination of alcohol, drugs or measurable controlled substance shall immediately be suspended if the person refuses to submit to the taking of a specimen, whether expressly or because of an intentional failure of the person to give the specimen (Tex. Transp. Code § 724.032(a)).

354.3 PEACE OFFICER'S RESPONSIBILITY

In the event of the above situation, the officer, acting on behalf of the Department of Public Safety, Driver License Division, shall do the following (Tex. Transp. Code § 724.032):

(a) Serve notice of the driver license suspension (DIC 25) on the person.

(b) Take possession of any license issued by the state and held by the person arrested.

(c) Issue a temporary driving permit to the person.

(d) Make a written report of the refusal to the director of the Texas Department of Public Safety.

354.4 DEPARTMENT OF PUBLIC SAFETY NOTIFICATION

The officer shall forward to the Department of Public Safety not later than the fifth business day after the date of the arrest (Tex. Transp. Code § 724.032(c)):

(a) A copy of the notice of suspension (DIC 25).

(b) Any license taken by the officer.

(c) A copy of any temporary driving permit issued.

(d) A copy of the refusal report.

354.5 PROCESSING OF FORMS

In order to ensure that the Department of Public Safety and Police Department forms are routed properly, the following responsibilities are identified:

354.5.1 SUPERVISORY APPROVAL

The Shift Commander, or the supervisor responsible for approving reports, shall collect the documents described in Policy Manual § 354.4, review for completeness (dates, times and signatures) and forward the originals of the documents to the Records Division.

354.5.2 TRAFFIC BUREAU RESPONSIBILITY

The Records Division is responsible for the following:

(a) Copies of documents required by Department of Public Safety are to be made for the department files.

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(b) Maintaining and updating a case log on all persons arrested for driving while intoxicated. Information on the log shall include:

1. Case number.
2. Arrested person's name.
3. The date the forms were received in the Records Division.
4. The date the forms were returned to the officer for corrections if applicable.
5. The date the appropriate form was mailed to the Department of Public Safety.

If the Department of Public Safety should return the form for corrections, the Records Division must notify the officer who made the arrest of the needed corrections. The officer shall make the corrections by lining out the incorrect information with a single line and initialing above the corrected area, including the date the correction was made. White out and strikeouts are not acceptable forms of correction. The form(s) shall then be returned to the Records Division to be returned to the Department of Public Safety.

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Impaired Driving and Evidence Collection

356.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated and unconscious drivers who are suspected of driving while intoxicated.

356.2 CHEMICAL TESTING

Most blood, breath and urine tests will be administered within the jail. If a suspect is hospitalized, a blood sample may be taken at the hospital. A suspect who is unable to submit to a chemical test because of any of the following shall not be considered as refusing to comply with the provisions of Tex. Transp. Code § 724.032 (Tex. Transp. Code § 724.014):

- The inability of the Department to furnish a selected test.
- If there are verifiable medical reasons for non-compliance.
- If an attending physician refuses to allow it.

356.2.1 TESTING OF A CONSCIOUS SUSPECT AT A HOSPITAL

Based on probable cause, the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner (Tex. Transp. Code § 724.011(a)).

356.2.2 TESTING OF AN UNCONSCIOUS DRIVER AT A HOSPITAL

An officer shall advise the attending physician of the intention to collect a sample of a suspect's blood as evidence when the suspect is unconscious or otherwise incapable of refusing and there is probable cause to believe the suspect was operating a motor vehicle in a public place while intoxicated (Tex. Transp. Code § 724.011 and Tex. Transp. Code § 724.014).

356.2.3 EMERGENCY DOCTRINE

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual § 356.2.2 and 356.2.3 of this chapter come within the guidelines of the emergency doctrine.

356.2.4 COLLECTING BLOOD EVIDENCE

Only a certified phlebotomy technician, licensed physician, nurse or other individual authorized by Tex. Transp. Code § 724.017(a) may withdraw a blood sample. Whether such evidence is collected at the Department or the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer. Officers, even if properly certified, should not conduct the blood withdrawal.

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356.2.5 FORCED WITHDRAWAL OF BLOOD

(a) Under certain circumstances, blood may be drawn without consent. This may be done only with the approval of a supervisor and only under the following circumstances:

1. As mandated by Tex. Transp. Code § 724.012(b) (accident involving death, injury, certain prior convictions)
2. With a valid search warrant

(b) Before requesting that a person submit to the taking of a breath or blood sample, whether or not consent has been given, the officer shall inform the person orally and in writing of the required information contained in Tex. Transp. Code § 724.015. If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request should be considered.

(c) Tex. Transp. Code § 724.012(b) requires peace officers to obtain a specimen of a person's breath or blood for any offense under Tex. Penal Code Chapter 49 involving the operation of a motor vehicle or a watercraft when the person refuses voluntary testing in the following instances:

1. When the person was the operator of a motor vehicle or a watercraft that was involved in an accident that resulted in a death or serious bodily injury to another person.
2. When the person was the operator of a motor vehicle or a watercraft that was involved in an accident that resulted in bodily injury to another person that required the person be transported to a hospital for treatment.
3. When the person was arrested for Tex. Penal Code 49.045 (DWI with a 15-year-old or younger passenger).
4. When the person has been previously convicted of, or placed on community supervision for any qualifying prior offenses.

A supervisor shall be present when a blood specimen is forcibly obtained from a suspect. The amount of force used should be controlled by that supervisor, keeping in mind the seriousness of the suspected offense and the factors used to determine the reasonableness of force (Use of Force Policy). In misdemeanor cases, force will generally be limited to handcuffing or similar restraint methods during the withdrawal of the blood specimen.

All efforts used to encourage the person to cooperate should be documented by the reporting officer. Whenever force is used, video and audio recording should be used to document the withdrawal of the blood specimen whenever practicable. The amount of force and methods used to accomplish the blood sample draw shall also be detailed in the related report.

The department-approved phlebotomy technician shall retain and transport all blood samples to the crime laboratory for analysis.

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician, he/she shall not be required to take a blood test.

Supervisors are not precluded from seeking a search warrant, even when a warrantless, compelled blood draw may otherwise be permissible under Tex. Transportation Code § 724.012(b).

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356.2.6 WITHDRAWAL OF BLOOD BY WARRANT

A search warrant may be sought when a supervisor deems it necessary for the successful prosecution of a DWI/DUI suspect. An officer who believes such a warrant is necessary should inform a supervisor of the circumstances and seek authorization. An Affidavit for Search Warrant will be completed by the testifying officer and signed by the Officer/Affiant, in the presence of a magistrate unless otherwise allowed.

A blood specimen will be obtained within 4 hours of the arrest.

The Department has coordinated with judges authorized by the Texas Code of Criminal Procedure for 24-hour access to obtain a warrant for the withdrawal of blood. The judges will generally accept warrant requests via fax. To obtain a warrant for a blood withdrawal and to complete service of an issued blood draw warrant:

(a) Complete a Blood Draw Affidavit, Warrant, Fax Cover and Return. The form used must contain the element that provides for the judge, notary or witness officer to sign.

(b) Ensure that a notary public or another peace officer is present to perform the required role as witness.

(c) Contact a municipal judge by telephone from the call list maintained in Dispatch and determine whether a live signature or a fax procedure is preferred.

(d) If the judge agrees to the fax procedure, transmit the completed forms and Fax Cover with the requesting officer's name and voice contact number and return fax number. This must be done so the judge can have the officer swear to the affidavit over the phone, or if the judge has any questions, he/she can contact the officer.

(e) If the judge approves the warrant, the judge retains the signed original and a facsimile will be transmitted back to the requesting officer.

(f) Upon completion of the warrant service and blood draw, the officer must complete the warrant return and fax the return to the issuing judge.

(g) Blood draws may only be performed by a physician, registered professional nurse, qualified technician, chemist, licensed vocational nurse or qualified phlebotomist.

(h) The person drawing the blood must complete and sign the Affidavit of Person Who Withdrew the Blood and ensure that the form is notarized.

(i) The Return Inventory, original affidavit and attachments must be completed and returned by the officer to the issuing court/magistrate.

(j) A copy of the Search Warrant face sheet and Return Inventory must be placed in the arrestee's property.

356.2.7 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for booking preparatory to the collection of breath samples. At the jail, an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the person's breath.

356.2.8 COLLECTING URINE AS EVIDENCE

If the arrested person chooses a urine test, as permitted by law, he/she shall be promptly transported to the jail. The jailer will furnish a urine kit for collecting samples of the arrested person's urine. The officer shall follow the directions listed on the container instruction sheet. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same.

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The collection kit shall then be marked accordingly with the suspect's name, offense, department, case number and the name of the witnessing officer.

The collection kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

Urine samples shall be collected and/or witnessed by an officer or matron of the same gender as the suspect.

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Reporting Police Activity Outside of Jurisdiction

360.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on- or off-duty and occurring outside the jurisdiction of the Aransas Pass Police Department.

360.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Commander. If the request is of an emergency nature, the officer shall notify Dispatch before responding and thereafter notify a supervisor as soon as practicable.

360.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Aransas Pass shall notify his/her supervisor or the Shift Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Shift Commander as soon as practicable.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Division Commander.

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Mutual Aid and Outside Agency Assistance

362.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers when requesting the assistance of, or when answering a request for assistance from another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

362.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Shift Commander's office for approval. Any such response to assist an outside agency may be considered for authorization provided the presiding officer of the City has authorized such mutual aid response (Tex. Gov't Code § 418.109).

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Aransas Pass Police Department personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

Outside assistance amounting to more than an unplanned, immediate and short-term need is governed by Tex. Local Gov't Code § 362.002 and requires legislative action.

362.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

362.2 HAZARDOUS MATERIAL TRANSPORTATION EMERGENCIES

The Texas Department of Public Safety will be responsible for on-site coordination of transportation emergencies for all unincorporated areas and may assume the on-site

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coordination role within cities when requested to do so by local government (37 Tex. Admin. Code § 4.2).

362.3 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants, with contingent sharing requirements, should be documented and updated as necessary by the Training Coordinator. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to Dispatch and the Shift Commander to ensure proper use in compliance with agreements.

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Off-Duty Law Enforcement Actions

364.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Aransas Pass Police Department with respect to taking law enforcement action while off-duty.

364.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged, particularly when the officer is outside his/her jurisdiction. Reporting and safe monitoring of suspected criminal activity is favored. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat. Officers must remember that their authority to arrest may be limited based upon their jurisdiction.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

364.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal and state law and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and/or identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

364.4 DECISION TO INTERVENE

Should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

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(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

364.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Aransas Pass Police Department officer until acknowledged. Official identification should also be displayed, if practicable.

364.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

364.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

364.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

364.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Commander as soon as practicable. The Shift Commander shall determine whether a report should be filed by the employee.

An officer should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Chapter 4 - Field Response, Investigations and Reporting

Officer Response to Calls

400.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

400.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers responding to an emergency call Code 3, shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (Tex. Transp. Code § 546.003).

Responding with emergency light(s) and siren does not relieve the operator of an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances (Tex. Transp. Code § 546.005). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Texas Transportation Code.

Officers should only respond Code 3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not responding Code 3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

400.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe there is an imminent threat to the safety of officers or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Dispatch.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

400.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency call Code 3. The Shift Commander or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

400.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Code-3 responses of more than one unit should include, if circumstances permit, coordination of the response by the second responding unit to avoid unanticipated intersecting of response routes. A Code-3 response of more than one unit should initiate notification by Dispatch of the Shift Commander or field supervisor of the response. The Shift Commander or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

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400.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle (Tex. Transp. Code § 546.001).

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon determining that a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

400.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift Commander or a field supervisor prior to assigning an emergency response. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Immediately notify the Shift Commander.

(c) Confirm the location from which the unit is responding.

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Commander or field supervisor.

400.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Shift Commander, field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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Report Preparation

402.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

402.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

402.2 REQUIRED REPORTING

Written reports are required in all of the following situations, on the appropriate department-approved form, unless otherwise approved by a supervisor.

402.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting the incident. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report.

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be documented on the telecommunicator's log.

(c) In every case where any force is used against any person by police personnel.

(d) All incidents involving family violence or assault.

(e) All arrests.

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402.2.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate approved report form include:

(a) Anytime an officer points a firearm at any person.

(b) Any use of force against any person by a member of this department (see the Use of Force Policy).

(c) Any firearm discharge (see the Firearms and Qualification Policy).

(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Person Reporting Policy).

(e) Any found property or found evidence.

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting Policy).

(g) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

402.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance this department's Death Investigations Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides

(c) Homicide or suspected homicide.

(d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death).

(e) Found dead bodies or body parts.

402.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

402.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose.

(b) Attempted suicide.

(c) The injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

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The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

402.2.6 MOTOR VEHICLE STOPS

Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic shall report the information on the approved form unless the Department maintains exemption pursuant to Tex. Code of Crim. Pro. art. 2.135 (Tex. Code of Crim. Pro. art. 2.133(b)).

The Department shall compile and analyze information regarding each contact and shall submit a report no later than March 1 of each year in accordance with Tex. Code of Crim. Pro. art. 2.134(b)).

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

402.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

Unless directed otherwise by the shift commander, all reports shall be complete before the end of the officers assigned shift.

402.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for consistency.

402.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block-printed as appropriate. In general, the form itself may make the requirement for typing apparent.

402.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction Form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

402.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be

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corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

402.6 ELECTRONIC SIGNATURES

The Aransas Pass Police Department has established an electronic signature procedure for use by all employees of the Aransas Pass Police Department. The Patrol Captain shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

The electronic signature is defined as an individualized account login to the RMS system which is unique to each officer within the department.

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Investigation and Prosecution

404.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers and detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

404.2 INITIAL INVESTIGATION

An officer who is responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed. This will minimally include the following:
   1. Obtain an initial statement from any informants or complainants.
   2. Conduct a cursory examination for possible evidence.

(b) If the information indicates a crime has occurred:
   1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
   2. Determine if additional investigative resources (e.g., detectives or scene processing) assistance is necessary and request assistance as required.
   3. If assistance is warranted or if the incident is not routine, notify a supervisor or Shift Commander.
   4. Interview all available informants, complainants, witnesses and suspects.
   5. Make reasonable attempts to locate and interview all available complainants, witnesses and suspects.
   6. Collect any evidence.
   7. Take any appropriate law enforcement action.
   8. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

An employee who is not an officer assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact or interview a suspect or to take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

404.3 FOLLOW-UP INVESTIGATION

Follow-up investigation on all cases is evaluated and assigned by the Criminal Investigations Division Commander based upon caseload, case assignment and an evaluation of case solvability factors.

404.3.1 CASE SOLVABILITY FACTORS

Case solvability factors include, however are not limited to the following:

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(a) Reliability of witnesses.
(b) Suspect is named.
(c) Suspect is described.
(d) Suspect's location is known.
(e) Suspect is identified.
(f) Suspect has previously been seen.
(g) Suspect vehicle is described.
(h) Suspect vehicle is identified.
(i) Property is traceable.
(j) Modus operandi is significant.
(k) There is usable physical evidence.
(l) There was limited opportunity for anyone other than the suspect to commit the crime.
(m) The case may be solved with reasonable additional investigative effort.
(n) Other factors that are applicable only in exceptional circumstances include:
    1. The case is of significant importance to the community.
    2. There is potential imminent danger to victims or witnesses.
    3. The seriousness of the offense.
    4. There is a characteristic pattern, frequency or modus operandi related to the case.
    5. Management decisions to pursue a case regardless of solvability factors.

404.4 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County and/or District Attorney, City Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County and/or District Attorney's Office or City Attorney's Office only as authorized by a Division Commander or the Chief of Police.

404.5 TRAINING

Officers shall receive training in preliminary investigation prior to assignment to any investigative duties. Officers assigned to any follow-up or advanced investigation, or upon assignment to detectives, shall have completed training in follow-up investigation or the basic investigators course.

404.6 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety, whether or not a written statement is received. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings. If the person expresses the desire to provide a voluntary oral statement during the course of the interrogation, officers should ensure that the requirements of Tex. Code of Crim. Pro. art 38.22 are satisfied to facilitate the admissibility of the statement.

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Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the County and/or District Attorney and the Criminal Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

404.7 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

In order to ensure fairness and prior to submission for prosecution, it is incumbent on officers to include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial.

Because a determination of materiality will often require legal or even judicial review, any uncertainty by an officer should be addressed with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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Eyewitness Identification

405.1 POLICY

ARANSAS PASS POLICE DEPARTMENT

General Order **Eyewitness Identification**	Effective Date 09/10/2012
General Order Title **Eyewitness Identification Policy**	Revised Date
Issued by **Chief of Police; Eric Blanchard**	

I. Purpose

The purpose of this model policy is to outline proper protocol for eyewitness identification procedures for photographic, show-up, and live lineup identifications which maximize the reliability of identifications, protect innocent persons, and establish evidence that is reliable and conforms to established legal requirements.

II. Policy

Eyewitness identifications are a significant component of many criminal investigations. The identification process must be carefully administered to minimize the likelihood of misidentifications. Moreover, constitutional safeguards must be observed in the process. The goal of reducing erroneous convictions can be furthered in many ways. Employing the most rigorous eyewitness identification methods is one way of doing this, but there are others. The eyewitness identification process is only one step in the criminal investigative process, albeit an important one. Corroborative evidence, for example, will lessen the impact of an erroneous eyewitness identification. The more other evidence that is available, the less risk there is of conviction based solely on erroneous eyewitness identification. There is no substitute for a competent and thorough criminal investigation.

This model policy was written to provide guidance on eyewitness identification procedures based on credible research on eyewitness memory and best practices designed not only to reduce erroneous eyewitness identification but also to enhance the reliability and objectivity of eyewitness identifications.

Evidence-based and best practices surrounding the collection and preservation of eyewitness evidence are addressed as are procedures to be employed where witnesses

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or victims are unable to read or write, are non-English speaking, or possess limited English language proficiency.

III. Procedural Guidelines

A. Definitions (*definitions apply to this policy only*.)

1. **Blind Procedure** – A procedure wherein the person administering the live lineup or photo array does not know who the suspect is.
2. **Blinded Photo Array Procedure** – A procedure wherein the person who administers the photo array knows who the suspect is, but each photo is presented so that the administrator cannot see or track which photograph is being presented to the witness.
3. **Folder Shuffle Method** – A method of administering a photo array such that the administrator cannot see or track which photograph is being presented to the witness until after the procedure is completed. This method is employed when a blind procedure is not possible.
4. **Fillers** – Non-suspect photographs or persons. Fillers are selected to both fit the description of the perpetrator provided by the witness and to ensure that no individual or photo stands out.
5. **Illiterate Person** – An individual who speaks and understands English but cannot read and write in English.
6. **Interpreter** – An interpreter is a person who is fluent in English and the language of the witness or victim and who facilitates communication between two parties in two different languages. The term includes persons who facilitate communication with persons who are deaf, hearing impaired, or speaking impaired.
7. **Live lineup** – An identification procedure in which a group of persons is displayed to the witness or victim in order to identify or exclude the suspect.
8. **Person with Limited English Proficiency** – An individual who is unable to communicate effectively in English with a level of fluency that is typical of native English speakers. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to talk or write.

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9. **Photo Array** – An identification procedure in which a series of photographs is displayed to the witness or victim in order to identify or exclude the suspect.

10. **Sequential Live Lineup or Photo Array** – An identification procedure in which the persons in the live lineup or the photographs in the photo array are displayed one by one (sequentially).

11. **Show-up** – An identification procedure in which a single suspect is shown to a victim or witness soon after the commission of a crime for the purpose of identifying or eliminating the suspect as the perpetrator.

12. **Witness Certification Statement** – A written statement that is read out loud to the witness or victim describing the procedures of the identification process.

B. Selecting the Best Identification Method

1. Photo arrays are preferred over other techniques because: (a) they can be controlled better, (b) nervousness can be minimized, and (c) they are easier to manage logistically.

2. Because they involve multiple persons under relatively controlled circumstances, a properly conducted live lineup, like a properly conducted photo array, is preferable to a show-up.

3. Because they are highly suggestive, show-ups are vulnerable to challenges to their validity. Consequently, a show-up should be employed only where other indicia of guilt are present (e.g., suspect located relatively close in time and place to the crime).

4. Because witnesses may be influenced, however unintentionally, by cues from the person administering the procedure, a blind administrator should be used. This can be achieved through the use of a blind procedure or a blinded photo array procedure (e.g. the folder shuffle method).

5. Because research shows the sequential presentation of live lineups and photo arrays is less likely to result in misidentification and carry very little risk of increasing the likelihood of failure to identify the suspect, a sequential presentation should be used.

C. Selecting Fillers

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All persons in the photo array or live lineup should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es), where the description of the perpetrator differs significantly from the appearance of the suspect, where a witness has provided a highly detailed description, or where the witness's description of the perpetrator or the suspect has a highly distinctive feature, fillers should be chosen so that no person stands out in the live lineup or photo array.

D. Explaining that the Perpetrator May or May Not Be Present

Because witnesses may be under pressure to identify a suspect, they should be informed that the suspect may or may not be present in a live lineup or photo array and that the person presented in a show-up may or may not be the perpetrator.

E. Explaining that the Investigation will Continue

The administrator should also explain to the witness that the investigation will continue, regardless of whether an identification is made, as another way of alleviating pressure on the witness to identify a suspect.

F. Witness Contamination

Precautions must be taken to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure. Avoid multiple identification procedures in which the same witness views the same suspect more than once. When showing a different suspect to the same witness, do not reuse the same fillers from a previous live lineup or photo array shown to that witness. Witnesses should not be allowed to confer with each other before, during, or after the identification procedure. Ensure that no one who knows the suspect's identity is present during live lineup or photo array procedure. In some live lineups, exceptions must be made to allow for the presence of defense counsel.

G. Documenting the Procedure

In order to strengthen the evidentiary value of the identification procedure, it should be documented in full. Video documentation is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented.

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IV. Standard Operating Procedures

The procedures which follow have been designed to: (a) reduce erroneous eyewitness identifications, (b) enhance the reliability and objectivity of eyewitness identifications, (c) collect and preserve eyewitness evidence properly, (d) respect the needs and wishes of victims and witnesses, and (d) address the needs of witnesses with limited English proficiency, where applicable.

In order to choose among the various identification methods, a brief description of each method follows in order of most preferred method to least preferred. Once the appropriate method is selected, the administrator should go directly to the Standard Operating Procedures for that particular method.

A. Descriptions of Eyewitness Identification Methods

1. **Sequential, Blind Photo Array** – photo arrays where the photographs are presented one at a time to the witness or victim by a person who does not know who the suspect is. This method requires a preparer who may be familiar with the case and an administrator who does not know the identity of the suspect.

2. **Sequential, Blinded Photo Array** – photo arrays where the photographs are presented one at a time to the witness or victim by a person who knows who the suspect is, but who takes steps (putting the photographs in folders and shuffling them) to avoid knowledge of which person the witness or victim is looking at. This method typically involves an administrator who is familiar with the case and knows who the suspect is.

3. **Sequential Live Lineup** – live lineups where the persons in the live lineup are presented one at a time to the witness or victim. This method requires a preparer who may be familiar with the case and an administrator who does not know the identity of the suspect.

4. **Show-up** – procedure where the witness or victim is presented with a single suspect and asked to identify whether that suspect is the perpetrator. This procedure can be carried out by any officer.

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B. **Standard Operating Procedures for Sequential, Blind Photo Array Administrations**

1. Preparation

a. Designating a Preparer

Preparing the photo array should be undertaken by someone other than the person who will administer the photo array. Ideally, the investigating officer will prepare the photo array as this ensures that others who might be involved in the case are not used as fillers. Moreover, because the investigating officer knows who the suspect is, he or she should not be conducting the actual administration of the photo array.

b. Selecting Suspect Photograph

If multiple photos of the suspect are available, choose the photo that most resembles the suspect's appearance at the time of the crime. Do not include more than one photograph of the same suspect. If you do not know what the suspect looked like at the time of the crime, choose the photo that most resembles the victim's or witness's description of the perpetrator. If there are multiple suspects, include only one suspect's photo in the array.

c. Selecting Fillers

All persons in the photo array should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es), where the description of the perpetrator differs significantly from the appearance of the suspect, fillers should be chosen so that no person stands out in the photo array. Do not mix color and black and white photos. Use photos of the same size and basic composition. Never mix mug shots with other types of photographs.

d. Choosing Number of Fillers

Wherever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.

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e. Ensuring Similarity

Assess the array to ensure that no person stands out from the rest. Cover any portions of the photographs that provide identifying information on the suspect and similarly cover other photographs used in the array.

f. Placing Subject Photographs in Order

1) Place a filler in the lead position.

2) Place the remaining photographs which will comprise the photo array in random order.

3) Place two blank photographs at the end (blanks on the same type of photographic paper as the actual photographs but which will not be shown to the witness; this is intended to cause the witness to think there may still be photographs to view in order to reduce pressure to choose what the witness may presume to be the last photograph).

g. Presenting the Photo Array to the Independent Administrator

Present the ordered photo array to the independent administrator. Do not tell the independent administrator which position the suspect is in.

2. Administration

The administrator of the photo array presentation should be an independent administrator who does not know the identity of the suspect and the witness should be informed of this. In a blind procedure, no one should be present who knows the suspect's identity.

a. Blinded Administration

If the blind procedure described above is not followed, then the photo array administrator should document the reason why and the administrator should be blinded. That is, he or she should conduct the photo array in a manner such that he or she does not know which person in the array the witness is looking at. There is a separate standard operating procedure for blinded photo array administration in this model policy immediately following this standard operating procedure.

b. Instruct Witness

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Each witness should be instructed outside the presence of the other witnesses. The independent administrator should give the witness a written copy of the following Witness Certification Statement and should read the instruction statement aloud at the beginning of each identification procedure:

In a moment, I am going to show you a series of photos. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included.

Even if you identify someone during this procedure, I will continue to show you all photos in the series.

The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. After each photo, I will ask you "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?

c. Document Consent to Participate

Witnesses should then be asked to read the following additional paragraph and sign and date below.

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the

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photographs, and I will follow the instructions provided on this form.

a) Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.

d. Presentation of Photographs

Present each photo to the witness separately (one at a time), in order. When the witness is finished viewing the photo, have the witness hand the photo back.

e. Question Witness

After the witness has looked at a photo and handed it back to you, ask: "**Is this the person you saw [insert description of act here]?"** If the witness answers "Yes," ask the witness, **"In your own words, can you describe how certain you are?"**

f. Document Witness's Responses

Document the witness's response using the witness's own words. Have the witness complete the appropriate section of the Witness Certification Statement to reflect the outcome of the procedure.

g. Show All Photographs

Even if the witness makes an identification, show the witness the next photo until you have gone through all the photographs. If a witness asks why he or she must view the rest of the photos, despite already making an identification, simply tell the witness that to assure objectivity and reliability, the witness is required to view all of the photographs.

h. Avoid Feedback During the Procedure

Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual conversation comments such as "very good." Be polite but purposeful when you speak.

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i. Additional Viewings

Only upon request of the witness, the witness may view the photo array again after the first photo array procedure has been completed. If the witness requests an additional viewing, the photo array administrator should present the entire photo array in the same order as the original presentation, a second time. If this occurs, it must be documented. The photo array administrator should never suggest an additional viewing to the witness. It is recommended that the witness not be allowed to view the photo array more than two times.

j. Subsequent Use of Materials

Ensure that if the witness writes on, marks, or in any way alters identification materials, those materials are not used in subsequent procedures.

k. Multiple Identification Procedures With Same Witness

Avoid multiple identification procedures in which the same witness views the same suspect more than once.

l. Multiple Identification Procedures With Different Witness

If you need to show the same suspect to a new witness, have the preparer remix the photo array and renumber them accordingly.

m. Multiple Suspects

When there are multiple suspects, a separate photo array should be conducted for each suspect. There should not be more than one suspect per photo array.

n. Reuse of Fillers

When showing a different suspect to the same witness, do not reuse the same fillers from a previous array shown to that witness.

o. Contact Among Witnesses

To the extent possible, prevent witnesses from conferring with each other before, during, and after the photo array procedure.

p. Identification of Special Features

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Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.

3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency

   a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency

      Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. When presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.

   b. Using an Interpreter

      Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall sign the Witness Instruction Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:

      1) Is unable to communicate in English

      2) Has a limited understanding of English

      3) Is deaf, hearing impaired, or speaking impaired

      4) Is otherwise physically challenged to communicate in English

   c. Review and Explain Forms

      If the person is unable to read, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Certification Statement, stating why the person was unable to sign the form.

4. Documentation

   In order to strengthen the evidentiary value of the administration it should be documented in full. Video documentation (with audio) is the preferred method. Audio recording is the preferred alternative. If neither method is

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employed, then the reason for not video or audio recording should be documented. **Remember to preserve the photo array, together with all information about the identification process**.

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C. **Standard Operating Procedures for Sequential, Blinded Photo Array Administrations**

1. Preparation

a. Select Suspect Photograph

If multiple photos of the suspect are available, choose the photo that most resembles the suspect's appearance at the time of the crime. Do not include more than one photograph of the same suspect. If you do not know what the suspect looked like at the time of the crime, choose the photo that most resembles the victim's or witness's description of the perpetrator. If there are multiple suspects, include only one suspect's photo in the array.

b. Selecting Fillers

All persons in the photo array should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es), where the description of the perpetrator differs significantly from the appearance of the suspect, fillers should be chosen so that no person stands out in the photo array. Do not mix color and black and white photos. Use photos of the same size and basic composition. Never mix mug shots with other types of photographs.

c. Choosing Number of Fillers

Whenever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.

d. Ensuring Similarity

Assess the array to ensure that no person stands out from the rest. Cover any portions of the photographs that provide identifying information on the suspect and similarly cover other photographs used in the array.

e. Placing Subject Photographs in Order

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1) Place a filler in a folder and set it aside for placement in the lead position.

2) Place the remaining photographs which will comprise the photo array in separate folders and place them in random order (mix them up) so you do not know which photograph is in which folder.

3) Take the folder you set aside in step 1), above and place it in the lead position.

4) Place two empty folders at the end.

5) Number the folders.

2. Administration

a. Blinded Administration

The purpose of a blinded administration is to conduct the photo array in a manner such that the administrator does not know which person in the array the witness is looking at.

b. Instruct Witness

Each witness should be instructed outside the presence of the other witnesses. The blinded administrator should give the witness a written copy of the following Witness Instruction Statement and should read the instruction statement aloud at the beginning of each identification procedure:

The folders in front of you contain photos. In a moment, I am going to ask you to look at the photos. The person who committed the crime may or may not be included in the photos. I do not know whether the person being investigated is included.

Although I placed the photos into the folders, I have shuffled the folders so that right now I do not know which folder contains a particular photo.

Even if you identify someone during this procedure, I will continue to show you all photos in the series.

The investigation will continue whether or not you make an identification.

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Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

You will look at the photos one at a time. When you open a folder, please open it in a manner that does not allow me to see the photo inside the folder. Take as much time as you need to look at each one.

When you have finished looking at a photo, close the folder and hand it to me. I will then ask you, "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent compromising the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?

c. Document Consent to Participate

Witnesses should then be asked to read the following additional paragraph and sign and date below.

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs, and I will follow the instructions provided on this form.

1) Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.

d. Present Folders

Present each folder to the witness separately (one at a time), in order. The blinded administrator should not be in a position to view the photographs while the witness is viewing the photographs. The

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eyewitness should be the only person viewing the photographs. When the witness is finished viewing the photo, have the witness hand the folder back.

e. Question Witness

After the witness has looked at a photo and handed it back to you, ask: **“Is this the person you saw [insert description of act here]?"** If the witness answers "Yes," ask the witness, **“In your own words, can you describe how certain you are?”**

f. Document Witness’s Responses

Document the witness’s response using the witness’s own words. Have the witness complete the appropriate section of the Witness Certification Statement to reflect the outcome of the procedure.

g. Show All Folders with Photos

Show all folders containing photos to the witness. Even if the witness makes an identification, show the witness the next photo until you have gone through all the photographs. If a witness asks why he or she must view the rest of the photos, despite already making an identification, simply tell the witness that to assure objectivity and reliability, the witness is required to view all of the photographs.

h. Avoid Feedback During the Procedure

Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual conversation comments such as “very good.” Be polite but purposeful when you speak.

i. Additional Viewings

Only upon request of the witness, the witness may view the photo array again after the first photo array procedure has been completed. If the witness requests an additional viewing, the photo array administrator should present the entire photo array in the same order as the original presentation, a second time. If this occurs, it must be documented. The photo array administrator should never suggest an additional viewing to

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the witness. It is recommended that the witness not be allowed to view the photo array more than two times.

j. Subsequent Use of Materials

Ensure that if the witness writes on, marks, or in any way alters identification materials, those materials are not used in subsequent procedures.

k. Multiple Identification Procedures with Same Witness

Avoid multiple identification procedures in which the same witness views the same suspect more than once.

l. Multiple Identification Procedures with Different Witness

If you need to show the same suspect to a new witness, remix the photo array as before and renumber them accordingly.

m. Multiple Suspects

When there are multiple suspects, a separate photo array should be conducted for each suspect. There should not be more than one suspect per photo array.

n. Reuse of Fillers

When showing a different suspect to the same witness, do not reuse the same fillers from a previous array shown to that witness.

o. Contact Among Witnesses

To the extent possible, prevent witnesses from conferring with each other before, during, and after the photo array procedure.

p. Identification of Special Features

Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.

3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency

a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency

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Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.

b. Using an Interpreter

Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall sign the Witness Certification Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:

1) Is unable to communicate in English

2) Has a limited understanding of English

3) Is deaf, hearing impaired, or speaking impaired

4) Is otherwise physically challenged to communicate in English

c. Review and Explain Forms

If the person is unable to read, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Instruction Statement, stating why the person was unable to sign the form.

4. Documentation

In order to strengthen the evidentiary value of the administration it should be documented in full. Video documentation (with audio) is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented. **Remember to preserve the photo array, together with all information about the identification process**.

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D. **Standard Operating Procedures for Sequential, Blind Live lineups**

1. Preparation

   a. Designating a Preparer

      Preparing the live lineup should be undertaken by someone other than the person who will administer the live lineup. Ideally, the investigating officer will prepare the live lineup as this ensures that others who might be involved in the case are not used as fillers. Moreover, because the investigating officer knows who the suspect is, he or she should not conduct the actual administration of the live lineup

   b. Selecting Fillers

      All persons in the live lineup should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es),where the description of the perpetrator differs significantly from the appearance of the suspect, fillers should be chosen so that no person stands out in the live lineup.

   c. Choosing Number of Fillers

      Whenever possible, include a minimum of five fillers. Because increasing the number of fillers tends to increase the reliability of the procedure, one may have more than the minimum number of fillers.

   d. Ensuring Similarity

      Assess the lineup to ensure that no person stands out from the rest.

   e. Placing the Subjects in Order

      Place a filler in the lead position and place the remaining persons who will comprise the live lineup in random order.

   f. Presenting the Live lineup to Administrator

      Present the ordered live lineup to the administrator. Do not tell the administrator which position the suspect is in.

2. Administration

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The administrator of the live lineup should be an independent administrator who does not know the identity of the suspect and the witness should be informed of this. In a blind procedure, no one should be present who knows the suspect's identity. In some live lineups, exceptions must be made to allow for the presence of defense counsel. Once the live lineup commences, defense counsel's role is limited to that of observer.

a. Instruct Witness

Each witness should be instructed outside the presence of the other witnesses. The live lineup administrator should give the witness a written copy of the following Witness Certification Statement and should read the instruction statement aloud at the beginning of each identification procedure:

In a moment, I am going to show you a series of individuals. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included.

The investigation will continue whether or not you make an identification.

Even if you identify someone during this procedure, I will continue to show you all individuals in the series.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

The individuals will be shown to you one at a time. Take as much time as you need to look at each one. After each individual, I will ask you "Is this the person you saw [Insert description of act]?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the lineup procedure will

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be conducted and the other instructions I have given you?

b. Document Consent to Participate

Witnesses should then be asked to read the following additional paragraph and sign and date below.

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to view the individuals who will be presented to me, and I will follow the instructions provided on this form.

1) Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.

c. Presentation of Subjects

Begin with all live lineup participants out of the view of the witness. Present each subject one at a time in the order presented to the administrator by the preparer. Present each individual to the witness separately, removing those previously shown from the field of view.

d. Question Witness

After each individual is shown, ask the witness: **"Is this the person you saw [insert description of act]?"** If the witness answers "Yes," ask the witness, **"In your own words, can you describe how certain you are?"** Document the witness's response using the witness's own words.

e. Document Witness's Responses

Document the witness's response using the witness's own words. Have the witness complete the appropriate section of the Witness Certification Statement to reflect the outcome of the procedure.

f. Show Every Subject

Even if the witness makes an identification, show the witness the next subject until all subjects have been shown. If a witness asks why he or she must view the rest of the subjects despite already making an identification, simply tell the witness that to assure objectivity and reliability, the witness is required to view all of the subjects.

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g. Consistency of Actions

Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the live lineup.

h. Avoid Feedback During the Procedure

Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-hand words or phrases, as messages regarding their selection. Avoid casual comments such as “very good.” Be polite but purposeful when you speak.

i. Additional Viewings

Only upon request of the witness, the witness may view the lineup again after the first live lineup has been completed. If the witness requests an additional viewing, the independent administrator should present the entire live lineup a second time. If this occurs, it must be documented. The live lineup administrator should never suggest additional viewing. It is recommended that the witness not be allowed to view the live lineup more than two times.

j. Multiple Identification Procedures With Same Witness

Avoid multiple identification procedures in which the same witness views the same suspect more than once.

k. Multiple Identification Procedures With Different Witness

If you need to show the same suspect to a new witness, have the preparer change the order of the subjects in the lineup.

l. Multiple Suspects

When there are multiple suspects, a separate live lineup should be conducted for each suspect. There should not be more than one suspect per lineup.

m. Reuse of Fillers

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When showing a different suspect to the same witness, do not reuse the same fillers from a previous lineup shown to that witness.

n. Contact Among Witnesses

To the extent possible, prevent witnesses from conferring with each other before, during, and after the live lineup procedure.

o. Contact between Witnesses, Suspects, and Fillers

Take precautions to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure.

p. Identification of Special Features

Only after an identification is made, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.

3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency

a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency

Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.

b. Using an Interpreter

Unless the administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. The interpreter shall sign the Witness Certification Statement on obtaining consent of a non-English speaking person to assist in the eyewitness identification process. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:

1) Is unable to communicate in English

2) Has a limited understanding of English

3) Is deaf, hearing impaired or speaking impaired

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4) Is otherwise physically challenged to communicate in English

c. Review and Explain Forms

If the person is unable to read or write, the administrator, in the presence of the witness, will give the explanation, read any forms, and obtain consent and acknowledge the consent on the Witness Certification Statement, stating why the person was unable to sign the form.

4. Documentation

In order to strengthen the evidentiary value of the administration, it should be documented in full. Video documentation (with audio) is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented. A still photograph of each individual in the live lineup should be taken and details of all persons present during the live lineup should be documented.

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E. **Standard Operating Procedures for Show-ups**

Show-ups should be avoided whenever possible because of their suggestiveness. Photo arrays and live lineups are preferred. However, where circumstances require the prompt display of a suspect to a witness, the following procedures should be followed to minimize potential suggestiveness.

1. Preparation

   a. Contact Among Witnesses

      Separate witnesses and do not allow communication between them before or after conducting a show-up.

   b. Document Witness's Description of Perpetrator

      Document the witness's description of the perpetrator prior to conducting the show-up.

   c. Temporal and Spatial Proximity to the Offense

      Use show-ups only where the suspect is detained within a reasonably short time frame following the offense and is found in relatively close proximity to it. Although this is dependent on the individual circumstances of each case, courts have generally held that a two-hour time lapse is acceptable.

   d. Transport Witness to Suspect

      Transport the witness to the location of the suspect whenever practical, rather than bringing the suspect to the witness. The suspect may be taken to a location where the witness can view the suspect for possible identification.

   e. Do not Return Suspect to Crime Scene

      Suspects should not be taken to the scene of the crime.

   f. Disclosure of Location of Witness's Home

      Consider carefully whether to take the suspect to the witness's or victim's home.

   g. Avoid Appearance of Guilt

      Do not conduct show-ups when the suspect is in a patrol car, handcuffed, or physically restrained by police officers unless such protective measures are necessary to ensure safety.

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h. Minimize Reliance on Show-ups

If one witness identifies the suspect, you are strongly urged to use a photo array or a live lineup with any remaining witnesses.

2. Administration

a. Instruct Witness

Each witness should be instructed outside the presence of the other witnesses. The show-up administrator should give the witness a written copy of the following Witness Certification Statement and should read the instruction statement aloud at the beginning of the show-up identification procedure:

In a moment, I am going to show you a person who may or may not be the person who committed the crime.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator. The investigation will continue whether or not you make an identification.

Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the procedure and the instructions I have given you?

b. Presentation of Suspect and Questioning of Witness

Present the suspect to the witness and ask the witness whether the person they are looking at is the person they saw commit the crime.

If the witness answers "Yes," ask the witness to describe, in their own words, how certain they are.

c. Document Witness's Response

Document the witness's response using the witness's own words.

d. Multiple Identification Procedures With Same Witness

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Avoid multiple identification procedures in which the same witness views the same suspect more than once.

e. Avoid Requirement of Performance by the Suspect

Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

f. Avoid Conduct Suggestive of the Suspect's Guilt

Officers should avoid words or conduct that may suggest to the witness that the individual is or may be the perpetrator.

g. Contact Among Witnesses

Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

3. Special Procedures are Required for Illiterate Persons or Persons Who Possess Limited English Proficiency

a. Be Alert to People Who do not Speak English or Possess Limited English Proficiency

Given the diversity of communities, police officers may encounter persons who do not speak English or who possess limited English proficiency in the course of a criminal investigation. Where presented with this situation, officers should carefully consider the ethical and legal ramifications of how to handle the case when there is a language barrier.

b. Using an Interpreter

Unless the show-up administrator speaks the victim's or witness's language fluently, an interpreter should be used for persons who do not speak English. Law enforcement personnel should consider arranging for an interpreter if a person interviewed:

1) Is unable to communicate in English

2) Has a limited understanding of English

3) Is deaf, hearing impaired, or speaking impaired

4) Is otherwise physically challenged to communicate in English

4. Documentation

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In order to strengthen the evidentiary value of the administration it should be documented in full including the time, date, and location of the procedure, identities of persons present, and the outcome of the procedure. Video documentation (with audio) is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented.

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405.2 PROCEDURAL GUIDELINES

Definitions (definitions apply to this policy only.)

- **Blind Procedure** A procedure wherein the person administering the live lineup or photo array does not know who the suspect is.

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- **Blinded Photo Array Procedure** A procedure wherein the person who administers the photo array knows who the suspect is, but each photo is presented so that the administrator cannot see or track which photograph is being presented to the witness.
- **Folder Shuffle Method** A method of administering a photo array such that the administrator cannot see or track which photograph is being presented to the witness until after the procedure is completed. This method is employed when a blind procedure is not possible.
- **Fillers** Non-suspect photographs or persons. Fillers are selected to both fit the description of the perpetrator provided by the witness and to ensure that no individual or photo stands out.
- **Illiterate Person** An individual who speaks and understands English but cannot read and write in English.
- **Interpreter** An interpreter is a person who is fluent in English and the language of the witness or victim and who facilitates communication between two parties in two different languages. The term includes persons who facilitate communication with persons who are deaf, hearing impaired, or speaking impaired.
- **Live lineup** An identification procedure in which a group of persons is displayed to the witness or victim in order to identify or exclude the suspect.
- **Person with Limited English Proficiency** An individual who is unable to communicate effectively in English with a level of fluency that is typical of native English speakers. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to talk or write.
- **Photo Array** An identification procedure in which a series of photographs is displayed to the witness or victim in order to identify or exclude the suspect.
- **Sequential Live Lineup or Photo Array** An identification procedure in which the persons in the live lineup or the photographs in the photo array are displayed one by one (sequentially).
- **Show-up** An identification procedure in which a single suspect is shown to a victim or witness soon after the commission of a crime for the purpose of identifying or eliminating the suspect as the perpetrator.
- **Witness Certification Statement** A written statement that is read out loud to the witness or victim describing the procedures of the identification process.

(a) Selecting the Best Identification Method 1. Photo arrays are preferred over other techniques because: (a) they can be controlled better, (b) nervousness can be minimized, and (c) they are easier to manage logistically. 2. Because they involve multiple persons under relatively controlled circumstances, a properly conducted live lineup, like a properly conducted photo array, is preferable to a show-up. 3. Because they are highly suggestive, show-ups are vulnerable to challenges to their validity. Consequently, a show-up should be employed only where other indicia of guilt are present (e.g., suspect located relatively close in time and place to the crime). 4. Because witnesses may be influenced, however unintentionally, by cues from the person administering the procedure, a blind administrator should be used. This can be achieved through the use of a blind procedure or a blinded photo array procedure (e.g. the folder shuffle method). 5. Because research shows the sequential presentation of live lineups and photo arrays is less likely to result in misidentification and carry very little risk of increasing the likelihood of failure to identify the suspect, a sequential presentation should be used.

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(b) Selecting Fillers All persons in the photo array or live lineup should be of the same sex and race and should be reasonably similar in age, height, weight, and general appearance. Ideally, the characteristics of the filler should be consistent with the description of the perpetrator provided by the witness(es). Where there is a limited or inadequate description of the perpetrator provided by the witness(es), where the description of the perpetrator differs significantly from the appearance of the suspect, where a witness has provided a highly detailed description, or where the witness's description of the perpetrator or the suspect has a highly distinctive feature, fillers should be chosen so that no person stands out in the live lineup or photo array.

(c) Explaining that the Perpetrator May or May Not Be Present Because witnesses may be under pressure to identify a suspect, they should be informed that the suspect may or may not be present in a live lineup or photo array and that the person presented in a show-up may or may not be the perpetrator.

(d) Explaining that the Investigation will Continue The administrator should also explain to the witness that the investigation will continue, regardless of whether an identification is made, as another way of alleviating pressure on the witness to identify a suspect.

(e) Witness Contamination Precautions must be taken to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure. Avoid multiple identification procedures in which the same witness views the same suspect more than once. When showing a different suspect to the same witness, do not reuse the same fillers from a previous live lineup or photo array shown to that witness. Witnesses should not be allowed to confer with each other before, during, or after the identification procedure. Ensure that no one who knows the suspect's identity is present during live lineup or photo array procedure. In some live lineups, exceptions must be made to allow for the presence of defense counsel.

(f) Documenting the Procedure In order to strengthen the evidentiary value of the identification procedure, it should be documented in full. Video documentation is the preferred method. Audio recording is the preferred alternative. If neither method is employed, then the reason for not video or audio recording should be documented.

405.3 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

405.3.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

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When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding (Tex. Code of Crim. Pro. art 38.20).

405.3.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases, a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

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(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances, officers should document the contact information for any additional witnesses for follow up, if necessary.

405.4 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report (Tex. Code of Crim. Pro. art 38.20).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still within the area.

(b) Broadcast emergency information including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Secure the inner perimeter with crime scene tape.

(e) Protect items of apparent evidentiary value.

(f) Start a chronological log noting critical times and personnel allowed access.

406.2.2 EXECUTION OF HEALTH ORDERS

Any sworn member of this Department is authorized to execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Tex. Health and Safety Code § 81.002 et seq.).

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, exigent circumstances will likely no longer exist. Officers should secure the scene and conduct no further search until proper authority for the search is obtained.

406.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

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Rapid Response And Deployment

408.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

408.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

408.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

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(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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Hazardous Material Response

410.1 PURPOSE AND SCOPE

Hazardous substances present a potential harm to employees resulting from their exposure. The following is to be the policy of this department.

410.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure. It is characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby poses a threat to health when improperly managed (Tex. Health and Safety Code § 501.002).

410.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The Aransas Pass Fire Department is the agency trained and equipped to properly respond and mitigate most hazardous substances and bio-hazards.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. Identification may be determined by placard, driver's manifest or statements from the person transporting the material.

(b) Notify the Fire Department.

(c) Provide first aid to injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, dependent on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Responders should remain up hill and upwind of the hazard until a zone of entry and a decontamination area is established.

410.3 REPORTING EXPOSURE(S)

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury, or illness in addition to a crime report or incident report.

410.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has beenexposed to a hazardous material, he/she shall ensure that immediatemedical treatment is obtained and appropriate action is taken to lessenthe exposure.

To ensure the safety of employees, safety equipment is availablethrough supervisory personnel. Safety items not maintained by theDepartment will be obtained through the Fire Department.

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Hostages and Barricaded Suspects

412.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

412.1.1 DEFINITIONS

Hostage - A person held by one party in a conflict as security, so that specified terms will be met by the opposing party.

Barricaded Suspect - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

412.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by the Department's Use of Force Policy, with particular regard directed toward the safety of hostages.

412.3 FIRST RESPONDER RESPONSIBILITY

Upon determining a hostage/barricade situation exists, the first responder shall immediately request a supervisor to respond, and will provide the supervisor with an overview of the situation. If a supervisor is unavailable, the first responder shall assume the duties of the supervisor.

Until the supervisor arrives, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel.

(b) Evacuation of bystanders and injured persons.

(c) Provide responding officers with a safe arrival route to the location.

412.4 SUPERVISORS RESPONSIBILITY

(a) Upon being notified of a hostage/barricade situation, the supervisor shall immediately respond to the scene. Upon arrival, the supervisor shall:

1. Rapidly evaluate and assess the situation, and obtain a briefing by the initial responders.
2. Assume the role of Incident Commander and retain this role until relieved.
3. Establish a command post and appropriate chain of command.

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4. Notify tactical and hostage negotiation personnel.
5. Notify appropriate persons within and outside the agency, such as command officers, dog handlers or helicopter pilots.
6. Establish inner and outer perimeters.
7. Request ambulance, rescue, fire and surveillance equipment.
8. Authorize news media access and news media policy.
9. Pursuit/surveillance vehicles and control of travel routes.

(b) The supervisor or Shift Commander should advise the Crisis Response Unit Commander with as much of the following information as is available:

1. The number of suspects, known weapons and resources available.
2. Whether the suspect is in control of hostages.
3. If the suspect is barricaded.
4. The type of crime involved.
5. If the suspect has threatened or attempted suicide.
6. The location of the command post and a safe approach to it.
7. The extent of any perimeter and the number of officers involved.
8. Whether the suspect has refused an order to surrender, and any other facts critical to the immediate situation.

412.5 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Crisis Response Unit. The Incident Commander and the CRU Commander or authorized designee shall maintain communication at all times.

412.6 TELEPHONE COMMUNICATION

In an emergency when it is believed that an armed and barricaded suspect or a person holding a hostage is committing a crime, the supervisor may order the telephone company to disconnect or control telephone lines in order to prevent the suspect from communicating with anyone other than designated personnel (Tex. Utilities Code § 186.021(a)).

412.7 REPORTING

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

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Response to Bomb Calls

414.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, suspected explosive devices or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

414.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the Shift Commander including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device that is capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area, and a perimeter should be established around any additional suspicious device found. Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

414.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.

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- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

414.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department

(b) Bomb Squad

(c) ATF

(d) Additional officers

(e) Field supervisor

(f) Shift Commander

(g) Detectives

(h) Forensic Science Services

414.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

414.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

414.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

414.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a call of a bomb is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

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- Who are you? (To avoid possible termination of the call this should be the last question asked.)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

414.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Commander is immediately advised and fully informed of the details. The Shift Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

414.5 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Department is informed of the threat.

414.5.1 BOMB THREAT RESPONSE OPTIONS

The person in charge of the facility has the primary responsibility for all decisions relating to the facility.

The options available for the person in charge of the facility's are, generally:

(a) No search and no evacuation.

(b) Search without evacuation.

(c) Evacuation without search.

(d) Evacuation and search.

414.5.2 REQUEST FOR ASSISTANCE

Should the person in charge of the facility request assistance, the Shift Commander shall be notified and make the decision whether the Department renders assistance and to what level. Should the information and circumstances indicate a reasonably apparent imminent threat to safety, a more active approach including law enforcement control over a facility may be considered.

414.5.3 EVACUATION OR SEARCH ASSISTANCE

Should the Shift Commander determine that the Department will assist or control a bomb threat incident, the Shift Commander will determine:

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(a) The level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search.

(d) The appropriate support necessary.

Considerations regarding the involvement of facility staff in searching and evacuating is important as a search or evacuation can be difficult without a working familiarity of the facility. The person in charge of the facility should be made aware of the possibility of damage occurring to the facility as a product of a search. Safety of all participants is the paramount concern.

Support consideration should include notification and response, or standby notice, for fire, medical and ambulance.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents, including responsibilities of personnel, making proper notification and documentation.

416.2 RESPONSIBILITIES

In the event of an aircraft accident the employee responsibilities are as follows:

416.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft accident site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the Justice of Peace and/or Medical Examiner's Office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any accident debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

416.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident,

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the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of an accident as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

416.2.3 DISPATCH RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department.

(b) The affected airport tower.

(c) Closest military base if a military aircraft is involved.

(d) Ambulances or other assistance as required.

(e) Department of Public Safety.

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Texas Department of Transportation Aviation Division, Federal Aviation Administration (FAA) Flight Standards District Office and the NTSB. In the event that airport personnel are not involved, the dispatcher should notify the Texas Department of Transportation Aviation Division, the FAA and the NTSB.

416.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the Texas Department of Transportation Aviation Division.

(b) Forward a copy of the report to the Patrol Division Commander and the manager of the affected airport.

416.2.5 MEDIA RELATIONS OFFICER RESPONSIBILITIES

The Department Media Relations Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or authorized designee.

(b) When practicable, the Department Media Relations Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

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Information released to the press regarding any aircraft accident should be handled by the Department Media Relations Officer or in accordance with existing policy.

416.3 DOCUMENTATION

Any aircraft accident within the City, regardless of whether injuries or deaths occur, shall be documented.

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Family Violence

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce family violence through vigorous enforcement and to address family violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of family violence.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to family violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made. These orders are sometimes referred to as protective orders or emergency order of protection.

418.2 POLICY

The Aransas Pass Police Department's response to incidents of family violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that family violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

418.3 OFFICER SAFETY

The investigation of family violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

418.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating family violence cases:

(a) Calls of reported, threatened, imminent or ongoing family violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

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(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Division in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

418.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

418.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

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1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

418.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's family violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

418.6 DISPATCH ASSISTANCE

All calls of family violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

418.7 FOREIGN COURT ORDERS

Various types of orders may be issued in family violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

418.8 FIREARMS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

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(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

418.8.1 EMERGENCY PROTECTIVE ORDERS

At the magistration of a person arrested for a family violence offense, an officer should notify a magistrate if the offense involved serious bodily injury to the victim or included the use or exhibition of a deadly weapon so that an Emergency Protective Order can be issued (Tex. Code Crim. Pro. Art. 17.292).

Officers should also consider requesting an Emergency Protective Order on the victim's behalf in the following situations:

- The victim of a felony offense is unable to file or refuses to file.
- The victim of a misdemeanor offense is unable to file or refuses to file, and the officer has sufficient reason to believe it is imperative to the safety of the victim to file an Emergency Protective Order on the victim's behalf.

418.9 ARRESTS

(a) An officer may make a warrantless arrest if the officer has probable cause to believe a person is about to commit or has committed an offense involving family violence, regardless of whether the alleged offense was committed in the presence of the officer (Tex. Code of Crim. Pro. Art. 14.03).

(b) If probable cause exists to believe an offender has violated a court order, an arrest shall be made if the offense is committed in the presence of the officer (Tex. Code Crim. Pro. Art. 14.03). If the offense is not committed in the presence of the officer, a warrant is not necessary to make an arrest (Tex. Code Crim. Pro. Art. 14.03).

(c) A field release may not be used and a physical arrest should be made when an officer has probable cause to believe than an offense of family violence has occurred resulting in bodily injury to the victim and there is a danger of further bodily injury if the suspect is not arrested (Tex. Code of Crim. Pro. Art. 14.03(a)(2)).

418.9.1 FURTHER DETENTION OF DEFENDANT AFTER BOND POSTED

Any officer making a family violence arrest should evaluate the circumstances to determine if a post-bond hold is reasonable. If so, the officer should request approval from the Shift Commander. If the Shift Commander determines that the hold should exceed four hours, the Shift Commander should notify the magistrate (Tex. Code of Crim. Pro. Art. 17.291).

418.9.2 NOTIFICATION UPON RELEASE OF ARRESTED PERSON

Before releasing a person arrested or held without warrant, the releasing employee shall make a reasonable attempt to give personal notice to the victim, or the victim's designee, of the offender's imminent release (Tex. Code of Crim. Pro. Art. 17.29). An attempt to contact is considered reasonable if the employee attempts contact at the victim's or designee's last

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known telephone number or address as shown on the records of the Aransas Pass Police Department.

418.10 REPORTS AND RECORDS

(a) Officers shall attach a Texas Department of Public Safety Family Violence Report to their original offense report prior to submission. The written report shall include (Tex. Code of Crim. Pro. Art. 5.05):

1. The names of the suspect and complainant.
2. The date, time and location of the incident.
3. Any visible or reported injuries.
4. A description of the incident and a statement of its disposition.
5. Whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.
6. The reasons for filing an Emergency Protective Order on a victim's behalf, if one was filed.

(b) An officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make an oral or electronic report to the Department of Family and Protective Services within 24 hours if the location of the incident or call, or the known address of a person involved in the incident or call, matches the address of a current licensed foster home or a verified agency foster home, as listed in the Texas Crime Information Center (TCIC) system (Tex. Code of Crim. Pro. Art. 5.05).

(c) If a suspect is identified as being a member of the military, the officer shall ensure a copy of the report is provided to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the suspect is assigned (Tex. Code of Crim. Pro. Art. 5.05).

(d) The Records Supervisor will maintain records on the number of family violence-related calls reported to the agency and forward such records to the state as required (Tex. Code of Crim. Pro. Art. 5.05).

(e) To ensure that officers responding to a call are aware of the existence and terms of court orders, the Records Supervisor shall establish a procedure to provide adequate information or access to the names of persons protected by the orders and those to whom orders are directed (Tex. Code of Crim. Pro. Art. 17.292; Tex. Fam. Code § 86.001; Tex. Fam. Code § 86.005).

(f) Upon receipt of an original or modified court order, the Records Supervisor should immediately, but no later than 10 days following receipt, enter the information into the statewide law enforcement information system (Tex. Fam. Code § 86.0011).

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Sexual Assault Investigations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for members of the Aransas Pass Police Department who are responsible for investigating sexual assault offenses.

420.2 INVESTIGATION CONSIDERATIONS

420.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense may keep the identity of the victim confidential by providing the victim with a pseudonym form as provided to this department by the Sexual Assault Prevention and Crisis Services Program of the Texas Office of the Attorney General. The victim may choose a pseudonym to be used instead of his/her name (Tex. Code of Crim. Pro. art. 57.02).

420.2.2 OFFICER RESPONSIBILITY

Once the pseudonym form has been completed by the victim and returned to this department, the Department may not be required to disclose the victim's name, address and telephone number. The Department shall also (Tex. Code of Crim. Pro. art. 57.02 (e)):

(a) Remove the victim's name and substitute the pseudonym for the name on all reports, files and records in the Department's possession.

(b) Notify the attorney for the state of the pseudonym and that the victim has elected to be designated by the pseudonym.

(c) Maintain the form in a manner that protects the confidentiality of the information.

420.3 MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIMS

Officers investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim or an employee of the Department of Family and Protective Services, request a medical examination of the victim (Tex. Code of Crim. Pro. art. 56.06(a)).

If a sexual assault is not reported within 96 hours of the offense the Department may still request a medical examination of the victim provided consent is given by the victim or a person authorized to act on behalf of the victim or an employee of the Department of Family and Protective Services (Tex. Code of Crim. Pro. art. 56.06(b)).

Officers should assure the victim of an alleged sexual offense that the Department will pay for all fees associated with the medical examination. The Department will be entitled to a reimbursement from the Office of the Attorney General upon request, if the examination is performed by a qualified individual (Tex. Code of Crim. Pro. art. 56.06(c)). The Criminal Investigations Division Supervisor is responsible for forwarding any necessary documentation to obtain reimbursement.

420.3.1 SUBMISSION OF SEXUAL ASSAULT EVIDENCE

The Criminal Investigations Division Supervisor shall ensure that collected evidence related to a sexual assault investigation is submitted to an accredited crime laboratory for analysis within 30 days from the date the evidence was received. The submission of evidence should

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be accompanied by a signed, written certification, stating: "This evidence is being submitted by (name of the person making the submission) in connection with a criminal investigation" (Tex. Gov't. Code § 420.042).

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Elder Abuse

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse. It is the policy of the Aransas Pass Police Department to treat reports of violence against elderly persons as a high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s) (Tex. Hum. Res. Code § 40.0527).

422.2 DEFINITIONS

Definitions related to this policy include (Tex. Hum. Res. Code § 48.002).

Dependent adult - A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for his/her own care or protection, and who is 18 years of age or older.

Elder - Any person 65 years of age or older.

Abuse -

(a) The negligent or willful infliction of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member or other individual who has an ongoing relationship with the person.

(b) Sexual abuse of an elderly or disabled person, including any involuntary or non-consensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

Exploitation - The illegal or improper act or process of a caretaker, family member or other individual who has an ongoing relationship with an elderly or disabled person, that involves using or attempting to use, the resources or identifying information of the elderly or disabled person for monetary or personal benefit, profit or gain without the informed consent of the elderly or disabled person.

Protective services agency - A public or private agency, corporation, board or organization that provides protective services to elderly or disabled persons in the state of abuse, neglect or exploitation.

Neglect - The failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain, or the failure of a caretaker to provide such goods or services.

422.3 MANDATORY REPORTING REQUIREMENTS

The Aransas Pass Police Department is considered a mandated reporter. If during the course of an investigation an officer has cause to believe that the elderly or disabled person has been abused, neglected or exploited by another person in a manner that constitutes

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a criminal offense under any law, the officer shall take a report and notify the appropriate state agency (Tex. Hum. Res. Code § 48.051).

422.3.1 RECORDS SECTION RESPONSIBILITY

The Records Section is responsible for the following:

(a) Provide a copy of the elder/dependent abuse report to the Department of Human Services. This requirement is applicable even if the initial call was received from a state agency (Tex. Hum. Res. Code § 48.154).

(b) Retain the original elder/dependent abuse report with the initial case file.

422.4 OFFICER'S RESPONSE

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

422.4.1 INITIAL RESPONSE

Officers may be called upon to make a forced entry as the first responders to the scene of a suspected elder abuse case. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if medical personnel not already present.

422.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such, as injuries, that may change in appearance should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by law enforcement intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

422.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

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- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility.

422.4.4 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may contact Protective Services and request that they obtain a protective order against the person alleged to have committed or threatened such abuse if that person is not in custody. If an offense is taken where it is clear there has been family violence against an elder or dependent adult, upon arrest of the suspect, the officer should seek an Emergency Protective Order.

422.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases, the following information should be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on-scene
- Any information that indicates a victim or critical witness may suffer from a health condition that may warrant an expedited investigation/prosecution or the preservation of testimony under Tex. Code of Crim. Pro. art. 39.025

Reporting of cases of elder/dependent abuse is confidential and will only be released in accordance with the Security and Release of Records and Information Policy.

422.6 ELDER ABUSE IN A CARE FACILITY

Officers investigating allegations relating to the abuse, neglect or exploitation of an elderly or disabled person in a care facility or under the care of a facility shall notify the Texas Department of Health regardless of whether a crime report was taken (25 Tex. Admin. Code § 1.205).

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Child Abuse

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Aransas Pass Police Department members are required to notify the Department of Family and Protective Services (DFPS) of suspected child abuse.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or a law enforcement agency (Tex. Fam. Code § 261.101).

424.2 POLICY

The Aransas Pass Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DFPS is notified as required by law.

424.3 MANDATORY NOTIFICATION

Members of the Aransas Pass Police Department shall notify DFPS when an allegation has been made of abuse or neglect involving a person responsible for a child's care, custody or welfare. Notification is also mandatory if the allegation relates to a juvenile justice program or facility (Tex. Fam. Code § 261.101; Tex. Fam. Code § 261.105; Tex. Fam. Code § 261.103).

For purposes of notification, abuse and neglect includes, but is not limited to, acts or omissions related to impairment to the child's growth, development or psychological functioning, physical injury that results in substantial harm to the child, sexual conduct involving the child, child trafficking or prostitution, use of controlled substances by the child or the use of controlled substances by a person that results in physical, mental or emotional injury to a child; and any other act or omission as provided by Tex. Fam. Code § 261.001.

424.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Tex. Fam. Code § 261.105):

(a) Notification to DFPS shall be made immediately.

(b) The time, date and manner of notification should be documented in the related report.

When the abuse or neglect occurs at a facility or by a person from a facility that requires a state license (e.g., foster homes, group homes, day care), notification shall also be made to the state agency that operates, licenses, certifies or registers the facility in which the alleged abuse or neglect occurred (Tex. Fam. Code § 261.103).

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424.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

424.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian and without taking them for a certified forensic interview.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) An allegation that a child has been or may be the victim of criminal conduct that poses an immediate risk of death or serious harm from either physical or sexual abuse shall be conducted jointly by the investigating officer and DFPS (Tex. Fam. Code § 261.301).

(l) The investigatory steps, as set forth in the existing Memorandum of Understanding (MOU) with a child advocacy center should be followed when the terms apply to an allegation of child abuse (Tex. Fam. Code § 264.405).

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All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

424.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DFPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DFPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

In Texas, children may only be removed from a parent or guardian in the following situations:

(a) When a court order has been issued authorizing removal.

(b) If there is no time to obtain a court order before taking possession of a child and there is an immediate need to protect the health and safety of that child, an officer may take possession of a child without a court order under the following conditions (Tex. Fam. Code § 262.104):

1. On personal knowledge of facts that lead an officer to believe that the child has been the victim of sexual abuse or the parent or person who has possession of the child has permitted the child to remain on premises used for the manufacture of methamphetamine.

2. On information furnished by another that has been corroborated by personal knowledge of the facts and all of which, taken together, lead an officer to believe that the child has been the victim of sexual abuse, or that the parent or person who has possession of the child is currently using a controlled substance or has permitted the child to remain on premises used for the manufacture of methamphetamine.

(c) Without a court order on the voluntary delivery of the child by the parent, managing conservator, possessory conservator, guardian, caretaker or custodian who is presently entitled to possession of the child (Tex. Fam. Code § 262.004).

(d) When, during a criminal investigation relating to a child's custody, an officer discovers that the child is a missing child and believes that a person may flee with or conceal the child (Tex. Fam. Code § 262.007).

424.6.1 SAFE HAVEN LAW

A designated emergency infant care provider shall, without a court order, take possession of a child who appears to be 60 days old or younger if the child is voluntarily delivered to the provider by the child's parent. Providers include hospitals, emergency medical services providers or a child-placing agency licensed by the Department of Protective and Regulatory

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Services (DPRS) (Tex. Fam. Code § 262.302). The provider shall notify DPRS and DPRS shall assume custody of the child (Tex. Fam. Code § 262.303).

DPRS shall report the child to state or local law enforcement as a potential missing child. A law enforcement agency that receives such a report shall investigate whether the child is reported as missing (Tex. Fam. Code § 262.305).

424.7 INTERVIEWS

424.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

424.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

424.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

424.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

424.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should:

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(a) Work with professionals from the appropriate agencies, including DFPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Criminal Investigations Division Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

424.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigations Division Supervisor so an interagency response can begin.

424.10 STATE MANDATES AND OTHER RELEVANT LAWS

Texas requires or permits the following:

424.10.1 CHILD SAFETY CHECK ALERT LIST

The Texas Department of Public Safety has created a Child Safety Check Alert List as part of the Texas Crime Information Center (TCIC) to help locate a family for purposes of investigating a report of child abuse or neglect (Tex. Fam. Code § 261.3022(a)).

An officer who encounters either a person alleged to have abused or neglected a child, or a child on the alert list who is the subject of a report of child abuse or neglect that the state is attempting to investigate, shall request information from the person or the child regarding the child's well-being and current residence (Tex. Fam. Code §261.3023(a)).

The officer should investigate whether it is appropriate to take possession of the child without a court order and in accordance with the laws specified in Tex. Fam. Code § 262.104.

The officer should inform a supervisor as soon as practicable when a child on the TCIC Child Safety Check Alert List is located. The circumstances shall be documented in an appropriate report. The officer shall contact TCIC and advise that the child has been located and shall provide the case number related to the incident.

424.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (Tex. Fam. Code § 261.201).

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424.10.3 MEMORANDUM OF UNDERSTANDING FOR CHILDREN'S ADVOCACY CENTER

The Criminal Investigations Division Supervisor should ensure that a current copy of the MOU with a children's advocacy center regarding child abuse investigations is available to all department members (Tex. Fam. Code § 264.405).

424.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews (when no children's advocacy center is available).

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Person Reporting

426.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. State law, as well as federal law under 42 USC 5779(a), specify certain requirements relating to missing persons (Tex. Code of Crim. Pro. art. 63.002 et. seq)

426.1.1 DEFINITIONS

Definitions related to this policy include (Tex. Code of Crim. Pro. art. 63.001):

Child - While Texas considers a child to be a person under 18 years of age, for purposes of this section, federal law considers any person under the age of 21 years to be a child.

High-risk missing - A person who is missing as a result of an abduction by a stranger; a person missing under suspicious or unknown circumstances; a person who has been missing more than 30 days or less than 30 days if there is reason to believe that the child or person is in danger or deceased (Tex. Code of Crim. Pro. art. 63.051(5)).

Missing child - A child whose whereabouts are unknown to the child's legal custodian, the circumstances of which indicate that:

(a) The child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law.

(b) The child voluntarily left the care and control of his/her legal custodian without the custodian's consent and without intent to return.

(c) The child was taken or retained in violation of the terms of a court order for possession of, or access to, the child.

(d) The child was taken or retained without the permission of the custodian and with the effect of depriving the custodian of possession of, or access to, the child, unless taking or retaining the child was prompted by the commission or attempted commission of family violence, as defined by Section 71.004, Family Code, against the child or the actor.

Missing person - A person 18 years old or older whose disappearance is possibly not voluntary.

426.2 REPORT ACCEPTANCE

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. Missing persons reports shall be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person at-risk or a child under 16 years of age, the Criminal Investigations Division will begin an investigation after an initial search by patrol personnel.

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In all cases involving a person at-risk or a child under 16 years of age, the handling employee shall ensure that the Shift Commander and appropriate Criminal Investigations Division supervisor shall be notified.

426.2.1 INVESTIGATION DILIGENCE

Members of this department shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. When conducting a missing report, the handling officer shall (Tex. Code of Crim. Pro. art. 63.009):

(a) Immediately start an investigation in order to determine the present location of the child or person if the subject of the report is a child and the well-being of the child is in danger, or if the subject of the report is a person who is known by the Department to have, or is reported to have, chronic dementia, including Alzheimer's dementia, whether caused by illness, brain defect or brain injury.

(b) Start an investigation with due diligence in order to determine the present location of the child or person in all other circumstances.

(c) Immediately, but not later than two hours after receiving the report, enter the name of the child or person into the appropriate missing person databases (including the Alzheimer's Association Safe Return database, if applicable).

(d) Make an assessment of reasonable steps to be taken to locate the person.

(e) If the missing person is under 16 years of age or there is evidence the person is high-risk, the Department shall broadcast over the radio a "be-on-the-lookout" transmission without delay within this jurisdiction.

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken. However, department members may assist in the investigation on a person who was last seen in this jurisdiction.

426.3 REPORT HANDLING

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

At any time a missing report is made, the officer shall complete a dental and medical release form that will be provided to the reporting party. If the form is properly endorsed, the completed form shall be attached to the missing person report.

Anytime dental or medical records are obtained, a copy of the records shall be sent to the DPS Clearinghouse by the handling officer or detective (Tex. Code of Crim. Pro. art. 63.006 and 63.007).

Information that is not immediately available and obtained at a later time shall be documented in a supplemental report as required.

426.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Aransas Pass Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Section shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within 24 hours to the jurisdiction of the agency where the missing person was last seen.

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426.3.2 TELETYPE NOTIFICATIONS

When a missing person is under the age of 21, Records Section personnel shall notify the U.S. Department of Justice and the National Crime Information Center within two hours after accepting the report (42 U.S.C. § 5779(a) and 42 U.S.C. § 5780(3)). To assist the Department of Public Safety, the teletype must note if the case involves a high-risk person.

426.3.3 AT-RISK REQUIREMENTS

If a missing person is under 18-years of age and at-risk or under 12 years of age and missing for more than 14 days, the handling detective shall immediately submit to the dentist, physician/surgeon or medical facility the signed request for dental or skeletal X-rays or both.

In all cases, the handling detective may confer with the coroner or medical examiners and shall submit reports including the dental/skeletal X-rays within 24 hours to the state clearinghouse (Tex. Code of Crim. Pro. art. 63.006, 63.007).

426.3.4 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the detective should check with the appropriate medical examiner's office and verify and update the case file with any additional investigative efforts or information. This should be completed no later than 60 days after the report was filed.

The assigned detective should, at a minimum, update a missing person case file with further investigative efforts or information every 30 days thereafter.

426.4 MISSING PERSONS LOCATED

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

Immediately after the return of a missing child or missing person, the handling employee shall cancel the entry in the NCIC database and the state clearinghouse (Tex. Code of Crim. Pro. art. 63.009(f)).

If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24 hours to the Department of Justice noting that information.

Other than a child who is subject to the continuing jurisdiction of the court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child. If the person entitled to possession of the child is not immediately available, the officer shall deliver the child to the Department of Protective and Regulatory Services (Tex. Code of Crim. Pro. art. 63.009(g)).

426.5 REFERENCE CHART

	DPS/NCIC	BOLO TELETYPE	MEDICAL EXAMINER CHECK	SEND DENTAL X-RAYS	SEND PHOTO	SCHOOL NOTICE
CHILD UNDER 18	Immediate	Without delay	Within 24 hours	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 10 days, written notice and photo
CHILD UNDER 21	Immediate	Without delay	After 14 days immediate check	After 14 days, within 24 hours	After 14 days, within 24 hours	Within 10 days, written notice and photo

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ADULT	Immediate	Without delay	After 45 days immediate check	After 45 days	Not mandated	N/A
HIGH-RISK	Immediate	Without delay	After 45 days immediate check	High risk U/14 and U/12 over 14 days, or as decided	Not mandated	N/A

Information that is not immediately available and obtained at a later time shall be documented in a supplemental report to the original. Entry into the clearinghouse database and the NCIC file shall be done as soon as possible (Tex. Code of Crim. Pro. art. 63.009(b)).

426.6 SCHOOL NOTIFICATION

The Tex. Code of Crim. Pro. art. 63.020 requires law enforcement to immediately notify the school in which a missing child under the age of 11 is enrolled. The school shall flag a missing child's record and immediately notify law enforcement of an inquiry, or request for the missing child's records.

If a missing child under 11 years of age, who was the subject of a missing child report made in this state, was born in or attended a school or licensed day care facility in another state, this department shall notify law enforcement or the missing and exploited children clearinghouse in each appropriate state regarding the missing child, and request the law enforcement agency or clearinghouse to contact the state birth certificate agency and each school or licensed day care facility the missing child attended to flag the missing child's records (Tex. Code of Crim. Pro. art. 63.020(e)).

On the return of a missing child under 11 years of age, the handling employee shall notify each school or day care facility that has maintained flagged records for the child, and the bureau of vital statistics that the child is no longer missing (Tex. Code of Crim. Pro. art. 63.022(a)).

426.7 DNA SAMPLE COLLECTION

The Department shall inform a parent or any other person considered appropriate, no later than the 30th day after the date a report of a high-risk missing person was filed, that the person may provide a Deoxyribonucleic Acid (DNA) sample for forensic DNA analysis, or for purposes of DNA sampling, a personal article belonging to the high-risk missing person (Tex. Code of Crim. Pro. art. 63.057).

Such sample(s) shall be collected in a manner prescribed by the Department of Public Safety, using a DPS model kit (Tex. Code of Crim. Pro. art. 63.059).

Upon receiving a DNA sample, the reporting officer or assigned detective shall reverify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall, as soon as practicable, be sent to the DPS for testing and inclusion in the DNA database (Tex. Code of Crim. Pro. art. 63.060).

426.8 INFORMATION REQUESTS

On the written request by a parent, foster parent, managing or possessory conservator, guardian of the person or the estate or other court-appointed custodian of a child whose whereabouts are unknown, the Department shall request from the missing children and missing persons information clearinghouse the information concerning the child that may

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aid the person making the request in the identification or location of the child (Tex. Code of Crim. Pro. art. 63.011).

The Department shall report by telephone, e-mail or mail to the parent on the results of its inquiry within 14 days after the day that the written request is filed (Tex. Code of Crim. Pro. art. 63.012).

426.8.1 SCHOOL REQUESTS

When children enrolled in school fail to provide valid documentation, the school will contact law enforcement. On receipt of notification, the Department shall immediately check the clearinghouse to determine if the child has been reported missing. If the child has been reported missing, the Department shall immediately notify other appropriate law enforcement agencies that the missing child has been located (Tex. Code of Crim. Pro. art. 63.019(b)).

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Public Alerts

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

428.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

428.3 RESPONSIBILITIES

428.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Aransas Pass Police Department should notify their supervisor, Shift Commander or Criminal Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

428.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Media Relations Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

428.4 AMBER ALERTS

428.4.1 CRITERIA

An AMBER Alert™ can only be activated by the state network if all of the following criteria are met (Tex. Gov't Code § 411.355; Tex. Gov't Code § 411.356):

(a) There is reason to believe that a child 17 years of age or younger has been abducted. For purposes of this section, abduction includes a child who is younger than 14 years of age; who departed willingly with someone more than three years older than the child¾ who departed without a parent or legal guardian's permission; and the person

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with whom the child departed is not an immediate relative of the child, as defined by Subchapter B, Chapter 573, Tex. Gov't. Code.

(b) It is believed that the abducted child is in immediate danger of serious bodily injury or death or of becoming the victim of a sexual assault.

(c) A preliminary investigation has taken place that verifies the abduction and eliminates alternative explanations for the child's disappearance.

(d) There is sufficient information available to disseminate to the public that could assist in locating the child, the person suspected of abducting the child or a vehicle that may have been used in the abduction.

428.4.2 PROCEDURE

If a supervisor determines that an AMBER Alert should be activated, he/she should:

(a) Fax the AMBER Alert Request Form to the State Operations Center (SOC). The supervisor may only submit the form after it has been verified that all statutory criteria for activation are clearly established by the specific facts of the case (37 Tex. Admin. Code § 9.22).

(b) E-mail photographs of the missing child and suspect, if available, to the SOC.

(c) Confirm that the fax and e-mail were received by the SOC.

(d) Ensure that appropriate entries are made to the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) databases.

(e) Inform the SOC of any updates, including when the child or suspect is located.

(f) Consider contacting the regional AMBER Alert program, if available. To verify whether the Department has access to a regional program, contact the SOC.

To aid in this process, it is imperative that the activating official be notified of all relevant updates that may require modification or termination of the AMBER Alert.

428.5 BLUE ALERTS

428.5.1 CRITERIA

The Department may request that a Blue Alert be activated if:

(a) A law enforcement officer has been killed or seriously injured by an offender.

(b) The offender poses a serious risk or threat to the public or other law enforcement personnel.

(c) A detailed description of the offender's vehicle, vehicle tag or partial tag is available for broadcast to the public.

428.5.2 PROCEDURE

If a supervisor determines that a Blue Alert should be activated, he/she should:

(a) Fax the Blue Alert Request Form to the SOC.

(b) E-mail photographs of the suspect and the suspect's vehicle, if available, to the SOC.

(c) Confirm that the fax and e-mail were received by the SOC.

(d) Ensure that appropriate entries are made to the TCIC and NCIC databases.

(e) Inform the SOC of any updates, including when the vehicle or suspect is located.

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(f) Consider contacting the regional Blue Alert program, if available. To verify whether the Department has access to a regional program, contact the SOC.

To aid in this process, it is imperative that the activating official be notified of all relevant updates that may require modification or termination of the Blue Alert.

428.6 SILVER ALERTS

428.6.1 CRITERIA

A Silver Alert can only be activated by the state network if all of the following criteria are met (Tex. Gov't Code § 411.386):

(a) The person reported missing is 65 years of age or older.

(b) The senior citizen's location is unknown.

(c) The senior citizen's domicile is in Texas.

(d) The senior citizen has an impaired mental condition.

(e) It is determined that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety.

(f) The Silver Alert request is made within 72 hours of the senior citizen's disappearance.

(g) There is sufficient information available to disseminate to the public that could assist in locating the senior citizen.

428.6.2 PROCEDURE

If a supervisor determines that a Silver Alert should be activated, he/she should:

(a) Fax the Silver Alert Request Form to the SOC. The supervisor may only submit the form after it has been verified that all statutory criteria for activation are clearly established by the specific facts of the case (37 Tex. Admin. Code § 9.32).

(b) Provide documentation of a diagnosed impaired mental condition of the person with the request for activation (37 Tex. Admin. Code § 9.32; Tex. Gov't Code § 411.386).

(c) E-mail photographs of the missing senior citizen, if available, to the SOC.

(d) Confirm that the fax and e-mail were received by the SOC.

(e) Ensure that appropriate entries are made to the TCIC and NCIC databases.

(f) Inform the SOC of any updates, to include when the missing senior citizen is located.

(g) Consider contacting the regional Silver Alert program, if available. To verify whether the Department has access to a regional program, contact the SOC.

To aid in this process, it is imperative that the activating official be notified of all relevant updates that may require modification or termination of the Silver Alert.

428.7 ENDANGERED MISSING PERSONS ALERT

428.7.1 CRITERIA

An Endangered Missing Persons Alert can only be activated by the state network if all of the following criteria are met (Tex. Gov't Code § 411.355; Tex. Gov't Code § 411.356):

(a) There is reason to believe that a person with an intellectual disability is missing and the person's location is unknown. For purposes of this section, a person is considered to have an intellectual disability if he/she has been evaluated by a

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physician or psychologist licensed in this state, as required by Tex. Health and Safety Code § 593.005, and the medical professional has determined that the person suffers from an intellectual disability.

1. The activating official shall obtain a written diagnosis documenting the missing person's intellectual disability from the treating licensed physician or psychologist.

(b) The Endangered Missing Persons Alert request is made within 72 hours of the person's disappearance.

(c) It is believed that the person's disappearance poses a credible threat to his/her health and safety.

(d) There is sufficient information available to disseminate to the public that could assist in locating the person.

428.7.2 PROCEDURE

If a supervisor determines that an Endangered Missing Persons Alert should be activated, he/she should:

(a) Fax the Endangered Missing Persons Alert Request Form to the SOC.

(b) E-mail photographs of the missing person, if available, to the SOC.

(c) Confirm that the fax and e-mail were received by the SOC.

(d) Ensure that appropriate entries are made to the TCIC and NCIC databases.

(e) Inform the SOC of any updates, including when the missing person is located.

(f) Consider contacting the regional Endangered Missing Persons Alert program, if available. To verify whether the Department has access to a regional program, contact the SOC.

To aid in this process, it is imperative that the activating official be notified of all relevant updates that may require modification or termination of the Endangered Missing Persons Alert.

428.8 MEDIA ALERTS

Regardless of whether a public alert is activated, the following procedures to alert the media should be followed:

(a) The [Press Information Officer] will prepare an initial press release that includes all available information that might aid in locating a child, missing person or suspect, as applicable, such as:

1. The person's identity, age and description.
2. A photograph if available.
3. Pertinent vehicle description.
4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.
5. The name and contact number of the [Press Information Officer] or other authorized media liaison.
6. A contact number for the public to call with leads or information.

(b) The press release should be faxed or emailed to local television and radio stations and posted publicly on the police departments website.

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(c) The information in the press release should also be forwarded to local law enforcement agencies.

(d) The activating official or other individual responsible for making notification shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the person identified in the public alert.

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Death Investigation

434.1 PURPOSE AND SCOPE

The investigation of cases involving death includes those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

434.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

434.2.1 JUSTICE OF PEACE AND/OR MEDICAL EXAMINER REQUEST

The Justice of Peace and/or Medical Examiner shall be called in any of the following cases:

(a) Any unattended deaths when no physician was in attendance or during the continued absence of the attending physician or when a death occurs outside hospitals and nursing care facilities.

(b) Wherein the deceased has not been attended by a physician in the 20 days prior to death.

(c) Physician is unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury which is the primary or contributory factor in the death.

(j) Deaths known or suspected as resulting, in whole or in part, from or related to, accident or injury, either old or recent.

(k) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(l) Accidental poisoning (food, chemical, drug, therapeutic agents).

(m) Occupational diseases or occupational hazards.

(n) Known or suspected contagious disease and constituting a public hazard.

(o) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

(p) In prison or while under sentence. Includes all in-custody and police involved deaths.

(q) All deaths of unidentified persons.

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(r) All deaths of state hospital patients.

(s) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(t) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes unresponsive patients admitted to hospitals who expire without regaining consciousness

(u) All deaths of children younger than 6 years of age where the death was unexpected and was not due to congenital or neoplastic disease (Tex. Fam. Code § 264.514).

Except in emergency circumstances, the body shall not be moved from the position or place of death without permission of the Justice of Peace and/or Medical Examiner (Tex. Code of Crim. Pro. art. 49.05(e)).

434.2.2 SEARCHING DEAD BODIES

The Justice of Peace and/or Medical Examiner is generally the only person permitted to search a body that is known to be dead. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card. If such a donor card is located, the Justice of Peace and/or Medical Examiner shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Justice of Peace and/or Medical Examiner, the investigating officer shall first obtain verbal consent from the Justice of Peace and/or Medical Examiner.

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Justice of Peace and/or Medical Examiner. The name and address of this person shall be included in the narrative of the death report. The handling officer should obtain a receipt from the Justice of Peace and/or Medical Examiner whenever personal effects are removed from the body of the deceased. This receipt shall be attached to the death report.

434.2.3 DEATH NOTIFICATION

When practicable, and if not handled by the Justice of Peace and/or Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Justice of Peace and/or Medical Examiner may be requested to make the notification. The Justice of Peace and/or Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

434.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Justice of Peace and/or Medical Examiner arrives, the Justice of Peace and/or Medical Examiner will issue a John Doe" or "Jane Doe number for the report.

434.2.5 UNIDENTIFIED BODIES DATA ENTRY

No later than 10 working days after the date a death is reported to the Department, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body shall be entered into the Missing Children and Missing Persons Clearinghouse and the NCIC file (Tex. Code of Crim. Pro. art. 63.009(c)).

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434.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

434.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Criminal Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

434.2.8 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Texas Occupational Safety and Health (OSHA) is notified by telephone or teletype with all pertinent information.

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Identity Theft

436.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

436.2 REPORTING

436.2.1 OFFICER RESPONSIBILITIES

In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Tex. Penal Code § 32.51 or Tex. Penal Code § 31.17) shall initiate a report for victims if either of the following conditions exist (Tex. Code of Crim. Pro. art. 13.29; Tex. Code of Crim. Pro. art. 13.295):

(a) The offense was committed in the department's jurisdiction.

(b) The victim resides in the department's jurisdiction.

While the crime of identity theft should be reported as specified above, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in our jurisdiction).

436.2.2 CONTENT OF REPORT

Officers investigating an incident of identity theft shall include in their report the type of victim information that was obtained or transferred (Tex. Code of Crim. Pro. art. 2.29; Tex. Code of Crim. Pro. art. 2.295).

Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application) in the report.

Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Texas Department of Public Safety, Driver License Division) with all known report numbers.

436.2.3 SPECIFIC VICTIM INFORMATION

Officers should make a notation in the report narrative if the victim is an elderly individual, as defined by Tex. Penal Code § 22.04, since the penalty for offenses committed against an elderly individual is enhanced (Tex. Penal Code § 32.51).

436.2.4 FOLLOW-UP INVESTIGATION

Following supervisory review and department processing, the initial report should be forwarded to the appropriate detective for follow-up investigation and coordination with other agencies and prosecution, as circumstances dictate.

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436.3 TRAINING

Basic and intermediate certificate training in compliance with TCLEOSE standards is required for applicable employees (Tex. Occ. Code § 1701.253(i) and 1701.402(f)).

436.4 INFORMATION

The victim should also contact the Federal Trade Commission, which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at http://ftc.gov or by telephone at 1-877-ID Theft (877-438-4338). Additional information may be found at the United States Department of Justice (USDOJ) website, http://www.usdoj.gov.

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Hate Crimes

438.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the James Byrd, Jr. Hate Crimes Act and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

438.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC 245).

438.2 DEFINITIONS

Hate Crimes - An intentional criminal act committed in whole or in part because of a bias or prejudice against a person or group's (Tex. Code of Crim. Pro. art. 42.014):

(a) Disability

(b) Gender

(c) National origin or ancestry

(d) Race, ethnicity or color

(e) Religion

(f) Sexual orientation

(g) Age

438.3 CRIMINAL STATUTES

Tex. Penal Code § 12.47 - Penalty enhancement if an offense is committed because of bias or prejudice.

Tex. Penal Code § 22.04 - Prohibits assaulting elderly or disabled individuals.

Tex. Penal Code § 25.071 - Violation of a protective order preventing an offense caused by bias or prejudice.

438.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community that are likely targets of hate crimes to form and cooperate with prevention and response networks.

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(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups relating to hate crime laws.

438.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once in progress aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation.

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as Hate Crimes and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing information on local assistance programs and organizations.

(h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., possible Temporary Restraining Order through the courts or County and/or DIstrict Attorney or City Attorney).

438.5.1 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITY

If a case is assigned to the Criminal Investigations Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the County and/or DIstrict Attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victim(s) and other involved individuals as needed.

(c) Maintain statistical data on suspected hate crimes and tracking as indicated.

438.5.2 HATE CRIME REPORTING

This department shall report hate crimes in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Supervisor or assigned to the Criminal Investigations Division (Tex. Gov't. Code § 411.046(b)).

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(a) The Department may request hate crime-related information or statistics from the Department of Public Safety to carry out investigations or other lawful business (Tex. Gov't. Code § 411.046(c)).

438.6 TRAINING

All members of this department will receive training on hate crime recognition and investigation and will attend annual TCLEOSE training which incorporates a hate crime training component.

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Service Animals

440.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcomethe limitations often faced by people with disabilities. The Aransas Pass Police Department recognizesthis need and is committed to making reasonable modifications to itspolicies, practices and procedures in accordance with Title II ofthe Americans with Disabilities Act of 1990 (ADA) to permit the useof service animals that are individually trained to assist a personwith a disability.

440.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

440.2.1 STATE LAW

Texas law expands the definition of a service animal to include any animal that is specially trained or equipped to help a person with a disability (Tex. Hum. Res. Code § 121.002).

440.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may provide assistance:

- Guiding people who are blind or have impaired vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people with limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support by assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks¾ providing tactile stimulation to calm a person with post-traumatic stress disorder¾ assisting people with schizophrenia to distinguish between hallucinations and reality¾ and helping people with traumatic brain injury to locate misplaced items or to follow daily routines.

440.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Aransas Pass Police Department affords to all members of the public.

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal. No further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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School Employee Arrest Reporting

442.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher or non-teacher has been arrested under certain circumstances.

442.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, child abuse or sexual abuse offense, the Chief of Police or authorized designee should report the arrest as follows:

442.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Chief of Police or authorized designee may notify by telephone or email the superintendent of the school district employing the teacher and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

442.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or authorized designee may notify by telephone or email the superintendent of the school district employing the non-teacher and may give written notice of the arrest to the governing board of the school district employing the person.

442.2.3 ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER

Upon arrest for one of the above crimes, the Chief of Police or authorized designee may notify by telephone or email the private school or licensed day-care authority employing the teacher and may give written notice of the arrest to the private school authority employing the teacher.

442.2.4 ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or authorized designee may notify by telephone or email the private school or licensed day-care authority employing the non-teacher and may give written notice of the arrest to the private school authority employing the person.

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Mental Illness Commitments

446.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be transported for emergency detention to a mental health unit pursuant to Tex. Health and Safety Code § 573.001. The commitment of a person under § 573.001 does not constitute an arrest. If an officer believes that a person falls within the provisions of Tex. Health and Safety Code § 573.001, he/she shall transport that person to the nearest suitable inpatient mental health facility for evaluation and commitment.

446.2 AUTHORITY OF AN OFFICER

When any person, as a result of a mental disorder, is a danger to others or to him/herself or is gravely disabled, a peace officer or other individual authorized by statute may, upon probable cause, take or cause to be taken, the person into custody and place him/her in a facility designated by the local mental health authority and approved by the State Department of Mental Health as a facility for 48-hour treatment and evaluation (Tex. Health and Safety Code § 573.001 and 573.021).

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer or to another individual authorized by statute in order to establish probable cause. If the probable cause is based on the statement of a person other than the officer or another individual authorized by statute, such person shall be informed that he/she may be liable in a civil action for intentionally giving a statement which he/she knows to be false.

446.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected or actual mentally disabled individual or an involuntary commitment, should carefully consider the following:

(a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disability.

(b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.

(c) Appropriate language usage when interacting with mentally disabled persons.

(d) If circumstances permit, alternatives to deadly force when interacting with potentially dangerous mentally disabled persons.

(e) Community resources which may be readily available to assist with mentally disabled individuals.

446.3.1 TRANSPORTATION

When transporting any individual on a Tex. Health and Safety Code § 573.001 commitment, the handling officer should have Dispatch or MHMR notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether any special medical care is needed.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should

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accompany a violent patient when transported by ambulance. Additionally, transporting violent patients in a patrol unit equipped with a barrier or cage is generally safer with two officers in the vehicle.

The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient.

446.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

446.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For Detention Form and provide it to the staff member assigned to that patient. The officer will retain a copy of the Application For Detention for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

446.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

446.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practicable, any person charged with a crime who also appears to be mentally ill shall first be evaluated by MHMR or a mental health facility. If the patient is to be declined for further mental health treatment, the officer shall then proceed with normal booking procedures. After booking procedures are complete within the Aransas Pass Police Department, staff should make arrangements to expedite the prisoners transportation to the County Jail if applicable.

446.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Tex. Health and Safety Code § 573.001 and is found to own, have in his/her possession or under his/her immediate control, any firearm or other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling officer. The firearm or other deadly weapon shall be booked into evidence until further processing.

Officers are cautioned that a search warrant may be needed before entering a residence to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling officer shall further advise the person of the procedure for the return of any firearm or other deadly weapon which has been confiscated.

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446.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Criminal Investigations Division, which shall be responsible for initiating a petition to the County or District Court for a hearing to determine whether the weapon(s) will be returned.

(b) The petition to the County or District Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated, unless the Department makes an *ex parte* application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue and that he/she has 30 days to confirm with the court clerk any desire for a hearing; failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification.

(e) A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or Tex. Penal Code § 46.04 and 46.06.

(f) If a firearm or other deadly weapon is not retained as evidence, the Department will retain such firearms or other deadly weapon no longer than 180 days after notice has been provided to the owner that the firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal.

446.6 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include TCLEOSE-approved training on interaction with mentally disabled persons as provided by Tex. Occ. Code § 1701.253.

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Criminal Street Gangs

448.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying gang members, criminal street gangs, participants of criminal street gangs and patterns of criminal activity as outlined in Tex. Penal Code § 71.02.

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database (Tex. Code of Crim. Pro. art. 61.02).

448.2 DEFINITIONS

Criminal Street Gang - Three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities (Tex. Penal Code § 71.01(d)).

Security Threat Groups- "Any group of offenders that TDCJ determines poses a threat to the physical safety of other offenders, staff, or the public due to the organization and activities of said STG."

Gang-Related Crime - Any crime which is committed for the benefit of, at the direction of, or in association with a criminal street gang with the intent to promote, further or assist any criminal street gang.

448.3 IDENTIFICATION OF GANG MEMBERS CRIMINAL STREET GANGS SECURITY THREAT GROUPS / PARTICIPANTS

The Gang Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang, and on groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
4. A designated representative of the County and/or DIstrict Attorney's Office reviews the available evidence and concurs with a department finding that the group meets the criteria for being a criminal street gang.

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file when at least two of the following elements have been verified by a Gang Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor (Tex. Code of Crim. Pro. art. 61.02(c)(2)):

1. An individual admits membership in a criminal street gang.
2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.

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3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area, and affects the gang style dress of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated with that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang-related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department-approved gang intelligence database and 28 C.F.R. 23.20.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

448.4 CRIMINAL STREET GANG, GANG MEMBER TEMPORARY FILE

The Gang Unit Supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang, but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department-approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Gang Unit Supervisor. A temporary file of criminal street gang participants or criminal street gangs shall include:

(a) Names, aliases, monikers, addresses and other relevant identifying information.

(b) Gang name.

(c) Justification used to identify an individual as a criminal street gang participant.

(d) Vehicle(s) known to be used.

(e) Cross references to other identified gangs or gang members.

448.4.1 REVIEW AND PURGING OF TEMPORARY CRIMINAL STREET GANG GNAG MEMBER FILE

The temporary criminal street gang file shall be reviewed annually by the unit supervisor. Each individual file having no entry indicating law enforcement contact for a 3-year period (if an adult and 2 years if a child) shall be purged from the file and disposed of in accordance with the department purge criteria (Tex. Code of Crim. Pro. art. 61.06 and Tex. Code of Crim. Pro. art. 61.07).

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The Gang Unit Supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the Gang Unit Supervisor.

Exception: The time periods do not include any period during which the individual was confined in any correctional facility operated either by the state or under contract with the Texas Department of Criminal Justice.

448.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases, such as TXGANG, for use by members of the Gang Unit. Any such database must be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether a report or FI contains information that would meet the criteria for entry into a department-approved intelligence database. After giving written approval for entry of the record, the Gang Unit Supervisor should forward any such reports or FIs to the Records Section after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Supervisor to retain reports and FIs in compliance with the procedures of the department-approved gang/intelligence file and 28 C.F.R. § 23.20. The Records Supervisor may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

Validation and purging of gang intelligence databases is the responsibility of the Gang Unit Supervisor.

448.4.3 TX GANG INDEX

In accordance with the provisions of Texas Code of Criminal Procedure, Chapter 61, the Texas Department of Public Safety operates the TXGANG index. This department shall submit all criminal street gang information maintained in a database to TXGANG.

448.5 FIELD CONTACTS

Officers who contact individuals who are, or may be, participants in criminal street gang activity should complete an FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance department policy on Detentions and Photographing Detainees.

448.6 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

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Employees must strictly comply with the procedures governing release of information from a department-approved gang intelligence database.

448.6.1 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a child who is documented as a criminal street gang member submits a written request challenging the accuracy of the information contained within that file, the Chief of Police, or authorized designee, shall review the information contained within the file. If, after conducting a review of the information, it is determined that the information is not accurate, all records shall be destroyed (Tex. Code of Crim. Pro. art. § 61.08).

448.7 DISSEMINATION OF THE FILE INFORMATION

Information from the temporary criminal street gang participant files may only be furnished to department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

The release of information from any department-approved gang intelligence file must comply with the rules established for that particular temporary file or database. Unauthorized use or release of this information is a class A misdemeanor. (CCP 61.05)

448.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be related to criminal street gang activity shall be documented on a report form and shall at minimum include the following:

(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

(d) A specific request that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

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Confidential Informants

450.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Aransas Pass Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

450.2 INFORMANT FILE SYSTEM

The Criminal Investigations Division Supervisor or authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

450.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph.

(i) Evidence that a criminal history check has been made.

(j) Briefs of information provided by the informant and information about his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file will be marked as "Unreliable".

(k) Name of officer initiating use of the informant.

(l) Signed informant agreement.

(m) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Criminal Investigations Division. These files shall be used to provide a source of background information about the informant, to enable a review and evaluation of information given by the informant, and to minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, Assistant Chief of Police, and the Criminal Investigations Division Commander.

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450.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Criminal Investigations Division Commander. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

450.3.1 JUVENILE INFORMANTS

The use of any juvenile informant under 18 is only authorized by court order. The use of juvenile informants under the age of 13 is prohibited.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition.

450.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the department Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the Criminal Investigations Division Commander before being finalized with the confidential informant.

450.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Aransas Pass Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Aransas Pass Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told that they are not acting as police officers, employees or agents of the Aransas Pass Police Department and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Criminal Investigations Division Commander.

(g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Criminal Investigations Division Commander. Officers may meet informants of the opposite sex alone in an occupied public place, such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible.

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(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

450.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

450.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

450.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized, regardless of whether assets are also seized, not to exceed a maximum of $30,000.

450.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the Criminal Investigations Divsion Commander's signatures are required for disbursements over $500. Payments of less than $500 may be paid in cash out of the Criminal Investigations Division Buy/Expense Petty Cash Fund. The Criminal Investigations Division Commander will be required to sign the voucher for amounts under $500.

The Criminal Investigations Division Buy/Expense Petty Cash Fund is a petty cash fund managed by the Criminal Investigations Division Commander in compliance with department policy on Cash Handling, Security and Management. These funds shall be maintained in a locked cash box secured in a locked cabinet, desk or drawer in the Criminal Investigations Division Commander's office. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Aransas Pass Police

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Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

450.5.4 AUDIT OF PAYMENTS

At least once every six months the Chief of Police, or authorized designee shall conduct a thorough audit of all informant funds for accountability and security of the funds. The funds, petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

450.5.5 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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Chapter 5 - Field Support Operations

Bicycle Patrol

500.1 PURPOSE AND SCOPE

The Aransas Pass Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. The quiet operation of a bicycle can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

500.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Patrol Division Commander.

500.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a notice of interest to their Division Commander. Qualified applicants will be reviewed by the Patrol Division Commander. If needed, an oral board by be assembled at the discretion of the Patrol Division Commander. The oral board will consist of the Patrol Division Commander and another member of the bike patrol division. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

500.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Patrol Division Commander may designate a Bicycle Patrol Unit Supervisor.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Patrol Division.

(f) Inspection and documentation, no less than every three months, to show that bicycles not in active service are in a serviceable condition.

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(g) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

500.4 TRAINING

Participants in the program must complete an initial department approved bicycle-training course after acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

500.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes a department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio headset and microphone, and a jacket in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, electronic ticket writers and other department equipment needed while on bicycle patrol.

500.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements (Tex. Transp. Code § 551.104).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides or rear of the bicycle.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care

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and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance once or twice a year (dependent on use) to be performed by a department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

500.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Transportation Code under normal operation (Tex. Transp. Code § 551.101 et seq.). Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Tex. Transp. Code § 546.002):

(a) In response to an emergency call.

(b) While engaged in rescue operations.

(c) In the immediate pursuit of an actual or suspected violator of the law.

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MARINA PATROL

501.1 PURPOSE AND SCOPE

501.1.1 TO BE ESTABLISHED

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Canine Program

502.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

502.2 GUIDELINES FOR THE USE OF CANINES

502.2.1 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service.

(b) To obtain a search warrant by using the detection canine in support of probable cause.

(c) To search vehicles, buildings, bags and any other articles deemed necessary.

(d) A narcotic-detection canine will not be used to search a person for narcotics.

502.2.2 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift Commander.

Medical care for any injured canine shall follow the protocol established in § 502.6 et seq.

The injury will be documented on a Canine Use Report Form.

502.2.3 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Patrol Division.

Canine teams should function primarily as cover units however; they may be assigned by the Shift Commander to other functions based on the needs of the watch at the time.

Canine teams will work regular patrol during their shift, with an emphasis on narcotics detection or interdiction.

502.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Division shall go through the Shift Commander.

502.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Commander must approve all requests for canine assistance from outside agencies, subject to the following provisions:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

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(b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

(c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Aransas Pass unless authorized by the Shift Commander or the Unit Coordinator.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

502.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Chief of Police.

502.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) Aransas Pass Police Department officer currently off probation.

(b) Resides in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

(c) Lives within 30 minutes travel time from the Aransas Pass City limits.

(d) Agrees to be assigned to the position for a minimum of three years.

502.5 CANINE HANDLER RESPONSIBILITIES

502.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Patrol Division Commander.

502.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on-duty shall maintain the canine unit in a garage, secured from public view.

(c) Handlers shall permit the Patrol Division Commander to conduct spontaneous on-site inspections of specific areas of the handler's residence, as well as the canine unit, to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Patrol Division Commander as soon as possible.

(e) When off-duty, canines shall be maintained in kennels provided by the City at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

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(g) Under no circumstances will the canine be lodged at another location unless approved by the Patrol Division Commander.

(h) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Patrol Division Commander.

(i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Patrol Division Commander so that appropriate arrangements can be made. The canine handler is further responsible for making such arrangements.

502.5.3 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended unit remains inhabitable for the canine.

502.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act.

502.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Emergency Medical Care below.

502.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Patrol Division Commander.

Any indication that a canine is not in good physical condition shall be reported to the Patrol Division Commander or the Shift Commander as soon as practicable.

All records of medical treatment shall be maintained in the canine handler's personnel file.

502.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Patrol Division Commander as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the illness or injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

502.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current recognized national standards or the vendor's standards in the Service Dog Program. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet a nationally recognized standard or vendor standards established for such detection dogs.

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502.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or the vendor's standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training as defined in current contract with the Department's canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the Patrol Division Commander.

(c) In order to ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is contrary to the policies of the Aransas Pass Police Department.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Shift Commander.

502.7.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any dog team failing canine certification shall not be deployed in the field until certification is achieved. When practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

502.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

502.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Patrol Division Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

(a) Review all Canine Use Reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintain liaison with the vendor kennel.

(c) Maintain liaison with administrative staff and functional supervisors.

(d) Maintain liaison with other agency canine coordinators.

(e) Maintain accurate records to document canine activities.

(f) Recommend and oversee the procurement of needed equipment and services for the unit.

(g) Be responsible for scheduling all canine-related activities.

(h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

502.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Tex. Health and Safety Code provides that any Chief of Police, or a designee thereof may, at his/her discretion, provide controlled substances for training purposes (Tex. Health and Safety Code § 481.159(i)):

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(a) To any duly authorized peace officer or civilian drug detection canine trainer who is working under the direction of a law enforcement agency.

(b) Provided the controlled substances are no longer needed as criminal evidence.

(c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community, or while providing canine drug detection training.

502.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

(a) All necessary controlled substance training samples shall be acquired from the Aransas Pass Police Department's evidence personnel or from allied agencies authorized to provide them. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person receiving controlled substance training samples shall maintain custody and control of the substances, and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit or stored in a locked evidence locker. There are no exceptions to this procedure.

(f) The Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

502.9.2 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Texas Controlled Substance Act while providing substance abuse training or canine drug detection training (Tex. Health and Safety Code § 481.062(a)(4)).

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Obtaining Air Support

504.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

504.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

504.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift Commander or authorized designee will call the closest agency having air support available. The Shift Commander on-duty will apprise that agency of the specific details of the incident prompting the request.

504.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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SPECIAL RESPONSE TEAM

505.1 SCOPE

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Chapter 6 - General Support Operations

Victim and Witness Assistance

600.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

600.2 POLICY

The Aransas Pass Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Aransas Pass Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

600.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Aransas Pass Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

600.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall:

(a) Be responsible for consulting with the victim assistance coordinator in the office of the attorney representing the state to determine the most effective manner in which the crime victim liaison can perform his/her duties (Tex. Code of Crim. Pro. art. 56.04).

(b) Ensure that the members of the department afford victims and witnesses the rights described in section Tex. Code of Crim. Pro. art.56.02.

(c) Facilitate the return of property to victims (Tex. Code of Crim. Pro. art 56.02).

(d) Upon receipt of a victim's pseudonym form, ensure the following: (Tex. Code of Crim. Proc art. 57.02; Tex. Code of Crim. Pro. art. 57B.02; Tex. Code of Crim. Pro. art. 57D.02):

1. The victim's name is removed and substituted with the pseudonym on all reports, files and records in the Department's possession.
2. The attorney for the state is notified of the victim's election to use a pseudonym.
3. Maintenance of the pseudonym form in a manner that protects the confidentiality of the information on the form.

600.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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600.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime (Tex. Code of Crim. Pro. art. 56.31 et. seq).

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number and any applicable case or incident number.

(k) A place for the contact information of the department Crime Victim Liaison and the Crime Victim Assistance Coordinator of the Office of the Attorney General (OAG) (Tex. Code of Crim. Pro. art. 56.07).

(l) The Notice to Adult Victims of Family Violence required by Tex. Code Crim. Pro. art. 5.04.

(m) Information that a victim of family violence, sexual assault or human trafficking may be eligible to use a pseudonym to designate him/herself in all public files and records concerning the offense (Tex. Code of Crim. Pro. art. 57.02;Tex. Code of Crim. Pro. art. 57B.02; Tex. Code of Crim. Pro. art. 57D.02).

(n) Information that a victim of family violence or sexual assault may be eligible to participate in the Texas Address Confidentiality Program (ACP) administered by the OAG (Tex. Code of Crim. Pro. art. 56.82).

(o) A clear explanation of relevant court orders and how they can be obtained (Tex. Family Code § 82.002; Tex. Code of Crim. Pro. art. 7A.01).

(p) Reassurance that any property seized as evidence by the Department will be promptly returned when it is no longer needed for evidentiary purposes (Tex. Code of Crim. Pro. art. 56.02).

(q) The following statement, You may call the Aransas Pass Police Department for the status of the case and information about victims' rights (Tex. Code of Crim. Pro. art. 56.07).

600.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Volunteer Program

604.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

604.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

604.2 VOLUNTEER MANAGEMENT

604.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be each division head that employs volunteers. Each volunteer coordinator shall answer to the Chief of Police. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator or authorized designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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604.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

604.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Texas Department of Public Safety.

(b) Employment

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

604.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the Policy Manual and may be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

604.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position, and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

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Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer, that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

604.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

604.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress that is consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty. However, volunteers may choose to wear the uniform while in transit to or from official department assignments or functions, provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

604.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer, and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

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(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

604.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

As a condition of volunteer employment, each volunteer is prohibited from disclosing confidential information to unauthorized sources by any means. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

604.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

604.5.1 VEHICLE USE

Volunteers shall not drive any City owned department vehicles.

604.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete Texas Criminal Justice Information System (CJIS) and radio procedures training prior to using the police radio or MDT, and will comply with all related provisions. The Volunteer Coordinator should ensure that radio and CJIS training is provided for volunteers whenever necessary.

604.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

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604.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

604.7 EVALUATION

An evaluation of the overall volunteer program may be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations may be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Emergency Utility Service

606.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

606.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by Dispatch.

606.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

606.1.3 RESERVOIRS, PUMPS AND WELLS

The Public Works Department maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

606.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

606.2 TRAFFIC SIGNAL MAINTENANCE

The City of Aransas Pass contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the Texas Department of Transportation (TXDOT).

606.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Limited English Proficiency Services

608.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d).

608.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communication in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence. 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 purpose for which their language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (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 (e.g., reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

608.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice LEP *Guidance to Federal Financial Assistance Recipients*, available at the U.S. DOJ website, http://www.usdoj.gov, to determine which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone.

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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:

(a) 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.

(b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

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 its personnel.

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.

608.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department 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 that language.

608.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this 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. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

608.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions. All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

608.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and the most critical forms and guidelines, and will translate these documents into the languages most likely to be

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requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

608.3.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

608.3.4 TELEPHONE INTERPRETER SERVICES

The Shift Commander and the Dispatch Supervisor will maintain a list of qualified interpreter services. These services shall be available with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

608.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual department personnel or other City-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 (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university language 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. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended. Department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the DOJ Final Guidance available at the USDOJ website, http://www/usdoj.gov).

608.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

608.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

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608.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call taker receives a call and determines that the caller is an LEP individual the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the call taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Aransas Pass Police Department will take reasonable steps and will work with the Personnel Department to hire and develop in-house language capacity in Dispatch by hiring qualified personnel with specific language skills.

608.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

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.

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 an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

608.4.4 INVESTIGATIVE INTERVIEWS

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 chance 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. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

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 allow 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.

608.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

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 interrogation may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation

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services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communication with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

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 an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an 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.

608.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The 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 Department shall attempt to communicate its response in an accessible manner.

608.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to programs and services to LEP individuals and groups.

608.5 TRAINING

In an effort to ensure that all personnel in public contact positions, or having contact with those in custody, are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

608.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

(a) Listing of department bilingual employees, languages spoken, contact and shift information.

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(b) Listing of department-certified interpretation services bilingual interpreters, languages spoken, contact and availability information.

(c) Phone number and access code of telephonic interpretation services.

(d) Language identification card.

(e) Translated *Miranda* warning cards and other frequently used translated documents.

(f) Any audio recordings/warnings that are developed in non-English languages.

608.7 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

608.7.1 LEP COORDINATOR

The Dispatch Supervisor shall serve as the LEP Coordinator who is responsible for coordinating and implementing all aspects of the Aransas Pass Police Department LEP services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data and consult with community-based organizations annually to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Aransas Pass Police Department to assess whether they should be considered vital documents and be translated.

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Communications

612.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its mission.

612.1.1 FCC COMPLIANCE

Aransas Pass Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

612.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 9-1-1 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between Dispatch and officers.

612.2.1 SECURITY

- To maintain security Dispatch will remain locked at all times. Only authorized members of the Aransas Pass Police Department will be permitted into Dispatch.
- Communication personnel will insure that confidential information located on terminals and printed material are not in view of unauthorized persons.
- Communication personnel will not allow unauthorized persons access to the police facility. A breach of security will be immediately reported to the on-duty patrol supervisor and recorded in the Computer Aided Dispatch System.
- All communication personnel will be issued Department Identification Cards.

612.2.2 COMMUNICATIONS LOG

It shall be the responsibility of Dispatch to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and to assist in anticipating conditions that may be encountered at the scene.

612.2.3 OBTAINING LOCATION INFORMATION

If a call is disconnected or is incomplete it is the responsibility of Communications Officer to dispatch a unit to the location given or contact the agency having jurisdiction. If the location is not given it is the responsibility of the Communications Officer to use all resources available to locate the complainant or the incident location.

612.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and fellow officers know the status of officers, their locations and the nature of cases.

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612.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

612.4 TELECOMMUNICATOR TRAINING

All personnel hired as telecommunicators shall be trained as necessary in the operation of the communications equipment and in department operations. All telecommunicators are required to complete the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) Basic Telecommunicator and Crisis Communications courses within one year of assignment (Tex. Occ. Code § 1701.405; Tex. Occ. Code § 1701.352).

612.4.1 DEPARTMENT FIELD TRAINING

- The intent of the training program is to familiarize the trainee with the City of Aransas Pass; its Police Department, Fire Department, Emergency Medical Service, and Communications Division.
- The initial training program will consist of 3-6 weeks of training for persons with experience and 6-8 weeks for persons with no experience in the field.
- The training officer will:
  - Maintain a log of all activities demonstrated and preformed for the duration of the shift.
  - Administer a test on the last day of every work week, as a commutative review of all material covered.
  - Evaluate the trainee on the last day of every work week.
  - The training officer will review the evaluation with the trainee.
  - The trainee will receive a copy of the evaluation and the original evaluation form will be forwarded to the Communications Supervisor.
  - If the trainee has any concerns about the evaluations they are urged to contact the Communications Supervisor, and he/she will review the issue.
  - On the last week of the initial training period the Communications Supervisor will evaluate the trainee on job performance and general knowledge. If the trainee passes all objectives he/she will be released to his/her own shift.
  - If it is established that there is a need for Remedial Training, it will be the responsibility of the Communications Supervisor, with the help from the training officer, to establish a Remedial Training Schedule. After the completion of the Remedial Training Schedule, the Communications Supervisor will conduct another evaluation.
  - If the trainee passes all objectives he/she will be released to their own shift.
  - If the trainee does not pass all objectives, the Communications Supervisor will meet with the trainee for a review of training, and all information will be forwarded to the Chief and Assistant Chief of Police for review.

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612.4.2 NIMS TRAINING

Each TCO is required to pass the NIMS 100, NIMS 700, NIMS 200 and NIMS 800 courses before they are released from the initial training program.

612.4.3 REQUESTS FOR TRAINING

Each Communications Officer will submit a request to the Communications Supervisor for any course they are wishing to attend. The Communications Supervisor will keep a copy of all certificates in the Communications Officers file, but it is the Communications Officers responsibility to keep up with all training hours and verify their accuracy.

612.5 COMMUNICATION PROFESSIONALISM

Communications Officers will maintain a presentable attitude at all times, on the phone, on the radio, and in person.

612.6 ADDITIONAL DUTIES

Communications Officers will have additional duties within the Police Department assigned by shifts. These duties' will be assigned by the Senior Communications Officer and will be distributed by email. Additional duties may be assigned to one or all Communications Officers if the need arises.

612.7 CALLS FOR SERVICE

- A call for service may originate either by telephone, radio, or in person. All calls will be answered promptly, courteously and professionally. The call for assistance may originate either internally, such as an officer or other city department, or externally by a citizen or other governmental entity. Although it is preferred that a complainant provide identification it is not mandatory and we will investigate anonymous complaints within the scope of our authority and jurisdiction.
- Communications personnel will ensure they obtain adequate information to accurately determine the nature of the call, the appropriate persons or agency to notify, and enough information to reasonably ensure officer safety and/or suspect apprehension. This becomes extremely important when crimes are in progress.
  - In progress calls will not be terminated until emergency personnel arrive on scene. If an in progress call is disconnected the Communication Officer will use all possible means to attempt to reconnect the call.
  - Not in progress calls will not be terminated until all necessary information have been received from the caller.
- Communications personnel will ensure ALL calls are entered into the Computer Aided Dispatch System (or equivalent).
  - Communications Officers must attempt to obtain the following information;
    - Name, address, and phone number of the caller
    - Suspect information (including descriptions)
    - Weapons (if applicable)
    - Location of incident
  - All the following information MUST be documented in the CAD system;
    - The date and time of the request
    - Type of incident reported

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  - Identification of all personnel that responded
  - Time of dispatch
  - Time of arrival for each officer, EMT, and/or fire unit
  - Time of each officer, EMT, and/or fire unit back in service
  - Disposition or status of incident

- Communications personnel will contact and coordinate activities between the Aransas Pass Police Department, Tri-County EMS, Aransas Pass Fire Department and all other agencies that may have communications with the Communications Division or with any of the agencies they provide direct service to.
- For all calls where a complainant requests to speak with an officer, an officer will be dispatched.
- Communication personnel shall not give legal opinions or advice. Questions concerning laws shall be referred to an officer.
- Communications personnel will advise the on-duty Patrol Supervisor when calls are holding.
- When calls are received simultaneously, the Communication Officer will prioritize calls and dispatch the most severe of the calls holding first. At all times, calls which are life-threatening or imply threat to human life will be handled as a top priority call.
- If there is any delay in dispatch time, or a delay in officer response time the Communications Officer will notate this in the CAD system.
- When possible and time permits Communications Personnel will advise a caller if there will be an extended delay in response, or telephone a complainant back to advise them of an unexpected delay.
- Communication personnel will monitor all calls placed on hold. Persons calling 911 will never be placed in hold prior to determining the nature of the emergency. Callers who are placed on hold will be attended to as promptly as possible. Callers should not be placed on hold for extended periods of time, waiting to speak with a particular individual, but rather a message should be taken or transferred to voice mail (if applicable) so the call can be returned.
- Whenever a request for Police, Fire, or Ambulance service is taken and dispatched, and the caller later request that the responding units be canceled, the dispatcher will NOT cancel the responding units, only advise them of the caller's request to disregard.

612.7.1 SPECIAL CALLS FOR SERVICE

- Medical Emergencies
  - Communications primary duty is to get appropriate medical personnel en-route immediately to a location in response to a medical emergency. Depending on the nature of the call, the dispatcher may need to dispatch appropriate personnel prior to obtaining all the needed information. Dispatch personnel will not give medical advice to a caller in ANY situation.
  - When all EMS units are busy and Mutual Aid is needed the Communications Officer will call Aransas County EMS for calls in Aransas Pass, Guardian (Portland EMS) for calls in Ingleside or Gregory, and Taft EMS for calls at Trade Winds, unless advised otherwise by medical personnel.
  - When one EMS unit is busy with a transport from Care Regional Medical Center, the second Ambulance cannot be paged for another transfer from Care

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Regional Medical Center until the First Ambulance has advised that they are back en-route to the city.

- If a complainant request EMS to run Code 1, the primary EMT will be advised, but it is at the Medics discretion.
- If EMS units are paged for a stand-by for a situation that might be hazardous or life-threatening, (Ex. Suicidal Sub with a Gun), they will be paged for Level 1 or Level 2 staging.
- Patrol Units will be advised of all EMS traffic within the city, and be dispatched to any EMS call that involves a subject that may have behavior problems and all overdoses.
- Dispatchers and Patrol Officers will not cancel EMS or Fire once they have been paged.

- Medical Alarm Calls
  - EMS will be paged for all medical alarm calls.
  - Patrol Officers will be dispatched to all medical alarm calls after EMS has been paged.

- Air Ambulance Transports
  - If a First Responder is requesting a air ambulance transport while on a call contact either:
    - Halo Flight 1-800-776-4256
    - PHI 1-877-435-9744 (only if specifically request by an EMT)
  - If an air ambulance service will be landing in the city for any reason, Fire Department will be paged to set up a landing zone.
  - If an Air Ambulance Transport Agency is being paged to another city's fire jurisdiction, that agency will be notified and the Telecommunications Officer will request their fire department be paged to set up a Landing Zone.
  - The Communications Officer will document all times in the Computer Aided Dispatch System (or equivalent) including, but not limited to;
    - Time of request for Air Ambulance transport
    - Time Air Ambulance Transport company notified
    - Time Fire Department notified
    - ETA times given
    - Time of landing
    - Time of launch with the patient.

- Fire Calls
  - Communications primary duty is to get appropriate fire personnel en-route immediately to a location. Depending on the nature of the call, the dispatcher may need to dispatch appropriate personnel prior to obtaining all the needed information.
  - All fire calls will be paged over the VHF paging system. Calls will not be given to the Fire Department via the telephone unless it consists of confidential information.
  - Police personnel will be notified of all fire traffic and the location.

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  - Emergency Medical Services will be contacted for stand-by on all structure fires, hazmat incidents, large brush fires, and anytime requested by Fire Department.
  - Fire Department will be paged to all major Motor Vehicle Crashes.
  - The Following fire departments will be used for mutual aid unless otherwise specified by Fire Department personnel
    - North IRA - Rockport FD
    - South IRA - Ingleside FD
    - West of the city limits - Gregory FD
  - On all Major Structure Fires with Flames Showing, the Communications Officer will automatically request a mutual aid for assistance.

- Fire Alarm Calls
  - The Fire Department will be paged for all fire alarm calls.
  - Patrol Officers will be dispatched to all fire alarm calls once the Fire Department has been paged.
- Smoke Report
  - Fire Department will be paged for all reports of smoke.
  - Patrol Officers will be dispatched to all Smoke Report calls once the Fire Department has been paged.
- Gas Leak
  - Fire Department will be paged for all gas leak calls and smell of gas calls.
  - Center Point Energy will be contacted immediately once fire units are paged.
- Power Lines Down/ Damaged
  - Fire Department will be paged for all power lines down or damaged.
  - Patrol units will also be dispatched for all power lines down once the Fire Department is paged.
  - AEP will be contacted immediately after Fire Department and Police Department have been notified.
- Hazmat Calls
  - For all Hazmat Incidences, it is the responsibility of the Communications Officer to obtain as much information as possible from the complainant, and get the appropriate personnel en-route immediately.
  - EMS, Police, and Fire Department will be dispatched for all Hazmat Incidents. At the request of any unit, Portland Fire Department Hazmat Unit will be dispatched.
  - If the Communications Officer is able to obtain a Hazardous Material Placard number, it is the responsibility of the Communication Officer to look up all information available in CAD for that chemical and advise all responding units of all information possible.
- Control Burns
  - If a call is received in reference to a control burn that call will be transferred to the Fire Department.

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  - When the Fire Department advises Dispatch of a Control burn it is the Communication Officer's responsibility to document the location.
  - If a complainant calls reporting a fire and it matches a control burn, Fire Department will be paged to verify.

- Alarm Calls
  - Communications primary responsibility is to get police personnel en-route immediately to the location of an alarm call.
  - Residential Alarms
    - The Communications Officer will obtain the owners name with any contact information available, area and type of alarm.
  - Business Alarms
    - The Communications Officer will obtain the name of the business, contact information for the owner or a manager, along with the area and type of alarm.
    - Communications Officers will advise officer of any attempt to cancel alarm by the owner or anybody at the residence/business.
  - If somebody attempts to cancel an alarm call once it has been placed the Communication Officer will not cancel dispatched units, but only notify them of the cancellation.

- 911 Calls
  - All 911 calls should be handled as high priority calls until the Communications Officer has determined otherwise after speaking with the complainant.
  - If a call comes in on the Emergency line that is determined to be a non-emergency call, the caller will be given the non-emergency phone number and the call will be disconnected.
  - 911 calls will be answered with the following greeting "Aransas Pass 911, what is the Location of your Emergency"

- 911 Hang-up
  - Patrol Officers will be dispatched immediately to all 911 hang up's. Communication Officers will attempt call-back at least twice. If contact is made on call-back the Communications Officer will retrieve as much information from the person that answers as possible, including name and what the situation is.
  - If contact is made, officers must still be dispatched to verify status.

- Animal Control Calls
  - All animal control calls will be documented in the CAD system (or equivalent) and should all be referred to Animal Control.
  - If the animal control call is in reference to a vicious animal, an animal bites a human or a loose animal at a school; police officers will be dispatched.

- Water Department Calls
  - All water Department calls will be referred to Water Department on call personnel, and all calls will be documented in the CAD system (or Equivalent)

- Found Property

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  - All found Property that is brought into the Police Department must be given to an officer to inventory.

- Stolen Vehicles
  - Officers will be dispatched to all stolen vehicle calls. Vehicles will not be entered by the Communications Officer until the officer has taken the initial report. Once the initial report is taken the vehicle must be entered TCIC and Reg 3 administration message sent unless expressly advised not to by the reporting officer or his/her supervisor.

- Missing Persons
  - Officers will be dispatched to all missing person calls. Once the initial report is taken the person must be entered TCIC and/or NCIC and Reg 3 administration message sent within 2 hours unless expressly advised not to by the reporting officer or his/her supervisor.
  - If a person is not entered, or not entered within the appropriate time restraints documentation must be made on the CAD Call Sheet and all information forwarded to a communication supervisor.

- Repossessions
  - Repossession paperwork is to be brought to the Police Department by the Repossessions Company before the repossession is attempted. When paperwork is brought in the information is to entered into CAD (or equivalent), and the paperwork filed.

- Officers Requesting Assistance
  - If an Officer is requesting assistance it is the responsibility of the Communications Officer to get adequate back-up for that officer as soon as possible. This can be from other Officers employed by the City of Aransas Pass or Officer from a neighboring jurisdiction.

- Death Calls
  - Attended Death
    - Obtain all necessary information and notify the JP. (Attended deaths are deaths where the subject is under the direct care of another. Such as at a nursing home or under hospice care).
  - Unattended Death
    - Obtain as much information as possible and due to the sensitive nature of these calls remain patient and tactful with the caller at all times.
    - Dispatch the proper resources
    - Be tactful and not too descriptive when dispatching this type of call.
    - Until medical personal advise otherwise assume that the patient can still be helped
    - Fire and EMS will not be canceled en-route by Dispatch or Patrol.

612.8 COMMUNICATION SYSTEMS

All Communications Officers are responsible for logging in and out of all computer systems when they go on and off duty. Each Communications Officer will be responsible for all

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actions done on all programs under their user name; this includes but is not limited to Windows, CAD, RMS, OMNIXX, InCode, E-911, Mapstar, and Instant Retrieval.

- Recorder
  - Communications personnel will be familiar with the operation of the recorder system and ensure its continuous operation.
  - It is the duty of the Communication Supervisor to review calls on a periodic and random basis or when a problem arises.
- TDD
  - Communication personnel will be familiar with the operation of the TDD/TTY System.
- Phones
  - Personal use of Department phones is only allowed for emergency situations.
  - All calls on the administrative lines will be answered with the following Greeting: "Aransas Pass Police Department"
  - If anyone calls requesting to speak with someone that is not in the office, it is the Communication Officer's responsibility to take a message and email that message to the corresponding person.
  - Paper messages will not be used unless the departments email system is not functioning.
- 911 Equipment
  - Communications personnel will be familiar with the operation of the 911 system and insure it is operating properly.
  - It is the duty of the Communications Supervisor to maintain the 911 system.
  - If there is a problem with the 911 system the Communications Officer will;
    - Flip the make busy switch
    - Notify Portland PD that our 911 system is down and all calls will be transferred to them
    - Contact the Communications Supervisor as soon as possible.
  - When calls are received through the Emergency Line that are not in our jurisdiction the Communications Officer will;
    - Transfer the call to the agency having jurisdiction if the call is in progress or
    - Take all the necessary information for the call and contact the agency having jurisdiction if the call is not in progress
- Radio System
  - Communication personnel will be familiar with the operation of the radio system including but not limited to 800 MHz radio, VHF radio system, Fire and EMS paging, and back up systems.
  - When there is an unidentified radio transmission, it is the duty of the Communications Officer to identify the transmission by having the unit repeat their transmission.
    - EMS Radio (KNHA873)

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  - All communications personnel will be familiar with the operation of the EMS VHF Radio, along with paging system.
  - In the event of this radio system going down all units will be advised to switch to the VHF Fire channel for operations.
  - The Communications Supervisor and Tri-County Executive Director (Medic 1) will be contacted immediately.

- Fire Radio (WNPQ687)
  - All communications personnel will be familiar with the operation of the Fire VHF Radio, along with paging system.
    - Single Page - Will be for all On-Duty Firefighters
    - Double Page - Will page all Volunteers.
      - This will only be done on Structure Fires, Vehicle Fires, and Brush Fires, or at the request of any paid member of the Department.
  - In the event of this radio system going down all units will be advised to switch to the VHF EMS Radio for operations.
  - The Communications Supervisor and the Fire Chief (301) will be contacted immediately.

- Police 800 mHz radio
  - All communications personnel will be familiar with the operation of the Police 800 mHz Radio, the multiple channels, scanning, and the emergency tone operations.
  - In the event of this radio system going down all units will be advised to switch to the VHF EMS Radio for operations.
  - If both systems are down units will be advised to switch to the VHF Fire channel for all operations.
  - In the event that all previous channels are down units can switch to Texas Law 1 for operations.
  - The Communications Supervisor must be contacted immediately if this radio system goes down.

- Back-up Radio
  - All communications personnel will be familiar with the operation of the Back-up VHF Radio, along with paging system for both Fire and EMS
  - Back-up radio will remain scanning Texas Law 1 (Car to Car) and Texas Law 2 (Intercity), except in emergency use situations. Any time this Radio is taken off Texas law 1 and Texas Law 2, the Communications Supervisor must be notified immediately.

- PSAP Radio
- The PSAP Radio is used for Emergency 911 use only. This is only to be used if the 911 system is down and we need to contact another PSAP.

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  - This radio will remain on at all times. If this radio has to be turned off for any reason the Communications Supervisor and San Patricio County will be contacted immediately.

- CAD (Computer Aided Dispatch)
  - Communications personnel will be familiar with the entire user side of the CAD (Computer Aided Dispatch) system. Senior Communications Officers will also be required to have extensive knowledge of the Administrative side of the CAD System.
  - All calls will be entered into the CAD System. This included Water Department, Street Department, Animal Control, and Calls that are taken care of by Dispatch. If a call is not dispatched and taken care of by the Dispatcher the call will be entered and it will be noted what the caller was calling for and the Dispatcher that took care of the call.
  - Subject Data
    - It is the responsibility of the TCO to enter the subjects first and last name, along with date of birth for every person run.
  - Vehicle Data
    - It is the responsibility of the Communications Officer to enter the vehicle license plate and/or VIN number for all Vehicles run.
  - In the event that any part of CAD fails or become non-functional, the on-duty patrol supervisor and the Communications Supervisor will be notified immediately.

612.9 NCIC / TCIC

This policy is to provide directives to ensure compliance with established State and Federal guidelines and laws relating to the use of criminal justice information systems. Such compliance is necessary to ensure continued availability and access to information which is contained within the various systems.

- The department's participation in the TCIC/NCIC system is conditional upon our adherence to policy as set out in the NCIC Operating Manual and applied through these guidelines. We are subject to audit by the DPS and/or FBI on a Tri-annual basis for compliance to all TCIC/NCIC policies.
- Non-Criminal Justice Personnel and agencies shall not be permitted access to any information received from a Criminal Justice Information System. Non-Criminal Justice personnel and agencies, such as other city departments, city officials, school districts, day-care centers, tax offices, insurance companies, trucking firms, etc., and the general public can obtain information through established manual procedures outlined in Appendix 4 of the TLETS/NLETS Operating Manual.
- All problems or questions related to TCIC/NCIC will be forwarded to the Terminal Agency Coordinator (TAC) for resolution.
- All printed TLETS/NLETS information will be shredded before being disposed.
- APB
  - All APB messages will be reviewed by the on-duty Communications Officer. If he/she deems it necessary it will be broad casted to all on duty officers.

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  - All DPS APB summary messages will be printed and filed by the on-duty Communications Officer for review by the Communications Supervisor.

- Hit Confirmation
  - The on duty Communications Officer will be especially careful to ensure that the person or property in custody is the same as the person or property in the report or warrant, regardless of whether the on duty operator is requesting the confirmation themselves or replying to another agency's request or confirmation on one of our department's records.
    - During Hit Confirmation, whether the on duty operator is requesting it from another agency or providing it to another agency, the operator must accomplish the following.
      - Ensure that the person or property inquired upon is identical to the person or property identified in the record.
      - Ensure that the warrant or report is still out-standing.
      - Obtain a decision regarding extradition of the wanted person and/or the recovering of property.
  - When our Department is asked for confirmation on our department records:
    - The Communications Officer on duty will reply to all requests for hit confirmation within the time limit specified in the request. If he/she is unable to provide the positive or negative confirmation within that time, he/she will immediately send a message to the requesting agency giving them a specific amount of time needed to confirm or deny the request.
    - The on duty Communications Officer will confirm all hits by reviewing the original case report or warrant.
    - A supervisor may be contacted to verify extradition of wanted persons if needed.
    - If a second or third request is sent to this agency for any reason the on duty operator will contact the TAC immediately.
    - When another agency arrests a subject on our warrant, the warrant along with a cover sheet (stating where the subject is being held) will be faxed to the county that the warrant was issued for. A copy of the warrant along with the fax cover sheet will be placed on the TTY clipboard. The TCO can still forward the YR to the county if they wish but the fax must also be completed.
  - When our Department is asking another Agency for confirmation of one of their records
    - Notify Officer of the hit and determine from the officer if the confirmation is being requested. If the officer instructs the on duty operator to confirm the hit, then the operator will send a hit confirmation request to the entering agency.
    - The officer must request the operator to confirm the warrant before the request is sent.
    - The inquiring agency is responsible for determining the priority of the request (urgent or routine).
    - An urgent priority request should be used when a substantive response is needed within 10 minutes.

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  - A routine priority request should be used when a substantive response is needed within one hour.
  - If within the time limit specified in the first request, the entering agency does not provide positive confirmation, negative confirmation, or the specific amount of time they need to confirm or deny, the operator will attempt to contact the agency by phone for a verbal confirmation. If verbal confirmation is received it must be followed with a written confirmation as usual. If unable to reach agency by phone, send another message requesting confirmation to the entering agency. The operator will enter the number two (2) in the request number field.
  - If within the time specified in the second request, the agency does not provide the confirmation, the operator will send a message to the entering agency. The operator will enter the number three (3) in the request number field.

- Record Entry
  - Property
    - Records will be entered by the on duty Communications Officer only when a valid report is on file and all other NCIC entry criteria is met.
    - The record will be entered by the on duty operator as soon as possible after the appropriate information has been received, not to exceed 3 days, unless proper documentation is available supporting the delayed entry.
    - After items are entered into NCIC, all paperwork will be filed, for easy access, and a copy forwarded to the TAC for review.
  - Wanted Person
    - Records will be entered, by the on duty Communications Officer only when a valid warrant, protective order of missing person report is on file and all other NCIC entry criteria is met.
    - The record will be entered by the on duty operator as soon as possible after the warrant, has been received, not to exceed 3 days, unless proper documentation is available supporting the delayed entry.
    - After a person has been entered TCIC (or NCIC) the warrant will be filed in the CID warrant box, and the file given back to CID, and a copy of all information will be forwarded to the TAC for review.
  - Missing Person
    - Records will be entered, by the on duty Communications Officer only when a valid warrant, protective order of missing person report is on file and all other NCIC entry criteria is met.
    - The record will be entered by the on duty operator as soon as possible after the missing person/runaway report has been received, not to exceed 2 hours, unless proper documentation is available supporting the delayed entry
    - After the person has been entered TCIC (or NCIC) the report will be filed, and a copy of all information will be forwarded to the TAC for review.
- Records Cancellation and Clear
  - It is the officer's responsibility to;

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  - Notify the communications division as soon as possible when information becomes available indicating that a theft report or warrant is invalid.
  - Notify the communications division as soon as possible when the property of a theft report is recovered, a warrant is served, recalled, or in any other manner becomes inactive.
- It is the Communication Officers responsibility to:
  - Remove records from file as soon as possible after being notified by an officer that the case has been cleared or that the record is invalid.
  - Forward the hard copy of the teletype return showing the cancel or clear to CID along with the case folder. A Copy of the hit and the clear or cancel message will be forwarded to the Terminal Agency Coordinator for review.
  - After the record is cleared, run the record under "Administrative" to verify that the record was cleared from the system(s).

- Record Locate
  - After we have received hit confirmation from an agency on one of their records for a person or property that we have in custody, the communications operator will place a locate on that record, if it has not been cleared by the entering agency.
- Criminal History
  - Criminal history information is confidential and certain restrictions apply to the purposes for which it can be requested, and how it can be disseminated.
  - Any person running Criminal History Information for non-authorized purposes are subject to immediate disciplinary action, termination, and/or prosecution.
  - Who can request Criminal History information;
    - Within the department, only commissioned officers and other authorized persons can request criminal history checks. These requests can be made through appropriate personnel.
    - Requests from outside the department will be honored only when the requester can be verified as an authorized person as indicated in PART 10 of the TLETS/NLETS Operating Manual, "Who May Access Criminal History Data."
  - Purposes for which CCH can be requested:
    - Must be criminal justice investigation or investigation of background of a criminal justice applicant (applicant at the police department, sheriff's office, or other criminal justice agency–not at a noncriminal justice city or county office). It cannot be requested by anyone regardless of rank or status for any other purpose. The telecommunications operator will report to his/her supervisor any CCH inquiries that he/she knows are for unauthorized purposes.
    - It is also permissible to run a CCH on an individual to whom a weapon will be returned. The appropriate purpose code for this inquiry is PUR/F.
    - CCHs must also be run prior to entry of warrants, missing persons and protective order records. Per NCIC Operating Manual (page 2 of introduction), all records must be kept accurate and up to date with all

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available information. In keeping with NCIC policy, CCHs must also be run when these records are validated each year.

- Logging of CCH inquiries:
  - Requesters must be properly identified in the "REQ" field and/or the "ATN" field.
  - The Communications Officers will use the title along with the first and last name of the Requester.
  - The person running the Criminal History will log their Title, First, and Last name in the OPR field on every Criminal History ran.
- Dissemination of CCH information
  - The Criminal history information obtained over the teletype will be given only to the person in the REQ or ATN fields. It can be passed to that person through an appropriate support person.(For further information on Dissemination see TCIC/NCIC Operating Manuals)
- Broadcasting of CCH information:
  - Criminal history data may be transmitted over any electronic device when an officer determines there is an immediate need for this information to further an investigation or there is a situation affecting the safety of an officer or the general public.
  - We will not indicate over the radio whether or not a subject has a criminal history in situations where the officer has not determined a need for the record information.
  - We will check for criminal history on all alias names, dates of birth, and identifying numbers that come to our attention for each subject. The responses that we receive over the teletype are possible identifications only; we will have to submit fingerprints to DPS to obtain positive identification.

- Policy Violations
  - Department personnel violating TLETS/NLETS, TCIC/NCIC policies are subject to administrative and/or criminal sanctions based upon the severity of the misuse. Violations will be handled on a case by case basis by the agency administrator and may lead to the following action(s):
    - written or verbal counseling
    - written or verbal reprimand
    - suspension, termination, or
    - Prosecution under Government Code 411.085.
- Quality Control Messages
  - DPS and FBI will send quality control messages when they find errors in agencies' records.
  - The communications operator on duty at the time that any of these messages is received will resolve the problem at the time if possible, forwarding the messages and corrections to the communications supervisor. If the operator cannot resolve the problem, he/she will send a message to DPS advising that we are looking into the problem, and notify the supervisor of the problem.

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  - If our records show us to be correct, the communications operator will notify DPS that our records show the entry to be valid, and forward all messages to the supervisor.

- Messages from FBI/NCIC
  - Error messages from FBI will have a $.E. at the top of the message. The record will already have been canceled by FBI/NCIC. The communications operator on duty at the time will try to resolve the serious error and re-enter the record if possible, passing all information to the Communications Supervisor. If the communications operator cannot resolve the problem, he/she will notify the TAC of the $.E. message and it will be his/her responsibility to correct the issue.

- Validations
  - Validation requires the ORI to confirm the record is complete, accurate, and still outstanding or active.
  - Validation is accomplished by reviewing the original entry and current supporting documents, and by recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files or other appropriate sources or individual.
  - In the event the ORI is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file.
  - Copies of the Validations letters must be on file for review during TCIC/NCIC audits.

- Stored/Abandoned Vehicle File
- All vehicles that are towed without the knowledge of the registered owner will be entered as Stored / Abandoned Vehicles in TCIC.

612.10 PAPERWORK

All necessary paper work will be completed, sorted and placed in the proper locations By the on duty Communication Officer. That TCO will make every effort to complete this paperwork by the end of their shift. If the TCO is unable to complete the paperwork by the end of their shift, the following shift will be briefed on the paperwork and the paperwork will be passed to them. Communication Officers will not work overtime for the purpose of completing paperwork without the consent of the Communication Supervisor or the Senior Communication Officer.

- Payment of Fines
  - Class "C" Charges
    - If the person is arrested on a class "C" violation that is listed on the Violation list, they are able to pay that amount and get released.
      - It is the responsibility of the Communications Officer to receive the payment in the form of a Money Order, or Security Bond and secure them in the Court Money Box.
      - The Communications Officer will also generate a Cash Bond including Court date and time.
      - Straight Wx

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        - If the person is arrested on a Class "C" Straight Wx they are able to pay the amount listed on the Wx and be released.
        - It is the responsibility of the Communications Officer to receive the payment in the form of a Money Order, or Security Bond and secure them in the Court Money Box.
        - The Communications Officer will also generate a Cash Bond including Court date and time.
    - CPF Wx
        - If the person is arrested for a CPF Wx, they are unable to bond out but they are able to pay the full amount in the form of a Money Order only.
        - The Communications Officer will secure the Money Order in the Court Money Box, and write a receipt to the person making the payment.

- Booking Sheets
    - It is the responsibility of the Communications Officer to review the booking sheet and add the Offense Codes, San Pat County Codes (if applicable), and booking number to the booking sheet.
    - Communications Officers will not make any other changes to the booking sheet, however if they notice anything incorrect or not complete, they will advise the arresting officer to correct the problem.
- 95 Cards
    - It is the responsibility of the Communications Officer to check previous 95 cards and RMS to see if the person in question has ever been arrested by this agency.
        - If they have been arrested by this agency before, add the current charge(s) to the back of the 95 card.
        - If new, complete the front and back of a new card, and add all the appropriate information to the Mug and Print book.
- PR Bonds
    - It is the responsibility of the Communications Officer to generate a PR Bond any time one is requested by the Magistrate and/or Court personnel.
- Repossession
    - It is the responsibility of the Communications Officer to receive all the appropriate repossession paperwork, enter the information as a new call in the CAD system (or equivalent), and file the paperwork in the appropriate file.
- Pawn Tickets
    - Pawn Tickets will be run on the shift they were brought in. It is the responsibility of the on-duty Communications Officer to insure the appropriate paperwork is completed by the pawn shops when they bring in the Pawn Tickets, and to sign off that they received and ran the tickets. Once the have been ran they, tickets with no hits will be shredded and tickets with hit will be forward to CID.
- CID Warrant List

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- When a wanted subject is located or entered it will be updated on the CID List and a new list will be printed and posted by the end of your shift.

612.11 JURISDICTION

All Communications Officers will be familiar with jurisdiction of the Aransas Pass Police Department, Aransas Pass Fire Department, Tri-County EMS, along with area department's jurisdiction, including San Patricio County, Aransas County, and Ingleside.

612.12 RADIO COMMUNICATION

Good radio communication procedures ensure officer safety, reduce response times, and improve overall department efficiency. The purpose of radio transmission formats is to establish common methods of radio use that reduce confusion and improve overall efficiency. Formats are not meant to restrict the flow of important information, but to improve and clarify radio traffic.

- The communications operator shall promptly answer all calls directed to them by units in the field.
- Dispatchers must mentally compose their transmissions before keying the mic.
- Avoid long descriptions and unnecessary repetition. Speak distinctly and pronounce words carefully.
- Radio transmissions shall be in plain language; however there are certain situations where the nationally accepted 10-codes still apply. The phonetic alphabet is also used. It is the responsibility of all communications operators to have a working knowledge of the used 10-codes and the phonetic alphabet.
- All personnel are required to maintain a highly professional radio demeanor at all times. Sarcasm, superfluous radio traffic such as "sir/ma'am", "please", "thank you", or voice inflections, which indicate irritation, disgust, or disinterest, are not permitted.
- Communications Officers will maintain contact with all field units while they are on a call. If a unit has not had a radio transmission for an extended period of time the Communications Officer will check that unit's status. If the unit does not respond another unit will be sent to check their status immediately.
- If an officer advises to "Hold Radio Traffic" dispatch will advise all units to "Hold all radio traffic." Any further traffic will be done via phone, EMS radio frequency, or other communication devise.
- All personnel using the police radio will adhere to the following transmission formats except when extraordinary circumstances require otherwise.
  - General Communications
    - Dispatch Calling Unit;
      - (Communications): Unit #
      - (Officer): Repeat Unit #
      - (Communication): Further info to Officer
    - Unit Calling Dispatch
      - (Officer): Unit #
      - (Communications): Repeat Unit #
      - (Officer): Further info to Dispatch
  - Calls for Service:

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- Code 1 Calls For Service - Once the Communications officer has received a call, deemed to be a code 1 call, the Communications Officer will obtain all needed information and dispatch the call as follows:
  - (Communications): Unit # (of assigned unit, may be more than one unit)
  - (Officer(s)): Go-ahead
  - (Communications): Address, Complaint, any Misc. Info (the 5 "W's")
  - (Officer(s)): 10-4
- Code 3 Calls for Service - Once the Communication Officer receives a call deemed to be a code 3 Call, and feels they have enough information to dispatch the call, the Communications Officer will dispatch the call as follows, then obtain further information from the caller:
  - (Communications): Need Units en-route, Address, Complaint.
  - (Officers):10-4
  - (Communications): All further necessary information (the 5 "W's")

- Officer-Initiated Events - Officers are to use the following format when reporting an activity or making a request. Officers are to broadcast requests in clear, moderately-paced words and phrases. Officers will refrain for using Rapid-fire transmissions due to a high probability or a recording error.
  - Traffic Stop
    - (Officer): Unit #, Traffic
    - (Communications): Repeat Unit #
    - (Officer): Location, Vehicle License Plate, Description of Vehicle and any other necessary information
    - (Communications): 10-4, repeat location
    - (Officer): Unit #, 10-27
    - (Communication): Unit Number
    - (Officer): DL Number, DL Number - DL numbers will be given twice to insure there is not a miscommunication.
    - Communications will not give the 10-28 return back to the Officer until after a 10-27 is ran or when requested by officer:
  - General Officer Initiated Stop
    - (Officer): Unit #,
    - (Communications): Repeat Unit #
    - (Officer): Location, Subject/Vehicle Description, any further necessary information
    - (Communications): 10-4
- License Plate Returns
  - Once Communications is given the 10-28 request, the Communications Officer is responsible for running both the 10-28 and 10-29 on the vehicle. Once the information has returned from TCIC and NCIC the Communications Officer is responsible for giving the following information back in the following format:

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    - (Communications): Unit #
    - (Officer): Go-ahead
    - (Communications): Expiration Date, Year, Make, Model, Registered Owner, City of Registration, 10-29 Return
    - (Officer): 10-4
  - Drivers License and License Plate returns may be given to the officer in one transmission
- Drivers License Returns
  - Once Communications is given the 10-27 request, the Communications Officer is responsible for running both the 10-27 and 10-29 on the subject.
  - Once the information has returned from the state and national computer systems the Communications Officer is responsible for giving the following information back to the officer in the following order:
    - (Communications): Unit ID
    - (Officer): Go-ahead
    - (Communications): Subject Name, Race, Sex, City of Residence, Current Status, 10-29 Information (State, National, Local, and any other city requested)
    - (Officer): 10-4
  - Drivers License and License Plate returns may be given to the officer in one transmission
- Wanted Person Information
  - The Communications Officer is responsible for making sure that a backup unit is en-route to assist the unit out with a wanted subject.
  - Once Communications has determined that a possible hit has occurred, the following procedure shall be followed:
    - (Communications) Unit #, Secure
    - (Officer) Go-ahead
    - (Communications): (when go-ahead is given) Give back Caution Code (if applicable), Drivers License Information, Charge, where the warrant is out of, and Date of Warrant
    - (Officer): 10-4
  - Officer will advise to confirm or not to confirm
  - Once, the information has been confirmed by the officer make sure that the Hit Confirmation/Locate procedures are followed.
- Stolen Vehicle information
  - The Communications Officer is responsible for making sure that a backup unit is en-route to assist the unit out with a wanted subject.
  - Once Communications has determined that a possible hit has occurred, the following radio procedure shall be followed:
    - (Communications): Unit #, Secure

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        - (Officer) Go-ahead
        - (Communications) (After go-ahead is given) license plate number, vehicle year, vehicle make, vehicle style, vehicle color, agency reporting the vehicle stolen, and any misc. information deemed necessary.
    - Officer will advise to confirm or not to confirm
    - Once, the information has been confirmed by the officer, make sure that the Hit Confirmation/Locate procedures are followed.
- EMS Radio/Paging procedures
    - Ambulance calls can vary slightly from the normal format but should always include the location and the nature of the call. Dispatchers should attempt to narrow the broadcast to a chief complaint as much as possible.
    - It should be noted that Emergency Medical Service and Fire Service are different than the Police Department. The police use a variety of Radio Codes, while EMS and Fire Department radios should be limited to plain language.
    - EMS pages should be formatted as follows:
        - (Communications): On 800 MhZ Radio "Units stand-by for EMS Page"
        - If in the City advise units the address, if not in the city advise the Units of what City the EMS call is in.
        - (Communications): TONE "Attention __call EMS, ___ Call EMS, EMS Requested," Address, Chief Complaint,,, Address, Chief Complaint
    - General Communications
        - Dispatch Calling Medic
            - (Communications): Medic #
            - (Medic): Repeat Medic #
            - (Communication): Further info to Medic
        - Medic Calling Dispatch
            - (Medic): Medic #
            - (Communications): Repeat Medic #
            - (Medic): Further info to Dispatch
- Fire Radio/Paging Procedures
    - Fire calls can vary slightly from the normal format but should always include the location and the nature of the call.
    - It should be noted that Emergency Medical Service and Fire Service are different than the Police Department. The police use a variety of Radio Codes, while EMS and Fire Department radios should be limited to plain language.
    - General Communications
        - Dispatch Calling Fire Unit

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        - (Communications): Fire Unit #
        - (Fire Unit): Repeat Fire Unit #
        - (Communication): Further info to Fire Unit
    - Unit Calling Dispatch
        - (Fire Unit): Fire Unit #
        - (Communications): Repeat Fire Unit #
        - (Fire Unit): Further info to Dispatch
- Fire pages should be formatted as follows:
    - (Communications): On 800 MhZ Radio "Units stand-by for Fire Page," Location, What type of fire
    - (Communications): Fire Units, Stand-by for Page, Type of fire
    - (Communications): TONE "Attention Fire Department Personnel, Fire Department Personnel," report of a (Type) Fire, Location, any other pertinent information.
- Test pages.
    - There will be a daily test of the Fire Department paging system at 0800 each morning. The test page will be done as follows.
        - Fire Units stand by for Test Page
        - *Tone* Attention Fire Department Personnel, Attention Fire Department Personnel, Daily test page, Test page Only, WNPQ687, Dispatch Clear.

612.13 COMMUNICATION OFFICER RESOURCES

- Verizon 911 Trace
    - Verizon 911 trace can only be used in emergency situation and must be approved by the Communications Supervisor, an on-duty Patrol Supervisor, the Assistant Chief of Police, or the Chief of Police.
        - Verizon 911 Trace Phone # 1-800-483-0911
- 911 Cross reference:
    - All Communications officers will be familiar with the ALI/ANI look up option on the 911 screen. ALI/ANI lookup is to be used for 911 or emergency situations only.
- Language Line
    - The following guidelines will be used before contacting the Language Line
        - Communication Officers must have exhausted all other means of finding a translator.
        - The Language Line can be used for emergency calls only.
        - Language Line calls must be kept short as possible to obtain the necessary information.
        - A supervisor must be notified after this service has been used.

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612.14 DRESS CODE

All Communications Officers will abide by the department uniform standard at all times while representing the department. Any deviation from this uniform must be approved by the Communications Supervisor or the Chief of Police.

- The Communications Officer Uniform will be as follows:
  - Polo Uniform Shirt
    - Department "Dispatch" patch on the left
    - Name on the right
    - Shirt can be any supervisor approved color
  - Black pants
    - No Denim
  - Black Belt
  - Black shoes or boots
  - Hair
    - Hair will be well kept and out of the face.
- Casual Dress
  - Communication Officers are allowed substitute jeans for the black pants on Fridays or if called in to assist with prisoner searches.
- If Communication Officers are called in on short notice or to perform a special assignment they may wear personal clothing with the approval of the Communication Supervisor.
  - If the Communication Supervisor approves personal clothing. The clothing must;
    - be non offensive
    - not depict any political position
    - be the correct size. (Not overly baggie or overly tight)
  - Open toe shoes are not allowed.
- Male Communication Officers
  - Jewelry and Accessories
    - Male employees will be allowed to wear one ring per hand and one watch. Earrings, ear studs, tongue piercing or any other piercing jewelry will not be worn.
  - Facial Hair
    - Beards and mustaches are permitted but must be well kept, maintained and worn in a conservative style.
- Female Communication Officers
  - Make-up will be conservative.
  - Jewelry and Accessories

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- Female employees may wear one single ring per hand (a wedding set shall be equivalent to one ring). She may also wear one watch and one pair of earrings or ear studs (only one earring or ear stud per ear). They will be conservative. Tongue piercing jewelry or any jewelry not listed above will not be worn.

612.15 WRECKER ROTATION

- Communications dispatches wrecker companies from a wrecker rotation log. At no time will any communications employee recommend a wrecker company to any citizen.
  - The operator will be allowed to give company names and phone numbers on private citizen calls, but must provide the information for ALL wreckers on the rotation list.
- When needed by a field unit's request, the next listed wrecker company will be dispatched. It is the responsibility of the communications operator to give all available information to the wrecker company and obtain an ETA.
- The wrecker log will rotate with each vehicle that has to be towed.
- Personal request made by any field unit at the owners request will be honored. The field unit will provide the company name and the appropriate wrecker will be dispatched. Personal request wreckers will be logged, but the wrecker will not be taken off the rotation list.
- When a police vehicle is towed the wrecker company towing the vehicle will remain on the top of the rotation list.
- If the wrecker company on the top of the list can not be contacted the Communication Officer will use the next wrecker company on the list.

612.16 MISCELLANEOUS COMMUNICATION INFORMATION

- Power Outage
  - If there is a power outage and the Communications Center looses power on any of the system the Communications Supervisor will be contacted immediately.
  - If there is a power outage on the 911 Systems the "Make Busy Switch" will be changed to Portland PD and the Communications Supervisor and Portland PD will be notified immediately.
- Amber Alert
  - In the event of an Amber Alert incident, the Communications Officer will contact the Chief of Police, and CID on call immediately.
  - Once antiquate information is obtained the "Texas Department of Public Safety Amber Alert Information Form" will be faxed to DPS (512) 451-2291 as soon as possible.
  - If you have any questions about the Amber Alert Form or requirements contact DPS at (512) 424-2277 or (512) 424-2277.
- Equipment Failure
  - Anytime there is any equipment failure the Communication Supervisor will be notified immediately.
- Check Wanted Status

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  - Anytime a patrol provides subject information that subject will be checked for warrants in
    - NCIC/TCIC and the Aransas Pass Municipal Court.
    - Every prisoner will be checked for warrants when they arrive and before they leave through NCIC/TCIC and the Aransas Pass Municipal Court.

- Monitoring Prisoners
  - Communications personnel will actively monitor all adult prisoners via audio and video (where available) monitors. Should concern develop for security or a prisoner's welfare, the on-duty patrol supervisor will be notified immediately to arrange a physical inspection of the facility. Under no circumstances will communication personnel enter the cell area or booking area to check a prisoner's welfare. Any malfunction of the equipment or equipment failure will be immediately reported to the Patrol Supervisor and the Communications Supervisor.

- Loitering in Communications
  - Only person that have official business in Dispatch are allowed to enter the Communications Office. Communications personnel are responsible to inform the Communications Supervisor regarding loitering within the communications area. Communications personnel will immediately notify the on-duty Patrol Supervisor of any employee who refuses to leave after being advised of this policy.

- Use of Dispatch Terminals
  - Communications personnel will only use Dispatch Terminals and internet for official Law Enforcement purposes only. Internet may only be used for purposes other than Official Law Enforcement purposes, with prior approval from the Communications Supervisor or the Administration for reasons they deem necessary.

- Email and Calender
  - All Communication Officers will be given a department email that includes a calendar. Communication Officers are required to check their department email and calender at the beginning of each shift and are required to monitor their email throughout their shift. Because Communication officers work different shifts, email will be the primary method of communication between other Communication Officers, the Senior Communication Officer and the Communication Supervisor. All special orders and requests sent in an email are valid and must be completed. If an email has a read receipt, Communication Officers are required to respond to the read receipt when prompted.

612.17 ROLE OF THE TAC

- The FBI/NCIC requires that every agency designate one individual to function as the NCIC Terminal Agency Coordinator (TAC). This person will be responsible, at his/her agency, for ensuring compliance with TCIC/NCIC policies and procedures. The person selected should be knowledgeable in all aspects of TCIC/NCIC use, and have the authority to implement changes and oversee operations, which affect the use of TCIC/NCIC.
- Responsibilities of the Terminal agency Coordinator (TAC):

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- Ensure that the NCIC/TCIC Operating Manual, NCIC Code Manual, and all CR newsletters are current, updated and available to all operators and personnel with TCIC/NCIC access.
- Ensure that all TLETS terminals are secure from unauthorized viewing or use.
- Ensure that all department personnel who handle TCIC/NCIC information are fingerprinted and those fingerprints are submitted for state and national checks.
- Ensure that dispatchers, records, warrants, investigative personnel and others accessing the TCIC/NCIC system, or information derived from the system, are trained in the use of the terminals as well as TCIC/NCIC policies and procedures.
- Maintain TCIC/NCIC training records for TCIC/NCIC/FBI Audits.
- Ensure that all department personnel are aware that TCIC/NCIC Computerized Criminal History (CCH) information is confidential and restrictions apply to the purpose for which it can be requested, persons authorized to request the information, and how it may be disseminated.
- Ensure that the agency has written policies regarding TCIC/NCIC related files.
- Advise DPS/CRS of any changes in your agency's TAC, Agency Administrator, address, or telephone/fax numbers.
- Ensure that the Agency's NCIC ORI or "QO" file is correct and updated.
- Ensure that all Quality Control Messages from TCIC/NCIC are reviewed and corrected as soon as possible.
- Ensure the TCIC/NCIC records are validated correctly each month and the signed certification letter is returned to the Crime Records Services/ TCIC Control Center by the due date.
- Ensure that all dispatch/terminal operators are trained in the Hit Confirmation procedure and ensure that all original warrants, theft reports, protective orders and missing persons reports, that support all TCIC/NCIC records, are available 24 hours a day 7 days a week.
- Ensure that all TCIC/NCIC records are entered, removed, and contain all available information in accordance with TCIC/NCIC policies and procedures.

612.18 NOTIFICATIONS

- Shift Notifications
  - Communication Officers are required to make notifications of incidents that occurred during their shift. Communication Officers will follow the following guidelines when making notifications of this type.
    - Shift Notifications will be made at the end of the Communication Officers shift.
    - Shift Notifications will include all arrest that were made and all reports that were taken.
    - Shift Notifications will be distributed by email with using the proper notification template.
    - The following personnel will receive shift notifications;
      - Chief of Police
      - Assistant Chief of Police
      - CID Captain

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        - Patrol Captain
        - Communication Supervisor
    - The following shifts will be required to make these notifications
        - Night Shift (2100-0700) - Every night
            - Night shift will also include the events that occurred on the Evening shift (1700-0300)
        - Day Shift (0700-1700) - Weekend and Holidays only
            - Day shift will also need to make these notifications during the week if the Chief of Police is not at the department.

- CID Notification
    - CID will be notified for, but not limited to;
        - All calls involving death.
        - All calls involving felony charges that will require investigation.
        - Any call in which an officer has requested that CID be notified.
    - If at any time the Communication Officer is unsure if CID should be notified or not, the Communication Officer will contact the on duty supervisor or the Communication Supervisor.
- Chief of Police and Assistant Chief of Police Notification
    - The Chief of Police and the Assistant Chief of Police will be notified for, but not limited to;
        - All calls in which CID is notified
        - Any time an officer is involved in a major incident.
        - Any time an officer is involved in a traffic collision.
        - Any time that an officer requests that the Chief of Police or the Assistant Chief of Police be notified.
    - If at any the Communication Officer is unsure if the Chief of Police or the Assistant Chief of police need to be notified, The Communication Officer will contact the on duty supervisor or the Communication Supervisor.

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Records Section

614.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Department Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

614.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number, beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 10-00001 would be the first new case beginning January 1, 2010.

614.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Commander.

Aransas Pass Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy, and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

614.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

614.3 RECORDS MANAGER TRAINING

The Records Supervisor shall receive training in records management including proper maintenance, retention and disposal of records and the proper release of records under the Public Information Act.

614.4 REQUISITION OF SUPPLIES

All personnel who are in need of supplies shall complete a Requisition of Supplies Form available in the Records Section. The form shall be approved by a supervisor and submitted to the supply clerk in the Records Section.

Only Records Section personnel shall issue supplies from the supply room, and no supplies will be provided without a Requisition of Supplies Form.

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614.5 REPORTS TO THE DEPARTMENT OF PUBLIC SAFETY

The Records Supervisor will ensure that all offenses listed under Tex. Gov't. Code § 411.042 are reported on a monthly basis to the Texas Department of Public Safety as mandated. The Records Supervisor should promptly advise the Chief of Police if this mandated reporting will be delayed for any reason.

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Chapter 7 - Property and Evidence Control

Property and Evidence

700.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

700.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property necessitating custody of the Department. The property and evidence technician reports to the Criminal Investigations Division supervisor and is responsible for the security of the Property and Evidence Section. Property and Evidence Section keys are maintained only by the property and evidence technician and the Criminal Investigations Division supervisor. An additional key is in a sealed and initialed envelope maintained in the safe in the Chief of Police's Office. The property and evidence technician and the Criminal Investigations Division supervisor shall not loan Property and Evidence Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Section other than the property and evidence technician must be accompanied by the property and evidence technician or the Criminal Investigations Division supervisor and must sign in and out on the logbook provided, giving the date and time of entry and exit, and the purpose, including the specific case or property number. The entry shall be initialed by the accompanying individual.

700.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such, as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

700.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked, and the owner shall sign the form acknowledging receipt of the item(s).

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700.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The officer shall mark each item of evidence with initials and date.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right corner or appropriate field of the evidence/property tag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if the property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

700.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug paraphernalia as defined by Tex. Health and Safety Code § 481.002(17) shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by a copy of the evidence submission form. The original will be detached and submitted with the case report.

700.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Shift Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

700.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime should be released directly to the property and evidence technician or placed in the designated

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container for return to the Texas Department of Transportation. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician or placed in the bicycle storage area until a property and evidence technician can log the property.

(d) All cash shall be counted in the presence of a supervisor and the money envelope initialed by the booking officer and the supervisor. The Shift Commander shall be contacted for cash in excess of $1,000, and shall also witness the count, initial and date the property form, and specify any additional security procedures to be used.

(e) All evidence collected by personnel processing a crime scene that requires specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

700.3.5 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section supervisor shall ensure that no biological evidence held by the Department is destroyed without the required notification to each of the following:

(a) The defendant

(b) The last attorney of record for the defendant

(c) The convicting court

(d) The appropriate prosecutor

(e) Any sexual assault victim

(f) The Criminal Investigations Division supervisor

Biological evidence shall be retained as required by Tex. Code of Crim. Pro. art. 38.43, the Property and Evidence Section supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed within the timeframe required under Tex. Code of Crim. Pro. art. 38.43, unless a written objection is filed and served on the Department within 90 days of the date of the notification.

A record of all certified mail receipts shall be retained in the appropriate case file. Any objection to, or motion regarding, the destruction of the biological evidence shall be retained in the appropriate file and a copy forwarded to the Criminal Investigations Division supervisor.

While not required by law, biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

700.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

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(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Paraphernalia as described in Tex. Health and Safety Code § 481.002(17)

(e) Fireworks

(f) Contraband

(g) Biohazardous materials

700.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs, in a suitable appropriately sized container. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

700.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized, and place a full description of the item along with packaging and total weight of the item as seized in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the gross package weight (GPW) will be written on the outside of the package, initialed and dated by the packaging officer.

The GPW will be verified every time the package is checked in or out of the Property and Evidence Section and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Criminal Investigations Division supervisor.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

700.4.3 RIGHT OF REFUSAL

The property and evidence technician has the right to refuse any piece of property which is not properly documented or packaged. Should the property and evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting officer.

700.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall create a property control card for each piece of property received. The property control card will be

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the permanent record of the property in the Property and Evidence Section. The property and evidence technician will record his/her signature, GPW if it is narcotics evidence, the date and time the property was received, and where the property will be.

A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Aransas Pass Police Department shall be noted in the property logbook.

700.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

700.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

700.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item(s), the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence, and the copy will be returned to the Records Section for filing with the case.

700.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom it was released.

The property and evidence technician shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property, or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time and the person who returned the property.

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700.6.4 AUTHORITY TO RELEASE PROPERTY

The property and evidence technician shall not release any property without a signed authorization from an appropriate authorized member of the Department. The Criminal Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

700.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective, and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During this period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may court ordered to the police department to be auctioned to the highest bidder at a properly published public auction. If the property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Property with an estimated value of $500 or more will be advertised in the local print media including online publication via the departments website before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property form. After release of all property listed on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Section.

Upon release or other form of disposal, the proper entry shall be documented on the property card and in the property log.

700.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

700.6.7 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or Tex. Penal Code § 46.04 and 46.06.

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The Department is not required to retain a firearm or other deadly weapon that is not retained as evidence longer than 180 days after notice has been provided to the owner that the firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal.

700.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

700.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds and related equipment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Narcotics.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

700.7.2 FOUND MONEY OR PROPERTY THAT IS UNCLAIMED

Found money or property that is in the possession of the Department and that remains unclaimed is subject to various provisions of the Texas Property Code (Tex. Prop. Code § 72.101, Tex. Prop. Code § 74.001, Tex. Prop. Code § 76.001). The Property and Evidence Section Supervisor should consult applicable law before disposing of or utilizing money or property under this section.

700.8 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION

On a monthly basis, the Investigations Division supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

An annual audit of evidence held by the Department shall be conducted by a Division Commander not routinely or directly connected with evidence control, as assigned by the Chief of Police.

Whenever a change is made in personnel who have access to the Property and Evidence Section, an inventory of all evidence/property shall be made by an individual(s) not

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associated to the Property and Evidence Section or function to ensure that records are correct and all evidence property is accounted for.

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Computers and Digital Evidence

702.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders and other electronic devices that are capable of storing digital information, and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

702.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box, or if the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with a case number, evidence sheet number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases, when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should

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not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g. Apple keyboard and mouse) and is necessary for examination of the associated media.

702.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image only the hard drive of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

702.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) A forensic copy of the media will be made and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

702.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) To prevent damage, use plastic cases or other protective packaging designed to protect the media.

702.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand held devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

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(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Un-sent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container, such as a paint can or in a Faraday Bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

702.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

702.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

702.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from his/her digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip lock-type baggie. The camera operator shall write his/her name and the related case number on the outside of the baggie before placing it in the film drop box along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for reuse. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

702.5.3 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

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(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

702.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media related to case documentation that is held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and to ensure the public trust.

704.2 PETTY CASH FUNDS

Employees designated as fund managers and who are authorized to maintain and manage petty cash funds are the Records Supervisor and Administration Division Commander. These persons may delegate this responsibility to another person in their absence. All funds require the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts and expense reports by the fund manager.

704.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms and each person participating in the transaction shall sign the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

704.4 PETTY CASH AUDITS

The manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate Petty Cash Audit by those persons involved in the transfer.

A separate audit by the Chief of Police or the City should be completed on a random date approximately once each year on each Petty Cash Fund.

704.5 ROUTINE CASH HANDLING

Members of the Department who are authorized to routinely handle cash as part of their assignment are property officers and the Narcotics Unit Supervisor. Routine cash handling shall be pursuant to their specific policies (see Policy Manual § 700 and 450).

704.6 OTHER CASH HANDLING

Members of the Department who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as practicable, verify the amount of cash, summon another employee to verify the

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accounting and process the cash as safekeeping, evidence or found property. Cash in excess of $100 requires immediate notification of a supervisor. Cash in excess of $1,000 requires special handling and accounting by the Shift Commander. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry, as may be appropriate.

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Contraband Forfeiture Policy

708.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of contraband associated with specified offenses. This policy applies to forfeited or seized contraband in the form of real, personal, tangible or intangible property (Chapter 59, Tex. Code of Crim. Pro.).

708.1.1 DEFINITION

Contraband - Is property of any nature, including real, personal, tangible or intangible property that is either used or intended to be used in the commission/facilitation of certain offenses or has been acquired directly or indirectly through the commission of certain offenses as specified in Tex. Code of Crim. Pro. art. 59.01(2).

708.2 CONTRABAND SEIZURE AUTHORITY

The Tex. Code of Crim. Pro. art. 59.03 authorizes any peace officer to seize any contraband that was used or intended to be used in the commission of an offense as defined in Tex. Code of Crim. Pro. art. 59.01. An officer may not request, require or in any manner induce any person to execute a document purporting to waive the person's interest in or rights to the property (Tex. Code of Crim. Pro. art. 59.03).

708.3 CONTRABAND FORFEITURE PROCEDURE

An officer who seizes contraband shall provide the attorney representing the state with a sworn statement containing a schedule that shows when the contraband was seized, an acknowledgment that the contraband has been seized and the reasons for the seizure. No later than 72 hours after seizure of the contraband, the officer shall do one of the following (Tex. Code of Crim. Pro. art. 59.03):

(a) Place the contraband under seal.

(b) Remove the contraband to a place ordered by the court.

(c) Require a law enforcement agency of the state or a political subdivision to take custody of the contraband and move it to a proper location.

708.3.1 SEIZED CONTRABAND

Any contraband seized subject to forfeiture will be inventoried and booked into property under seal. The contraband will be checked to determine if the contraband has been stolen.

The contraband will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Contraband seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

708.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be handled in accordance with the guidelines in the Cash Handling, Security and Management Policy.

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708.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be handled in accordance with the guidelines in the Vehicle Towing and Release Policy.

708.4 CONTRABAND FORFEITURE LOG

A computerized inventory of all contraband forfeiture cases shall be kept in the Criminal Investigations Division. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

708.5 PROCEEDS FROM FORFEITURE

With exception as listed in Tex. Code of Crim. Pro. art. 59.06(k), all forfeited contraband shall be administered by the attorney representing the state, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the attorney representing the state and law enforcement agencies (Tex. Code of Crim. Pro. art. 59.06). Should questions arise as to whether contraband is subject to forfeiture, the Criminal Investigations Division Supervisor should confer with the attorney representing the state.

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Restoration of Firearm Serial Numbers

710.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or the origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this policy is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects, using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

710.2 PROCEDURE

Any firearm coming into the possession of the Aransas Pass Police Department as evidence and found property, where the serial numbers have been removed or obliterated, will be processed in the following manner:

710.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tabular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately document the condition of the gun when received. Note the positions of the various components, such as the safety, cylinder, magazine, slide and hammer. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face, or other relevant evidence that might be obscured by the fingerprinting chemicals.

710.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

710.2.3 OFFICER RESPONSIBILITY

The property and evidence technician receiving a firearm where the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the Texas Department of Public Safety, Firearms Section, for restoration, and will maintain the chain of evidence.

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710.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence, from the time it is received or collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

710.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the Texas Department of Public Safety, Firearms Section, a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) a National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) will be completed and forwarded to the NTC in Falling Waters, West Virginia or entered into the ATF eTrace system.

710.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the ATF National Integrated Ballistic Information Network (NIBIN), which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database for comparison with ballistic evidence recovered from other crime scenes.

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Registered Offender Information

712.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Aransas Pass Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

712.2 POLICY

It is the policy of the Aransas Pass Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

712.3 REGISTRATION

The Criminal Investigations Division Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Department of Public Safety (DPS) in accordance with Tex. Code of Crim. Pro. Chapter 62.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

712.3.1 CONTENTS OF REGISTRATION

Employees of the Aransas Pass Police Department who are responsible for registering offenders shall ensure that the information required by DPS is obtained and reported on the applicable form (Tex. Code of Crim. Pro. art. 62.051).

712.3.2 PROOF OF IDENTITY

A person who is required to register as an offender shall provide proof of his/her identity and residence before an employee of the Aransas Pass Police Department may verify the individual's registration form (Tex. Code of Crim. Pro. art. 62.051).

712.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Division Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the DPS Sex Offender Program website.

(c) Contact with a registrant's parole or probation officer.

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Any discrepancies should be reported to DPS.

The Criminal Investigations Division Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Aransas Pass Police Department personnel, including timely updates regarding new or relocated registrants.

712.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the DPS Sex Offender Program website or the Aransas Pass Police Department's website.

The Records Supervisor shall release local registered offender information to residents in accordance with Tex. Code of Crim. Pro. art. 62.005 and in compliance with a Public Information Act request.

712.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

712.5.2 MANDATORY DISSEMINATION

The Criminal Investigations Division Supervisor shall make the following notifications:

(a) Within eight days of receiving notice from a court, penal institution or parole/community supervision department that a person will be required to register with the Aransas Pass Police Department, notice shall be sent to the superintendent and each administrator of a private primary or secondary school in the Aransas Pass Police Department's jurisdiction if one the following conditions apply (Tex. Code of Crim. Pro. art. 62.054):

1. The offense requiring registration of the individual involved a child enrolled in a public or private secondary school or a child less than 17 years of age.
2. The registrant is a student in a public or private secondary school.
3. The basis of the registration is a conviction, including deferred adjudication, for an offense under Tex. Penal Code § 43.25 (Sexual Performance by a Child), Tex. Penal Code § 43.26 (Employment Harmful to Children), or an offense of another jurisdiction that contains substantially similar elements.

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(b) For a non-resident individual who is required to register in another state and who is employed or is a student in this state:

1. Notice to each school within the district where the person will work or attend school.
2. Notice to the administrative office of the school the individual is attending of any information obtained pursuant to Tex. Code of Crim. Pro. art 62.005 (Tex. Code of Crim. Pro. art. 62.153).

The notice sent to the school officials shall not contain the registrant's Social Security number, driver's license number, telephone number or any information that could identify the victim of the offense.

712.5.3 ADDITIONAL DISSEMINATION

If the Aransas Pass Police Department registers an individual who has been assigned a numeric risk level of three, the Chief of Police may authorize notice to the public in any manner determined to be appropriate (Tex. Code of Crim. Pro. art. 62.056). This may include any of the following:

(a) Publishing notice in a newspaper, periodical or circular in the area where the registrant intends to reside.

(b) Holding a neighborhood meeting.

(c) Posting notices in the area where the registrant intends to reside.

(d) Distributing printed notices to area residents.

(e) Establishing a specialized local website.

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Chapter 8 - Equipment Policies

Department-Owned and Personal Property

800.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

800.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and its receipt acknowledged by the employee's signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

800.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline, including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall direct a memo to the appropriate Division Commander, which shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. A review by staff to determine whether misconduct or negligence was involved should be completed, in addition, a determination regarding replacement should be made.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and replaced with comparable department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

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800.2.2 DEPARTMENT PROPERTY MANAGER

The patrol division commander shall serve as the custodian of all patrol division property. The patrol division commander is in charge the maintenance, assignment, and replacement of all department owned property used by patrol.

The investigations division commander shall serve as the custodian of all investigations division property. The investigations division commander is in charge the maintenance, assignment, and replacement of all department owned property used by investigations.

The dispatch division supervisor shall serve as the custodian of all dispatch division property. The dispatch division supervisor is in charge the maintenance, assignment, and replacement of all department owned property used by dispatch.

800.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Division Commander, identifying the personal property used, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon is excluded from this requirement.

800.3.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

800.3.2 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

800.4 LOSS OR DAMAGE OTHER PERSONAL PROPERTY

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function, regardless of jurisdiction, shall report it as outlined below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

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(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

800.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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Vehicle Maintenance

802.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

802.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition and will describe the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance.

802.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles which may have been damaged, which perform poorly or whose control or safety features have been diminished, shall be immediately removed from service for inspection and repair.

802.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service for a safety inspection as soon as reasonable.

802.2.3 SPECIAL USE VEHICLES AND EQUIPMENT

Vehicles and equipment not routinely used by the Department should undergo a readiness inspection at least quarterly. The Patrol Division Commander shall be responsible for ensuring the inspections at the specified intervals and for making arrangements for any necessary repairs or replacements.

802.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

802.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 10 emergency road flares
- 2 sticks yellow crayon or chalk
- 1 accident measurement roller
- 1 roll of crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 box of latex gloves

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- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials Emergency Response Guidebook
- 1 fingerprint kit and assorted evidence collection supplies
- 1 camera (when in use)

802.3.2 UNMARKED VEHICLES

An employee driving unmarked criminal investigations division vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 First aid kit, CPR mask
- 1 box of latex gloves
- 1 traffic safety vest
- 1 evidence collection supplies
- 1 camera (per detective)

802.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location. Refueling patrol vehicles shall be done at the end of each officer's shift.

802.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before proceeding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift, leaving the patrol vehicle safe and ready for the next patrol officer to use. Confidential material should be placed in a designated receptacle for shredding.

802.6 CIVILIAN EMPLOYEE USE

Civilian employees will generally not use marked police vehicles. However, civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

804.1 PURPOSE AND SCOPE

The Department utilizes City-owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City-owned" as used in this section also refers to any vehicle leased or rented by the City.

804.2 USE OF VEHICLES

804.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall notify Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Shift Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

804.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than the normally assigned duties shall first notify the Shift Commander of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives) or to Property and Evidence Section personnel assigned transportation duties to and from the maintenance yard. Property and Evidence Section personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

804.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

804.2.4 DETECTIVE BUREAU VEHICLES

Criminal Investigations Division vehicle use is restricted to detective personnel, Monday through Friday from 7:00 a.m. to 5:00 p.m., unless approved by a detective supervisor. After hours use of a criminal investigations vehicle shall be documented by dispatch and referred to the criminal investigations division commander.

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804.2.5 AUTHORIZED PASSENGERS

Personnel operating City-owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in the vehicle.

804.2.6 PARKING

City-owned vehicles should be parked in the assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City-owned vehicle or in other areas of the parking lot not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

804.2.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

804.2.8 FLEET MANAGER

The patrol division commander shall serve as the fleet manager for all assigned patrol vehicles within the department.

The investigations division commander shall serves as the fleet manager for all unmarked department vehicles.

804.3 ASSIGNED VEHICLE AGREEMENT

City-owned vehicles assigned to personnel for use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. The employee shall sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the employee is not on-duty.

The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands or transports unless special circumstances exist and the division commander gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance. The Department will provide necessary care/maintenance supplies.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

804.3.1 VEHICLES SUBJECT TO INSPECTION

All City-owned vehicles are subject to inspection and or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

804.4 SECURITY

Employees may take home City-owned vehicles only with prior approval from their Division Commander, and shall meet the following criteria:

(a) The employee lives within a 30-minute (rules of the road obeyed and based on average traffic flow) response time of the Aransas Pass City limits.

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1. A longer response time may be appropriate depending on the special assignment of the employee. In that event, the response time shall not exceed 45 minutes.

(b) Off-street parking shall be available at the employee's residence.

(c) Vehicles shall be locked when not attended.

(d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms and Qualification Policy regarding safe storage of firearms at home).

When an employee is on vacation, leave, or out of the area in excess of two weeks, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

804.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall pick up a key from the patrol division prior to the start of their patrol shift. This key will be returned to the patrol division at the completion of their shift. Any unit key found to be missing, shall be immediately reported to the Patrol Division Commander. Patrol officers may choose to make copies of their patrol vehicle's key. Expensive of this key copy shall be paid for by the patrol officer.

804.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Aransas Pass Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

804.6 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of his/her assigned vehicle.

1. Employees may use the wash racks at the police facility or maintenance yards (trusties may be used to clean vehicles, when available).
2. Cleaning/maintenance supplies will be provided by the Department.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at a minimum, quarterly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

(d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop.

1. When leaving a vehicle at the maintenance shop, the employee will report the needed service to the patrol division commander who will in turn report the service to the maintenance shop manager.

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2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from a supervisor.

804.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Patrol Division Commander.

804.7 COLLISION DAMAGE, ABUSE AND MISUSE

When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the Texas Highway Patrol should be summoned to handle the investigation.

The employee involved in the collision shall submit a vehicle accident memo to his/her supervisor. If the employee is incapable, the supervisor shall complete the memo and forward it to the division commander.

Any damage to a vehicle, that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memo format and forwarded to the shift sergeant.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

All employees involved in a collisions with department owned vehicles shall undergo a drug screening within two hours from the time of the accident. The time to test may only be extended as reasonably necessary and when approved by the shift commander.

804.8 TOLL ROAD USAGE

The administrative person assigned to fleet operations shall maintain a record of all non-exempt license plates and notify the Texas Toll Road Authority in Austin of the City-owned vehicles that traverse the toll roads in order to prevent toll charges from accruing.

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Seat Belts

806.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child-safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Tex. Transp. Code § 545.413).

806.1.1 DEFINITION

Child Passenger Safety Seat System - Is an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration (Tex. Transp. Code § 545.412(f)(1)).

806.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

806.2.1 TRANSPORTING CHILDREN

An approved child passenger safety seat system should be used for all children younger than 8 years of age, unless the child is taller than 4 feet, 9 inches (Tex. Transp. Code § 545.412(a)).

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. In the event this is not possible, officers should consider arranging alternative transportation.

806.3 TRANSPORTING PRISONERS

Whenever possible, arrestees should be secured in the restraint system in the rear seat of a caged patrol vehicle or, when a restraint system is not available, by seat belts. The arrestee should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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Persons arrested by this department shall be transported to the appropriate facility without unnecessary delay. Officers transporting arrested persons should not stop to provide law enforcement assistance but should notify Dispatch so that another officer may be notified to respond.

806.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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Chapter 9 - Personnel Policies

Disciplinary Policy

900.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

900.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

900.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in a position of authority, absent a reasonable and bona fide excuse.

An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

(a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Shift Commander of the conflict or error of the order.

(b) Provide details explaining the grounds for the belief of the conflict or error of the order.

(c) Request clarification, guidance and direction regarding following the order.

(d) Request the order in writing if the conflict or error is unresolved.

(e) Inform the supervisor of his/her intent to disobey an unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

900.2.2 GENERAL ORDERS

The 10 general orders are the traditional code of conduct and are binding in addition to any other code of ethics adopted. These 10 general orders are as follows:

(a) To advance the objective of the Department in preserving order and protecting the lives, rights, privileges and property of the people in the State of Texas to the best of my ability and in an entirely impartial manner.

(b) To practice at all times the motto of this organization: "Courtesy Service Protection."

(c) To keep myself clean and presentable, and in good physical, mental and moral health.

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(d) To know and obey orders and instructions at all times.

(e) To keep all state equipment entrusted to me fully accounted for and in proper condition.

(f) To qualify as a voter, and to vote my convictions as a citizen on all public questions and political races, but while on-duty, in uniform or otherwise a representative of the department to take no other part in any public politics or campaigns.

(g) To conduct my business in a straightforward manner, relying upon poise, competence, and discretion rather than threats and argument to carry out my duties.

(h) To take up matters affecting me and my position with my immediate superior and through proper channels.

(i) To submit through proper channels constructive suggestions for the betterment of the Department and its service.

(j) To conduct myself at all times, both on and off-duty, in such an appropriate manner that I may merit the voluntary commendation of all law-abiding citizens and visitors with whom I come in contact, both those with whom I meet in carrying out my duties and those I shall live among as a citizen in order that credit may be reflected upon the Aransas Pass Police Department.

900.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

Any of the major infractions listed as follows may be deemed sufficient cause for the discharge, suspension, demotion or removal of any employee:

(a) Failure to abide by the Code and Canons of Ethics or the standards of ethical conduct for employees.

(b) Violation of one or more of the 10 general orders.

(c) Violation of any rule, order, requirement or failure to follow instructions contained in department manuals.

(d) Willful disobedience to any legal order properly issued by any superior officer of the Department.

(e) Willful neglect of duty.

(f) Making public any investigation or proposed movement or business of the Department to any unauthorized person.

(g) Unnecessary and unwarranted violence to a citizen or person under arrest.

(h) Use of indecent, profane or harsh language while on-duty or in uniform.

(i) Unauthorized attendance while on-duty at official legislative sessions.

(j) Personal involvement in political issues or campaigns while on-duty or in uniform.

(k) Willful or inexcusable destruction or loss of department property.

(l) Violations of law which are willful or inexcusable.

(m) Acceptance of fees, gifts or money contrary to the rules of the Department and/or laws of the state.

(n) Any act on- or off-duty which brings discredit to the Department.

(o) Racial profiling (Tex. Code of Crim. Pro. art. 2.131).

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900.3.1 ATTENDANCE

(a) Leaving an assigned job during duty hours without a reasonable excuse and proper permission or approval.

(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(c) Failure to report to work or to the place of assignment at the time specified and fully prepared, without a reasonable excuse.

(d) Failure to notify the Department within 24 hours of any change in residence address, home phone number or marital status.

900.3.2 CONDUCT

(a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(c) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on his/her own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee of the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or his/her designee may result in discipline under this policy (Tex. Penal Code § 39.06(a)).

(j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

(l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(n) Intentionally subjecting another to sexual harassment (Tex. Penal Code § 39.03(a)(3)).

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900.3.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

(a) Discriminating against, oppress or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful (Tex. Penal Code § 39.03(a)(2)).

900.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties, or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Reporting for work or being at work following the use of a controlled substance or any drug (legally prescribed or otherwise) without prior notification of a department supervisor, where such use may impair the employee's ability to perform assigned duties.

(d) Unauthorized possession, use of or attempting to bring controlled substance or other illegal drug to any work site.

900.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials, or work of an unacceptable nature, as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department, or which would tend to discredit any member thereof.

(h) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized removal,

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alteration, destruction and/or mutilation of any department record, public record, book, paper or document (Tex. Gov't Code § 552.351).

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the Policy Manual, operating procedures, or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form or other official document, report or form or during the course of any work-related investigation.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(s) Offer or acceptance of a bribe or gratuity.

(t) Misappropriation or misuse of public funds, property, personnel or services (Tex. Penal Code § 39.02(a)(2)).

(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct (Tex. Penal Code § 39.03(a)(1)).

(v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(w) Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property, or while in any way

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representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(z) Violating a law related to employment or any misdemeanor or felony statute (Tex. Penal Code § 39.02(a)(1)).

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale or that tends to reflect unfavorably upon the Department or its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

(ad) Giving false or misleading statements or misrepresenting or omitting material information to a supervisor or other person in a position of authority in connection with any investigation or in the reporting of any department-related business.

(ae) Establishing an inappropriate social relationship with a known victim, witness, suspect or defendant of a department case while the case is being investigated or prosecuted as a result of the investigation.

900.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within department facilities, or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Has a substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating department safety standards or safe working practices.

900.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

900.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.

(b) Failure of a supervisor to report in a timely manner the known misconduct of an employee to his/her immediate supervisor, or to document such misconduct appropriately or as required by policy.

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(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or any other improper purpose.

900.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with the Personnel Complaint Procedure Policy. The investigation should be completed within one year of the discovery of the allegation or within a reasonable time thereafter, based upon the complexity or conditions of the investigation.

900.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within 10 days of receipt of the written reprimand. The Division Commander will investigate the appeal matter. If the division commander issued the reprimand, the assistant chief of police shall investigate the appeal.

The reprimanding supervisor shall have an opportunity to respond to the appeal. The supervisor conducting the appeal shall review the appeal request and response from the supervisor and consider all evidence in the event. The supervisor shall then decide the conclusion of the appeal by sustaining the reprimand action or overturning it. The appeal supervisor's determination shall be final.

900.5 POST INVESTIGATION PROCEDURES

900.5.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

900.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written notice of the following information:

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(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

900.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.

(f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely, written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective

900.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

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900.8 POST-DISCIPLINE APPEAL PROCEDURE

Unless otherwise specified in a collective bargaining agreement (CBA), local or state civil service rules, an employee wishing to formally appeal the imposition of a suspension, punitive transfer, demotion or termination of a non-probationary employee, shall have the right to appeal the Chief of Police's imposition of discipline:

(a) All members of the Department who receive formal disciplinary action amounting to a suspension, demotion, termination or transfer, where the individual received lesser compensation, may appeal the disciplinary decision to the City Manager.

(b) Individuals wishing to appeal disciplinary actions must do so in writing within ten days of receiving a notice of discipline.

(c) The City Manager's decision in the matter is final.

900.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for failure to pass probation shall be so reflected in the employee's personnel file.

(b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the appeal procedure above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.

(c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in applicable Department policies.

(d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.

(e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.

(f) In the event that a probationary employee meets his/her burden of proof in a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.

(g) In the event that a probationary employee fails to meet his/her burden of proof in a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

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Personnel Complaint Procedure

902.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department. All complaints alleging a violation of law or policy shall be investigated. Additional guidance, provisions, changes or additions may be contained in the Meet and Confer Agreement.

902.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct or performance which, even if true, would not qualify as a violation may be handled informally by a supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form, and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of a rank greater than the accused employee or referred to the Internal Affairs Unit depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

902.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

902.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby and on the Aransas Pass Police Department website. Forms may also be available at other government offices and facilities. Personnel complaint forms in languages other than English may also be provided as determined necessary or practicable.

Each Shift Commander shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process, and shall forward to the Division Commander any suggestions for improvement or changes.

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902.2.2 SOURCE OF COMPLAINTS

Complaints will be accepted from the following:

(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

902.2.3 ACCEPTANCE OF COMPLAINTS

All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally, either in person or by telephoning the Department, and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor shall complete and submit the Personnel Complaint Form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Shift Commander determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint Form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

To merit investigation by this department, all formal complaints must be in writing and signed by the person making the complaint (Tex. Gov't. Code § 614.022). Nothing in this section is intended to preclude a supervisor from serving as the complainant to satisfy the requirements of Tex. Gov't. Code § 614.022 if the original complainant does not want to appear in person and/or reduce the complaint to writing.

902.2.4 COMPLAINT DOCUMENTATION

When a Personnel Complaint Form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. To ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse a complaint.

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Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original complaint.

A copy of the signed Personnel Complaint Form must be given to the officer or employee named in the complaint within a reasonable time after the complaint is filed. (Tex. Gov't. Code § 614.023(a)); a reasonable time may be determined based upon the complexity of the investigation and/or the nature of the complaint.

Formal complaints of alleged misconduct not reported in person shall be documented by a supervisor on a Personnel Complaint Form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor shall document informal complaints as a supervisor or Shift Commander log entry.

902.3 INITIAL SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Commander, Commanding Officer and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint Form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will forward a copy of the complaint to the Chief of Police, take any appropriate action, and/or forward the complaint to the Internal Affairs Unit for further action.

    1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

    2. Photographs of alleged injuries as well as accessible areas of non-injury should be taken once immediate medical attention has been provided.

    3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing, or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police, who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to state and federal law.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Chief of Police and obtain direction regarding his/her role in investigation and/or addressing the complaint.

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902.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may temporarily assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

902.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, department identification, assigned weapon(s) and any other department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation. The employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

902.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions. The employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction. However, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

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902.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Investigations of a minor nature may be assigned to the employee's supervisor. More serious complaints will be assigned to the Internal Affairs Unit lead by the Assistant Chief of Police. Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following procedures shall be followed with regard to the accused employee(s):

(a) The investigator shall not be a person who is the complainant, the ultimate decision maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct.

(b) Not less than 48 hours before an investigator begins the initial interrogation, the investigator must inform the officer in writing of the allegations in the complaint.

(c) An investigator may not interrogate an officer based on a complaint by a complainant who is not a firefighter or peace officer unless the complainant verifies the complaint in writing before a public officer who is authorized by law to take statements under oath.

(d) Interviews of accused employees shall be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated.

    1. Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors that indicate time is of the essence.

(e) An investigator may not interview an officer at that person's home without the officer's prior permission.

(f) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstanding.

(g) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.

(h) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(i) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.

(j) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights. This admonishment shall be given administratively regardless of whether the employee was advised of these rights during any separate criminal investigation.

(k) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative or attorney present during the interview.

(l) All employees shall provide complete and truthful responses to questions posed during interviews.

(m) An employee may be compelled to submit to a polygraph examination under the conditions set forth in Tex. Gov't Code § 614.063.

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902.6.1 INVESTIGATION OF A COMPLAINT

Whether conducted by a supervisor or an assigned member of the Internal Affairs Unit, the following procedures should be followed with regard to the complainant:

(a) Within three days after assignment, the complainant should be informed of the handling investigator's name and the complaint number.

(b) Interviews of the complainant should be conducted during reasonable hours.

(c) Generally, no more than two interviewers should ask questions of the complaining party to prevent confusion or misunderstanding.

(d) All interviews should be for a reasonable period and the complainant's needs should be accommodated and respected.

(e) No complainant should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(f) Absent circumstances preventing it, the interviewer should record all interviews of the complainant.

902.6.2 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on- or off-duty, is involved in a shooting or police-related death.
- When the employee is involved in an accident while on-duty.
- When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on- or off-duty.
- When the employee is exhibiting objective symptoms of intoxication or drug influence while on-duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, or if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other departmentally assigned areas (e.g., desks, office space and assigned vehicles) may be administratively searched for non-investigative purposes (e.g., obtaining a needed report or radio) by a supervisor and in the presence of an uninvolved witness. An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

902.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

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Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each one, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

902.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions, based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Additionally, complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully to exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

902.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt. Investigations should be completed within 90 days of the date when a supervisor or manager from the Department becomes aware of the allegation. The Chief of Police may extend the period to five months if the investigation reasonably requires such an extension, as long as investigations are completed within the 180-day mandate.

Should additional time be required, a written request should be made to the Chief of Police, generally 30 days before the period tolls, requesting an extension. A request for extension

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should include the reason for the request and the related completion date. Such a request must be approved in writing and a copy provided to the accused employee.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee need not be notified of the pending investigation unless and until the employee is interviewed or formally charged administratively.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee.

Once received, the Chief of Police may accept or modify the classification and the recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings but will not disclose the amount of discipline, if any has been imposed. The complaining party should also be provided with a copy of his/her original complaint.

Any complaining party who is not satisfied with the findings of the Department concerning his/her complaint, may contact the Chief of Police or the authorized designee to discuss the matter further.

902.8.1 WITHDRAWN COMPLAINTS

If the complainant withdraws the complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal.

902.9 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential and as protected peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process.

In the event that an accused employee or the representative of such employee knowingly makes false representations regarding any internal investigation, and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute false representations.

All records of investigations shall be securely maintained for a period of time no less than the periods indicated below (Tex. Gov't Code § 441.158 and Public Safety Records Retention Schedule § 4075-01):

(a) Sustained complaints resulting in formal discipline: 15 years.

(b) Sustained complaints resulting in informal discipline, such as verbal counseling or additional training: Five years, provided a one-year, infraction free period precedes the date of destruction.

(c) Complaint investigations that are Inconclusive: Five years, provided a one-year, infraction free period precedes the date of destruction.

(d) Complaints that are not sustained, unfounded or exonerated: Three years.

(e) Complaints that do not lead to an investigation: Two years.

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Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Unit, apart from the employee's personnel file.

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Grievance Procedure

904.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our department's philosophy is to promote a free verbal communication between employees and supervisors.

904.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- The employee collective bargaining agreement.
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 914, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual § 902.

904.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.

(c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

   (a) The basis for the grievance (e.g., the facts of the case).

   (b) Allegation of the specific wrongful act and the harm done.

   (c) The specific policies, rules or regulations that were violated.

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(d) The remedy or goal is being sought by the grievance.

(e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

904.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee.

904.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

904.5 GRIEVANCE AUDITS

The Training Coordinator shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Coordinator shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Coordinator should promptly notify the Chief of Police.

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Reporting of Employee Convictions

908.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

908.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Texas and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child (18 USC § 922; Tex. Penal Code § 46.04(b); Tex. Penal Code § 46.04(c)).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

908.3 OTHER CRIMINAL CONVICTIONS

State law prohibits any person convicted of the following offenses from being a peace officer in the State of Texas (37 Tex. Admin. Code § 217.1, Tex. Occ. Code § 1701.312, Tex. Occ. Code § 1701.313):

- Any felony offense
- Any Class A misdemeanor offense
- Any Class B misdemeanor offense within the last 10 years with the following exception:
  - The Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) may approve the issuance of a peace officer license to a person convicted of a Class B misdemeanor within the last 10 years if the Chief of Police submits a letter to the commission explaining the mitigating circumstances that exist to support licensure.
- Barratry as defined by Tex. Penal Code § 38.12
- Any family violence offense

In addition, state law prohibits any person placed on community supervision or probation for any criminal offense above the grade of a Class B misdemeanor from being a peace officer. If the person has been convicted of a Class B misdemeanor within the last 10 years, the same exception as described above applies.

Convictions of certain violations of the Texas Transportation Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

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908.3.1 TELECOMMUNICATORS

Any person who has been convicted of a felony offense or convicted of barratry as defined by Tex. Penal Code § 38.12 may not be a telecommunicator in the State of Texas (Tex. Occ. Code § 1701.312; Tex. Occ. Code § 1701.313). In addition, telecommunicators are held to the statutory standards outlined in 37 Tex. Admin. Code § 217.2 with regard to certain misdemeanor offenses.

908.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

908.4.1 DEPARTMENT RESPONSIBILITY TO REPORT

When a peace officer or county jailer is arrested, the Chief of Police of the arresting agency must report such fact, as mandated by 37 Tex. Admin. Code § 211.28, to TCLEOSE within 30 business days of the arrest.

In addition, the Chief of Police must report the arrest, charge or conviction of any person who is under appointment with this department to TCLEOSE within 30 days of the arrest, as mandated by 37 Tex. Admin. Code § 211.29.

908.4.2 OFFICER RESPONSIBILITY TO REPORT

Any officer employed by the Department must report any arrest, charge or indictment for a criminal offense above the grade of a Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence to TCLEOSE within 30 days as mandated by 37 Tex. Admin. Code § 211.27.

In addition, an officer must report any arrest, charge or indictment for a criminal offense to the Aransas Pass Police Department as also required by the Conduct Policy.

It is the responsibility of the Administration Supervisor to maintain current information on the status of an officer's license.

908.5 PROCEDURE FOR RELIEF

While a peace officer may be permitted to carry a firearm following a conviction under state law, federal law does not provide for any similar relief, and therefore the peace officer is not relieved of the restrictions imposed by federal law.

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Relief for any employee falling under the restrictions imposed by federal law may only be obtained by the conviction being expunged. Each employee shall seek relief from firearm restrictions on his/her own time and resources.

An officer who has had his/her license suspended or revoked by TCLEOSE may appeal the action and request a hearing on the issue (37 Tex. Admin. Code § 223.21).

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Peace Officer Personnel Files

910.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to state law (generally, Tex. Gov't Code § 552.102).

910.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer's name.

910.2.1 PERMITTED PERSONNEL FILE CONTENTS

The personnel file may also contain:

(a) Personal data, including marital status, family members, educational and employment history or similar information.

(b) Election of employee benefits.

(c) Employee advancement or promotion.

(d) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

910.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Division File - Any file, which is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately and that exclusively contains material relating to an employee's medical history.

910.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

All of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee's consent (Tex. Gov't. Code §§ 552.102 and 552.1175).

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Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

910.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law, with specific responses required by Chapter 552 of the Tex. Gov't Code, all such requests shall be promptly brought to the attention of the Shift Commander, the Records Supervisor or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require the assistance of an approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file, shall be logged in the corresponding file.

910.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any employee personnel file may be released if the disclosure would constitute a clearly unwarranted invasion of personal privacy, or would subject the employee to a substantial threat of physical harm. All information in the employee personnel file is to be made available to the employee or the employee's designated representative as public information (Tex. Gov't Code § 552.151, Tex. Gov't Code § 552.102).

No information from a personnel file shall be disclosed to any unauthorized person(s) without the express prior consent of the involved officer or written authorization of the Chief of Police or designee.

Information that relates to the home address, home telephone number, or social security number of an employee, or that reveals whether the employee has family members is confidential and may not be disclosed to the public if the employee:

(a) Chooses to restrict public access to the information, and

(b) Makes timely notification to the Department, accompanied by evidence of the individual's peace officer status (Tex. Gov't Code § 552.1175 and Tex. Gov't Code § 552.024).

Employees who willfully destroy, mutilate, remove without permission or alter public information are subject to discipline and/or criminal prosecution (Tex. Gov't Code § 552.351).

Employees who distribute information considered confidential under the Government Code may be subject to discipline and/or criminal prosecution as well (Tex. Gov't Code § 552.352).

Requests for information that the Department seeks to withhold from public disclosure based upon the belief that the information qualifies as an exception under Chapter 552 Tex. Gov't. Code must be forwarded to the State Attorney General's office for a decision. The request for a decision from the Attorney General must be submitted within 10 business days of the written request for disclosure (Tex. Gov't. Code 552.301). Decisions adverse

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to the Department should be directed to the Administration Supervisor, who may further consult with counsel, as appropriate.

910.6 EMPLOYEE ACCESS TO HIS/HER OWN FILE

Any employee, or the employee's representative may request access to his/her own personnel file during the normal business hours of the individual responsible for maintaining such file (Tex. Gov't Code § 552.023).

Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate, or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files that have not been sustained against the employee.

910.7 TYPES OF PERSONNEL FILES

The Department may maintain a personnel file on a peace officer, but may not release any information contained in the file to any agency or person requesting information relating to a peace officer except under provisions of Texas law or a lawful court order. Any request for information that is maintained in a peace officer's personnel file shall be forwarded to the Chief of Police or his/her designee for processing.

Peace officer personnel files can be located in any of the following places:

910.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports, regularly completed by appropriate supervisor(s) and signed by the affected employee, shall be permanently maintained and a copy provided to the employee.

   1. The employee will have 10 calendar days after receiving the report to make a statement in writing, which shall be attached to the performance evaluation.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

   1. It shall be the responsibility of the involved employee to provide the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

   2. The Training Coordinator or supervisor shall ensure that copies of training records are placed in the employee's department file.

(c) Disciplinary action.

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1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file for at least one year, unless the employee receives continuing disciplinary action for the same or similar type conduct; in that case the records shall remain in the personnel file for five years.
2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years.
3. Investigations of complaints that result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file maintained by the Assistant Chief of Police.
4. Documents or records related to discipline that has been entirely overturned on appeal shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file maintained by the Assistant Chief of Police.

(d) If a negative letter, memorandum, document or other notation of negative impact is included in an officer's department file, the Department shall, within 30 days after the date of the inclusion, notify the affected officer. The officer may, on or before the 15th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document or other notation.

1. Any employee response shall be attached to and retained with the original adverse comment.
2. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(g) A photograph of the employee.

(h) All required TCLEOSE documents including a copy of the L-1, the L-2, L-3, and any previous F-5 Rs, and required background information including at a minimum, proof of citizenship and age, proof of education, proof of criminal history checks and proof of military discharge, if applicable.

910.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely performance evaluations.

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

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3. Once the permanent performance evaluation has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

(c) A record of a supervisory intervention procedure or a policy or a procedure inquiry regarding an officer shall not be maintained except in the division file.

910.7.3 INTERNAL AFFAIRS FILE

Internal Affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Assistant Chief of Police. Access to these files may only be approved by the Chief of Police or the Assistant Chief of Police, supervisor of the Internal Affairs Unit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment/hostile work environment shall be maintained no less than five years. Investigation files arising out of other internally generated complaints shall be maintained no less than two years.

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

910.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Coordinator or supervisor shall ensure that copies of training records are placed in the employee's training file.

910.7.5 MEDICAL FILE

A confidential medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to, the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short- or long-term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.

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(e) Any other documents or material that reveals the employee's medical history or medical condition, including past, present or potential mental, psychological or physical limitations.

910.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to records destruction requirements.

910.9 *BRADY* MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as *Brady* material, contained within confidential peace officer personnel files.

910.9.1 DEFINITIONS

Brady material - In the *Brady v. Maryland* decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The prosecution - Refers to any prosecuting attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

910.9.2 RELEASE OF PERSONNEL FILES TO PROSECUTING ATTORNEY

Generally, the only time the prosecuting attorney, Attorney General or Grand Jury is entitled to access confidential peace officer personnel files without filing a court motion is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this 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. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

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

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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.

910.9.3 PROCEDURE

If an officer is a material witness in a criminal case, 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 shall apply:

(a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecuting attorney shall be notified of the potential presence of *Brady* material in the officer's personnel file.

(b) The prosecuting attorney should be encouraged to file a court motion in order to initiate an in-camera review by the court.

(c) As with any court motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a court motion has been filed.

(d) The Records Supervisor or authorized designee shall accompany all relevant personnel files during any in-camera inspection, and 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.

(e) If the court determines that there is relevant *Brady* material contained in the file(s), only that material ordered released will be copied and released to the parties filing the court motion.

    1. Prior to the release of any materials pursuant to this process, the Records Supervisor or designee should forward the request to the City Attorney to evaluate the need for a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

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Evaluation of Employees

912.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

912.2 POLICY

The Aransas Pass Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

912.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

912.3.1 EVALUATIONS OF COMMAND STAFF

The Assistant Chief of Police is in charge of evaluating the division commanders over patrol and investigations. The Chief of Police shall evaluate the Assistant Chief of

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Police, department secretaries, and the Dispatch supervisor. The Chief of Police shall be evaluated by the City Manager or his designee.

912.4 EVALUATION FREQUENCY

912.5 FULL TIME PROBATIONARY PERSONNEL

Civilian and sworn personnel are on probation for six months before being eligible for certification as permanent employees. These employees will be constantly evaluated and such evaluations will be in writing should a supervisor find the employee is deficient and in need of improvement. Just prior to the end of the six month probationary period, the employee shall be evaluated for completion of the probationary period. Should the employee show deficiencies that have been addressed, the employee may be dismissed; otherwise the employee may or have his/her probationary period extended or ended.

Sworn personnel whom undergo the Field Training Officer (FTO) Program are on probation for six months before being eligible for certification as permanent employees. These probationary officers are evaluated daily, weekly and monthly during the FTO Program period.

912.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted, in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months has transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor. Transferred employees enter the six month probationary period which will require an evaluation by their new supervisor before being released from the transfer probationary period.

Special - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to identify areas of performance that are deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

912.6.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary. Written explanation shall be noted for such rating.

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Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee and written explanation shall be noted.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated. Written explanation shall be noted for such rating.

Space for written comments is provided at the end of the evaluation in the rater comment's section. This section allows the rater to document the employee's strengths, weaknesses and to identify areas where improvement is needed. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

912.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and answer any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

912.7.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City/Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

(a) That the employee understands the harassment and discrimination policies.

(b) Whether any questions the employee has have been sufficiently addressed.

(c) That the employee knows how and where to report harassment policy violations.

(d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

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912.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall evaluate the supervisor on the quality of the ratings given.

912.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's division file in the division commander's office for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to the Chief of Police.

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Discriminatory Harassment

914.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

914.2 POLICY

The Aransas Pass Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

914.3 DISCRIMINATION PROHIBITED

914.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an employee's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

914.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

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Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to or rejection of such conduct by an employee is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

914.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC).

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

914.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Personnel Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

914.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within the work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

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(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police or Personnel Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

914.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

914.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

914.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

914.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint

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and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Personnel Manager or the City Manager.

914.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

914.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

914.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager or the Personnel Manager if more appropriate.
- Maintained for the period established in the department's records retention schedule.

914.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

914.8.1 DISCRIMINATION OR SEXUAL HARASSMENT TRAINING , STATE EMPLOYEES

State employees will receive initial training within 30 days from the date of employment. Thereafter, employees will receive regular supplemental training every two years (Tex. Lab. Code § 21.010). Each state employee who attends a training program is required to sign a statement verifying his/her attendance, certifying that he/she has reviewed the policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment. The Department will file the statement in the employee's personnel file.

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914.8.2 DISCRIMINATION OR SEXUAL HARASSMENT TRAINING - MUNICIPAL OR COUNTY EMPLOYEES

Employees will receive initial training within 30 days from the date of employment. Thereafter, employees will receive regular supplemental training every two years. Each employee who attends a training program is required to sign a statement verifying his/her attendance, certifying that he/she has reviewed the policy, is aware of and understands its contents and agrees to abide by its provision during his/her term of employment. The Department will file the statement in the employee's personnel file.

914.9 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

State employees will receive initial training within 30 days from the date of employment. Thereafter, employees will receive regular supplemental training every two years (Tex. Lab. Code § 21.010). Each state employee who attends a training program is required to sign a statement verifying the his/her attendance. The Department will file the statement in the employee's personnel file.

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, the Personnel Manager or the City Manager, or they may contact the Texas Workforce Commission.

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Alcohol and Drug Use

916.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Aransas Pass Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

916.2 GENERAL GUIDELINES

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol by on-duty personnel is generally prohibited except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. The affected employee shall notify the Shift Commander or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

916.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work or while on-duty except in the performance of a special assignment as described in Policy Manual § 916.2.

Department employees shall not illegally manufacture any alcohol or drugs.

916.2.2 USE OF PRESCRIBED MEDICATION

A department employee who is medically required to take prescription medication during work hours shall not allow such medication to impair his/her ability to perform his/her work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to his/her immediate supervisor. No employee shall be permitted to work on or drive a department-owned or leased vehicle while taking medication that could impair his/her ability without a written release from his/her physician.

916.3 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist employees who wish to seek help for alcohol and drug problems. There may also be available a variety of insurance coverage that provide treatment for drug and alcohol abuse. Employees may contact the Personnel Department, his/her insurance provider or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek a referral for rehabilitation through the Employee Assistance Programs or insurance provider. It is the

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responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

916.4 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

916.4.1 CONSUMPTION OF INTOXICANTS PRIOR TO SHIFT

Generally, employees should not consume intoxicating beverages or intoxicating prescription drugs within 12 hours prior to the start time of their next assigned shift. If the employee requires such intoxicating prescription drugs, the employee shall notify their shift commander of the need and if needed, the employee will be permitted sick leave as needed. Habitual use of sick time for such purpose shall require a doctor's release. Habitual use of sick time shall be 3 or more days in a row, the first day before or after the employee's regularly scheduled days off.

916.5 REQUESTING SCREENING TESTS

The Department may request an employee to submit to a screening test if the Department:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action.

916.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS

The Department may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm.

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(b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

(c) Is involved in a vehicle collision while operating a department owned vehicle.

916.5.2 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

916.6 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

916.7 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances on their own part or the part of any other employee.

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Promotion and Transfer Policy

918.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Aransas Pass Police Department.

918.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Present a professional, neat appearance.

(b) Maintain a physical condition which aids in their performance.

(c) Demonstrate the following traits:

1. Emotional stability and maturity.
2. Stress tolerance
3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to organizational goals and objectives in a positive manner.

918.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

(a) Special Enforcement Team member.

(b) Detective

(c) Motor Officer

(d) Accident Investigator

(e) Field Training Officer

(f) Community Relations/Training Officer

918.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

(a) Three years police experience, unless otherwise stated

(b) Off probation, unless otherwise stated

(c) Has shown an interest in the position for which he/she is applying.

(d) Has education, training and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing, public relations.

(e) Completed any training required by TCLEOSE or law.

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918.3 SELECTION PROCESS

The following criteria apply to transfers.

(a) An administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.

(d) Appointment by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

918.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Aransas Pass Personnel Department.

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Request for Change of Assignment

920.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established, whereby all such requests will be reviewed on an equal basis as assignments are made.

920.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment Form. The form should be forwarded through the chain of command to the Division Commander.

Email correspondence may be substituted.

920.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment Form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request Form.

920.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Shift Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Shift Commander did not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

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Employee Commendations

922.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for commending exceptional employee performance.

922.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by a member of the public or any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person in charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation for another employee through the supervisor of the employee who is the subject of the commendation.

922.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

922.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, division and assignment at the date and time of the commendation.

(b) A brief account of the commendable action with report numbers, as appropriate.

(c) Signature of the commending supervisor.

Completed reports shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

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Personal Appearance Standards

924.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

924.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate and where the Chief of Police has granted an exception.

924.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect ad must be worn up or in a tightly wrapped braid or ponytail.

924.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

924.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

924.2.4 FACIAL HAIR

Facial hair, other than sideburns or mustaches, shall not be worn unless authorized by the Chief of Police or authorized designee.

924.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

924.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or authorized designee. Only one ring may be worn on each hand of the employee while on-duty.

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924.3 TATTOOS

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those that depict racial, sexual, discriminatory, gang related or obscene language.

924.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

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Uniform Regulations

926.1 PURPOSE AND SCOPE

The uniform policy of the Aransas Pass Police Department is established to ensure that uniformed officers, special assignment personnel and non-sworn employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following Policy Manual sections:

Section 928 - Firearms and Qualification

Section 800 - Department Owned and Personal Property

Section 930 - Body Armor

Section 924 - Personal Appearance Standards

The Uniform and Equipment Specifications Manual is maintained and periodically updated by the Chief of Police or authorized designee. That manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Aransas Pass Police Department will provide uniforms to new police department employees. Those uniforms are paid for through a monthly uniform allowance. Once paid in full, the officer will receive a monthly uniform allowance to maintain and purchase more uniforms and/or accessories as needed and in accordance with this policy.

926.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform so as to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications and procedures that are maintained separately from this policy.

(e) All supervisors will perform periodic inspection of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official department functions or events.

(h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(i) Mirrored sunglasses will not be worn with any Department uniform

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(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or authorized designee.

1. Wrist watch
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet

926.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

926.3 UNIFORM CLASSES

926.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform, with:

(a) Long-sleeved shirt with tie.

(b) Polished shoes/boots.

926.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long- or short-sleeved shirt may be worn with the collar open. No tie is required.

(b) A white, or black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Polished shoes/boots.

(e) Approved all-black unpolished shoes/boots may be worn.

926.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments.

The Class C uniform will consist of the same garments and equipment as the Class B uniform with the following exceptions:

(a) The short-sleeved shirt must be a Polo Style uniform looking shirt.

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(b) Shorts with BDU style pockets will be worn.

(c) Shoes may be boots, shoes, or black colored athletic shoes with black socks.

(d) Nylon duty gear may be substituted for leather.

Class C uniform shall not be mismatched with Class B or Class A dress. Class C uniforms shall only be worn, if desired, anytime on or after June 1st and no later than October 1st of each year. Furthermore, Class C uniforms shall always be worn while assigned to bicycle patrol.

926.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

926.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

926.4 INSIGNIA AND PATCHES

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4 of an inch below the shoulder seam of the shirt and bisecting the crease in the sleeve.

(b) Service stripes and stars - Service stripes and other indicators for length of service may be worn on long-sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of 1 1/2 inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name, or just the employees last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police.

(f) Flag pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department-issued badge, or an authorized sewn-on cloth replica must be worn and visible at all times while in uniform.

(h) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

926.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

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(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this state - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or authorized designee.

926.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Open-toed sandals or thongs.
3. Swimsuit, tube tops or halter tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Aransas Pass Police Department or the morale of the employees.

926.6 POLITICAL ACTIVITIES, ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Aransas Pass Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of him/herself or another employee, as an employee of the Aransas Pass Police Department in order to:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

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(d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast or on any website.

926.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the employee.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 800)

926.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Aransas Pass Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or authorized designee.

Aransas Pass Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or authorized designee.

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Firearms and Qualification

928.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use and documentation of training in the use of firearms. The Chief of Police or authorized designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

928.1.1 AUTHORIZATION TO CARRY FIREARMS

Only sworn personnel who have met all state standards and have been authorized by the Chief of Police shall be able to carry a firearm both on and off duty. The general policy of the department is that officers both on and off duty shall carry their firearm on or about their person at all times; the exception being for times specifically prohibited by policy or law or when an officer would reasonably believe carrying a firearm would not be prudent given the circumstances surrounding the occasion.

928.1.2 ALIAS HANDGUN LICENSE

On written approval of the DPS director, the Department may issue to an officer an alias license to carry a concealed handgun to be used in supervised activities involving criminal investigations (Tex. Gov't Code § 411.198(a)).

928.2 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

928.2.1 SAFETY CONSIDERATIONS

(a) Officers shall not unnecessarily display or handle any firearm.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer. Officers shall not dry fire or practice quick draws except under Armorer supervision.

(c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except for designated locations.

(d) Shotguns or rifles removed from vehicles or an equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.

(e) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.

(f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor.

(g) Any weapon authorized by the Department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the Armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the Armorer, will be immediately

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removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

928.2.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their possession, homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

928.3 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Armorer during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

928.3.1 DUTY WEAPONS

The authorized department issued handgun is the S&W M&P .40.

The following additional handguns are acceptable after being inspected and approved by the Chief or his designee:

MAKE	MODEL	CALIBER
Glock	ANY	9, 357, 40, 45
Beretta	ANY	9, 357, 40, 45
Springfield	ANY	9, 357, 40, 45
S&W	ANY	9, 357, 38, 40, 45
Kimber	ANY	9, 357, 40, 45
Colt	ANY	9, 357, 40, 45
Rock River	ANY	9, 357, 40, 45

928.3.2 AUTHORIZED SECONDARY FIREARM

Officers desiring to carry a secondary firearm are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department's list of approved firearms.

(b) Only one secondary firearm may be carried at a time.

(c) The purchase of the firearm and ammunition shall be the responsibility of the officer.

(d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.

(e) The firearm shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

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(f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Police shall approve the ammunition.

(g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly .

(h) Personnel shall provide written notice of the make, model, color, serial number and caliber of a second firearm to the Armorer.

928.3.3 AUTHORIZED OFF-DUTY FIREARM

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). When sworn officers carry a firearm while off-duty based on their authority as a peace officer, they will be required to meet the following guidelines:

(a) The firearm shall be of good quality and workmanship and approved by the Department.

(b) The purchase of the firearm and ammunition shall be the responsibility of the officer.

(c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.

(d) It will be the responsibility of the officer to submit the firearm to the Armorer for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Armorer.

(e) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Armorer that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(f) The officer will successfully qualify with the firearm prior to it being carried and thereafter once every year. The range qualification dates will be specified by the Armorer.

(g) A complete description of the firearm shall be contained on the qualification record approved by the Armorer.

(h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.

(i) Officers shall only carry department-authorized ammunition.

(j) When armed, whether on- or off-duty, officers shall carry their badge and department identification.

928.3.4 AMMUNITION

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned, authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Armorer when needed and in accordance with established policy.

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928.3.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

928.3.6 LASER SIGHTS

Laser sights may only be installed on a weapon carried on or off duty after the sights have been examined and approved by the Armorer.

(a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.

(b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

928.4 FIREARMS PROFICIENCY

The Chief of Police will designate a primary designated firearms proficiency officer who will be responsible for maintaining department records of firearms proficiency for each officer. Officers shall, in addition to regularly required firearms qualification, annually demonstrate proficiency to the proficiency officer for each authorized firearm he/she carries (Tex. Occ. Code § 1701.355).

The firearms proficiency officer shall keep accurate records of quarterly qualifications, repairs, maintenance and training as required by law. The course of fire shall meet or exceed the minimum standards required by law. Separate firearms proficiency tests must be demonstrated and conducted for each weapon used, such as a handgun, shotgun, patrol rifle or fully automatic weapon (37 Tex. Admin. Code § 217.21).

At least annually, all personnel carrying a firearm will receive training on the Department Use of Force Policy and demonstrate their knowledge and understanding of the policy (Tex. Occ. Code § 1701.355).

In the event that the above requirements present a hardship, the Department may request in writing that TCLEOSE waive an officer's annual demonstration of weapons proficiency requirement (Tex. Occ. Code § 1701.355(b) and 37 Tex. Admin. Code § 217.21(e)).

928.4.1 ANNUAL QUALIFICATION

All sworn personnel are required to qualify annually and show weapons proficiency with their duty weapon on an approved range course or as directed by the Training Coordinator. In addition to regular qualification schedule, the Armorer shall be responsible for providing all sworn personnel with regular practical training designed to simulate field situations, including shoot-no-shoot situations and shooting at moving targets or while moving while shooting at a static target.

928.4.2 NON-QUALIFICATION

If an officer is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, that officer shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

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Members who do not possess a certificate of firearms proficiency or who fail to qualify over a year period will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.

(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

(c) No range credit will be given for the following:

1. Unauthorized range make-up.
2. Failure to qualify after remedial training.

928.4.3 SHOOTING RANGE AVAILABLE

All officers within the Aransas Pass Police Department have a free membership at the Schwenke's Rifle & Pistol Shooting Range located in Aransas Pass, Texas due to a paid contractual agreement between the police department and range management. Officers need to sign in and show police department ID before entering the range.

Officers are encouraged to practice their shooting skills with their duty and off-duty firearms on a regular basis throughout the year.

928.5 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

928.6 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

928.6.1 INJURED ANIMALS

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

928.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death

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to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

928.8 ARMORER DUTIES

The range will be under the exclusive control of the Armorer. All members attending will follow the directions of the Armorer. The Armorer will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any officer to sign in and out with the Armorer may result in non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Armorer has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Armorer has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his/her personal weapon, and it will not be returned to service until it has been inspected by the Armorer.

The Armorer has the responsibility to ensure each officer on a yearly basis can demonstrate proficiency in the care and cleaning of the weapon (37 Tex. Admin. Code § 217.21(b)(2)).

928.8.1 FIREARMS INSTRUCTOR PROFICIENCY

Each firearms instructor shall meet the proficiency requirements in 37 Tex. Admin. Code § 221.19.

928.9 MAINTENANCE AND REPAIR

Personal and department-owned firearms shall be inspected annually to determine the safety and functioning of the weapon (37 Tex. Admin. Code § 217.21(b)(1)).

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

928.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Armorer shall be the only person authorized to repair or modify any department-owned weapon for which the Armorer is certified as an armorer.

All repairs and/or modifications of department-issued weapons not performed by the Armorer must be approved in advance by the Armorer and accomplished by a department-approved gunsmith who is certified to repair such firearm.

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Any repairs or modifications to the officer's personally owned weapon shall be done at his/her expense and must be approved by the Armorer.

928.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their department identification card, which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The Aransas Pass Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Aransas Pass Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary and should include that the officer has completed the mandatory TSA training for law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

928.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers of this department (see Retired Officer Concealed Handgun Licenses and Weapons Proficiency Certificates Policy) are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B; 18 USC § 926C):

(a) The officer shall carry his/her department identification card whenever carrying a weapon.

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

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(c) The officer is not the subject of any current disciplinary action.

(d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The officer will remain subject to this and all other department policies (including qualifying and training).

(f) Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC § 926B and 18 USC § 926C.

928.12 PURCHASE OF DEPARTMENT FIREARMS BY RETIRED OFFICERS

A retired qualified officer, a retired qualified reserve officer or the spouse, child or parents of a deceased officer may purchase the officer's weapon from the Department. Any such sale is at the discretion of the Chief of Police and requires the written authorization of the Chief of Police.

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Body Armor

930.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

930.2 POLICY

It is the policy of the Aransas Pass Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

930.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Aransas Pass Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

930.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

930.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by officers and their direct line supervisors for fit, cleanliness and signs of damage, abuse and wear.

930.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled

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(e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

930.4 ARMORER RESPONSIBILITIES

The Armorer should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Department Badges

932.1 PURPOSE AND SCOPE

The Aransas Pass Police Department badge and uniform patch as well as the likeness of these items and the name of the Aransas Pass Police Department are property of the Department and their use shall be restricted as set forth in this policy.

932.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

932.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at their own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same policy provisions as the uniform badge.

(a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Aransas Pass Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 800.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

932.2.2 CIVILIAN PERSONNEL

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of a uniform, and only while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent himself/herself, on- or off-duty in such a manner that would cause a reasonable person to believe that he/she is a sworn peace officer.

932.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia; other uses of the badge may be unlawful or in violation of this policy.

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932.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as e-mail or on websites or web pages.

The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan a department badge, shoulder patch, or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated (Tex. Penal Code § 37.12).

Sharing patches with other agencies or individual collectors is prohibited unless specifically approved in writing by the Chief of Police. No officer or other person has expressed permission of the Aransas Pass Police Department to recreate the department badge or shoulder patch for private use.

932.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business, provided they are used in a clear representation of the association and not the Aransas Pass Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

932.5 RETURN OF BADGE AND SHOULDER PATCH.

Upon termination of employment, all issued badges and shoulder patches shall be returned by the employee. If an employee intends on discarding a uniform shirt, the shoulder patches should be removed and returned to the division commander of the employee.

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Court Appearance and Subpoenas

934.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

934.1.1 DEFINITIONS

On-Call - When an employee has appeared in court or is at the time on-duty and has been told by a member of the court that he/she is free to leave the court or return to duty but will be available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type that allows him/her to not appear in court but to remain available by phone or pager so he/she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to appear in a timely manner in the specified court, either intentionally or by negligence, may result in disciplinary action.

934.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

934.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by (Tex. Code of Crim. Pro. art. 24.04):

(a) Delivering a copy of the subpoena to the officer.

(b) Reading of the subpoena in the presence of the officer in a hearing.

(c) Electronically transmitting a copy of the subpoena to the officer requiring an acknowledgment of receipt.

(d) Mailing a copy of the subpoena to the officer by certified mail.

934.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified that it originated from a recognized legal authority.

934.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena may accept service. Such service may be performed by any sheriff or constable of the State of Texas, or any person who is not a

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party and is 18 years of age or older. A subpoena must be served by delivering a copy to the witness and tendering to that person any fees required by law. If the witness is a party and is represented by an attorney of record in the proceeding, the subpoena may be served on the witness's attorney of record. Any employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas (Tex. Code of Crim. Pro. art. 24.01 through 24.04).

(b) Proof of service is shown by filing either:

1. The witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena.
2. A statement by the person who delivered the subpoena stating the date, time, manner of service and the name of the person served.

(c) In a civil case, only the employee named in the civil subpoena is authorized to accept service (Tex. R. RCP Rule 176.5).

934.2.4 REFUSAL OF A SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Shift Commander of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance the supervisor or other authorized individual should inform the process server he/she has to directly serve the named witness. If the named witness is not on-duty, the supervisor must notify the process server of the next available dates the witness will be on-duty.

934.2.5 COURT STANDBY

To facilitate standby agreements with the courts, employees are required to provide and maintain with the Department their current address and phone number. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

934.2.6 NON DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for matters that are not related to their employment with this department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through the immediate supervisor.

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934.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions (Tex. Code of Crim. Pro. art. 24.05).

934.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

934.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

934.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Tex. Civ. Pract. and Rem. Code § 22.001(b).

934.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action who seeks to subpoena an officer must deposit the statutory fee of $10 (Tex. Civ. Pract. and Rem. Code § 22.001) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

934.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

934.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

934.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer should request a copy of relevant reports and become familiar with the content in order to be prepared for court.

934.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

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934.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

934.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Texas, any county, any city or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, County and/or DIstrict Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city or its officers and employees.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matters.

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Recruitment and Selection

940.1 PURPOSE AND SCOPE

The employment policy of the Aransas Pass shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Aransas Pass Personnel Department.

940.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

940.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Aransas Pass Personnel Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Aransas Pass or State of Texas hiring standards. The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) has developed minimum criteria, which is used as a professional standard in background investigations (37 Tex. Admin. Code § 211.1; 37 Tex. Admin. Code § 217.1).

The following standards have been adopted for public safety applicants.

940.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Texas driver license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following shall be disqualifying:

1. Receipt of three or more moving violations within three years or a reckless driving conviction within five years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
3. A conviction for driving under the influence of alcohol (DUI or DWI) and/or drugs within 10 years preceding the date of application or during the hiring process; or within 5 years of the date to be hired if a waiver has been granted from TCLEOSE at the request of the Chief of Police.

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940.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities and payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination, or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration or intentional omission of material facts on an official employment application document, or sustained episodes of academic cheating.

940.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Admission or conviction of any criminal offense classified as a Class A or Class B misdemeanor under Texas law within 10 years prior to application, unless otherwise stated within this policy.

2. Conviction of an offense classified as a misdemeanor under Texas law, other than class C traffic offenses, while employed as a peace officer (including military police officers).

3. Admission or conviction of having committed any act amounting to a felony (including felony-misdemeanor offenses) under Texas or federal law, to include the Uniform Code of Military Justice (UCMJ).

4. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document or theft.

5. Admission(s) or conviction of any act of family violence as defined by law, committed as an adult.

6. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including, but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than three years difference in age existed at the time of the acts.

7. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

8. Any previously issued F-5 denoting a dishonorable discharge.

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940.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

(f) Having established a positive working relationship with ancillary investigative agencies assigned to assisting and/or supplementing law enforcement.

(g) The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission.
2. Arriving late for any scheduled appointment during the process without making telephone notification as to the reason for the delay.
3. Having been disciplined by any employer, including military, as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.
4. Having been involuntarily dismissed, for any reason other than lay-off, from two or more employers as an adult within the past 10 years.
5. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
6. Having undergone personal bankruptcy more than once.
7. Having current financial obligations for which legal judgments have not been satisfied.
8. Wages currently garnished.
9. Any other history of financial instability.
10. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
11. Having any outstanding warrant of arrest at the time of application.

940.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to laws, statutes and codes.

(c) The ability to learn and to apply what is learned.

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.

(e) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and which was initiated within the past two years prior to the date of application.
2. Having been academically dismissed from any TCLEOSE-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion

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of another TCLEOSE basic law enforcement academy shall rescind this requirement.

940.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion, not enforcing the law blindly.

(d) Effectiveness in dealing with people without arousing antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following shall be disqualifying:

1. Having been disciplined by any employer, including the military and/or any law enforcement training facility, for acts constituting racial, ethnic or sexual harassment or discrimination.
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
3. Having been disciplined by any employer as an adult for fighting in the workplace.

940.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

(e) The following shall be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority, or any other violation of federal or state Civil Rights laws.
2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

940.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.
2. Any adult use or possession of marijuana within two years prior to application for employment.
3. Any other illegal adult use or possession of a drug not mentioned above, including cocaine, within three years prior to application for employment.
4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police or as a student enrolled in college-accredited courses related to the criminal justice field.
5. Any adult sale, manufacture or cultivation of a drug or illegal substance.

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6. Failure to divulge to the Department any information about personal illegal use or possession of drugs.
7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile.
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago).
3. Any illegal or unauthorized use of prescription medications.

940.4 OFFICER SELECTION PROCESS

(a) Applicants for entry-level officer positions will apply to the City Personnel Department and are required to:

1. Meet qualifications of TCLEOSE and the Department as required by this policy.
2. Pass an entrance exam.
3. Pass a physical agility test (applicant must have physicians approval to take the test).
4. Obtain an acceptable score from a structured oral interview board.

(b) The highest ranking candidates based on the above scores will be interviewed by the Chief of Police or authorized designee. The top candidate will be required to complete the following:

1. Successfully complete a background investigation.
2. Successfully complete a Deception Detection Device test process.

(c) The top candidates meeting department hiring criteria may then be provided a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Physical exam.
2. Drug testing.
3. Psychological testing.
4. Chief of Police final interview.
5. Successful completion of a law enforcement academy (if required) and licensing.

(d) Regular employee status may be granted upon:

1. Successful completion of field training.
2. Successful completion of probation.

The Chief of Police may way one or more items listed under subsection (a) of this individual policy.

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940.4.1 LATERAL TRANSFER OFFICER SELECTION PROCESS

Licensed officer applicants (laterals) currently employed full-time with other agencies with a minimum of two years full-time law enforcement experience may be deemed to have met various entry requirements. Specific steps may be waived at the discretion of the Chief of Police or authorized designee.

940.5 CIVILIAN SELECTION PROCESS

(a) Applicants for the positions of dispatcher, secretary, records clerk or other similar positions will apply to the City Personnel Department and are required to:

1. Meet department qualifications.
2. Successfully complete an applicable employment exam.
3. Obtain an acceptable score on a typing test if applicable to the position.
4. Obtain an acceptable score from a structured oral interview board.
5. Successfully complete a background investigation.
6. Successfully complete a Deception Detection Device test process.

(b) The top candidates meeting department hiring criteria may then be provided a conditional offer of employment, with hiring and appointment contingent upon the successful completion of:

1. Background investigation.
2. Physical and drug exams.
3. Chief of Police final interview.

(c) Regular employee status may be granted upon:

1. Successful completion of training.
2. Successful completion of probation.

The Chief of Police may way one or more items listed under subsection (a) of this individual policy.

940.6 STAFF AND SPECIALIST POSITIONS

(a) Experienced applicants for management, supervisory positions and specialists will be considered from within the Department and from individuals outside the Department in such areas as criminal investigations, crime prevention, identification or other similar positions requiring specialized skills. These individuals must meet, or previously have met, the Department employment criteria for sworn or non-sworn employment, as appropriate to the position. Additionally, if applicable, the selection process for the position may include:

1. Successfully complete a specialized employment exam.
2. Successfully complete an assessment center process.
3. Obtain an acceptable score from a staff interview and/or board.

(b) The top candidates meeting department hiring criteria may then be provided a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Background investigation.
2. Physical and drug exams.

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3. Chief of Police final interview.

(c) Regular employee status may be granted upon:

1. Successful completion of training.
2. Successful completion of probation.

940.7 TECHNIQUES, TOOLS AND RECORDS

940.7.1 DECEPTION DETECTION DEVICE

If a Deception Detection Device, such as a polygraph, is used in the selection process, the operator will be licensed in the use of the instrument being used.

940.7.2 BACKGROUND INVESTIGATIONS

Background investigations are conducted on all department employees prior to the final hiring decision. Relevant information regarding the candidate's qualification, integrity, lawful and unlawful past behavior, previous work performance and driving record is included along with interviews of individuals familiar with the candidate. This information is used to make an informed decision on the candidate's suitability for employment.

Background investigations shall be conducted by members of the Department who have been trained in conducting background investigations or in accordance with the Background Investigation Manual adopted by the Department.

It will be the joint responsibility of an investigator assigned to a background investigation and the Administration Supervisor to ensure compliance with the applicable mandates of 37 Tex. Admin. Code § 217.7 concerning peace officer licensing and termination reports.

940.7.3 RECORDS

All selection materials for those individuals hired, including the background investigation, will be placed in an envelope and filed in the employees personnel file. Employee selection materials will be maintained for the length of time required for personnel files under the records retention plan.

All selection materials for those individuals not hired will be maintained for a minimum of two years in the Personnel Department.

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Training Policy

942.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

942.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever possible, the Department will use courses certified by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

942.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of Department personnel.

(d) Assist in compliance with TCLEOSE rules and regulations concerning law enforcement training.

942.4 TRAINING PLAN

It is the responsibility of the Training Coordinator to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Coordinator shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address state required minimum mandated training for licensing of sworn officers or hiring of non-sworn employees.

Training listed may be provided in basic training programs. The Training Coordinator is responsible for ensuring members of the Department have been provided with training opportunities to statisfy training requrements as mandated by TCLEOSE.

942.4.1 STATE MANDATED TRAINING

State training requirements include, but are not limited to:

(a) Sworn officers:

1. **Use of force policy** - Annually
2. **Use of firearms (proficiency)** - No less than annually for each weapon used
3. **Remedial firearms training** - For any failure to qualify

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4. **In-service (40 hours every two years plus legislative mandates)** - Biennially (includes reserve)
5. **Emergency/critical incident responder training** - Upon appointment and updated as appropriate
6. **Field training officer training** - Once upon appointment
7. **Hostage negotiator training** - Once upon appointment
8. **Supervisor/commander training** - Once within 12 months of promotion, for each rank
9. **Executive officer training** - Once upon appointment for the Chief of Police

(b) Civilian:

1. **Telecommunicator training** - Once upon appointment

942.4.2 DEPARTMENT TRAINING REQUIREMENTS

Department training requirements include, but are not limited to:

(a) All employees:

1. **Sexual and racial discrimination and other unlawful harassment** - Once
2. **Legislative changes** - As appropriate for each position and assignment
3. **Critical issues** - As appropriate for each position and assignment

(b) Sworn officers:

1. **Professional conduct** - Once
2. **Bias-based profiling** - Once
3. **Control devices and techniques, use and proficiency** - Biennially
4. **Preliminary investigations** - Once
5. **Proper use of *Miranda* warning** - Once
6. **Arrests with warrant** - Once
7. **Arrests without warrant** - Once
8. **Searching and transporting prisoners** - Once
9. **Family violence** - Once
10. **Obtaining, executing and return of search warrants** - Once
11. **Emergency vehicle operation** - Once
12. **Vehicle pursuits** - Once
13. **Vehicle pursuits update** - Annually
14. **Roadblocks, proper use** - Once
15. **Tire deflation device, proper use** - Once
16. **NIMS basic training** - Once

(c) Officers assigned to the Criminal Investigations Division:

1. **Follow-up investigation** - Once upon assignment
2. **Interrogation** - Once upon assignment

(d) Supervisors:

1. **Performance evaluation training for supervisors** - Once

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2. **NIMS supervisor training** - As is appropriate for each rank
3. **Emergency Management Plan** - Once for all supervisors and designated employees

(e) Court bailiff or officer acting as bailiff:

1. **Court security** - Once upon assignment
2. **Court fire evacuation** - Annually for every court employee

(f) Specialized positions:

1. **Field training program** - Once upon appointment
2. **FTO update** - As necessary
3. **Media Relations Officer training** - Once upon appointment
4. **Polygraph certification** - Once prior to operation
5. **Background investigator training** - Once upon appointment
6. **Hostage negotiator update** - As is necessary

(g) Civilian:

1. **Civilian training** - As appropriate for each position and assignment
2. **Telecommunicator training** - Once upon appointment
3. **Records Supervisor training** - Once upon appointment
4. **Information release training** - Once for employees releasing records information

942.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training-needs assessment and complete a report of the training-needs assessment, including recommendations from the Training Advisory Board. The training-needs assessment report will be provided to the Chief of Police, staff and the Training Advisory Board. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the ensuing fiscal year.

942.5.1 TRAINING RESPONSIBILITIES

TCLEOSE Training Mandates require 40 hours of training to be completed each training cycle, and mandated courses identified by TCLEOSE to be completed each training cycle by Sworn Peace Officers.

TCLEOSE Training Mandates are required in order for Sworn Peace Officers to be in good standing with TCLEOSE. Sworn Peace Officers not in good standing can have their TCLEOSE license suspended and or revoked.

The Training Coordinator will ensure that training provided by the department will met all TCLEOSE Training Mandates. Sworn Peace Officers in the department will be provided the opportunity to attend training in order to be in compliance with Training Mandates, but it is the Sworn Peace Officers' responsibility to ensure he or she is in compliance with Training Mandates.

The Department and or the Training Coordinator are not responsible for any action taken by TCLEOSE against a Sworn Peace Officer for not being in compliance with TCLEOSE Training Mandates.

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Sworn Peace Officers will be allowed to accrue overtime for the following training.

1. Department Mandatory Training 2. TCLEOSE Training Mandated Courses (Mandated 40 hours is not covered)Any other training not mentioned above that a Sworn Peace Officer wants to attend with will be on their own time. Sworn Peace Officers can communicate with the Training Coordinator vie email in regards to classes they need to have to be in compliance with TCLEOSE Training Mandates. Communications Training is covered in section of this code 612.4

942.5.2 OUTSIDE AGENCY TRAINING

If an employee takes TCLEOSE approved training from an outside agency or source, the employee is responsible for ascertaining whether or not the training provider will submit the completed training to TCLEOSE. If the training provider does not submit the training to TCLEOSE, the employee is responsible for providing all the required documentation about the course along with the training completion certification form to the training coordinator within 7 days after completing the training course. If the required documentation is not provided to the training coordinator within the time allotted or if the training coordinator denies eligibility of the course material, the employee shall not receive TCLEOSE credit for the training.

942.6 TRAINING COMMITTEE

The Training Coordinator shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The committee will also work with the Training Advisory Board as necessary to ensure cooperation and avoid duplication of effort.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Coordinator may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee shall convene on a regular basis as determined by the Training Coordinator to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Coordinator. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Coordinator will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

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942.7 TRAINING ADVISORY BOARD

Agencies offering training to its members must form a Training Advisory Board. The formation and membership of the board is governed by Title 37, Chapter 215 of the Texas Administrative Code and Chapter 1701 of the Texas Occupations Code.

It will be the responsibility of the Training Coordinator to ensure the following guidelines are followed and to coordinate the meetings of the board.

The Training Advisory Board serves to review the training practices of the Department and to make recommendations to the Chief of Police regarding needed changes in curriculum, policy and direction, meeting the guidelines for procedure, purpose and reporting, as directed by TCLEOSE.

942.7.1 TRAINING ADVISORY BOARD GUIDELINES

(a) The Training Advisory Board will be composed of the following (37 Tex. Admin. Code § 215.7(b) and Tex. Occup. Code § 1701.052):

1. One-third of the membership from the community
2. Two-thirds of the membership from the Department
3. The Chief of Police and the Training Coordinator will serve as non-voting members

(b) Members will be appointed to the Training Advisory Board as follows (37 Tex. Admin. Code § 215.7(c)):

1. The board members will be chosen and appointed by the Chief of Police, upon recommendation of the Training Coordinator.
2. Any board member may be removed from the board at the discretion of the Chief of Police.
3. The Chief of Police will select the board chair (37 Tex. Admin. Code § 215.7(c)).

(c) The authority and responsibilities of the Training Advisory Board will be the following (37 Tex. Admin. Code § 215.7(i)):

1. Advise on the need to study, evaluate and identify specific training needs.
2. Advise on the determination of the types, frequency and location of courses to be offered.
3. Advise on the establishment of the standards for admission, prerequisites, minimum and maximum class size, attendance and retention.
4. Advise on the order of preference among employees or prospective appointees of the sponsoring organization and other persons, if any.

(d) The Training Advisory Board will meet at least annually. More frequent meetings may be called at the direction of the Chief of Police (37 Tex. Admin. Code § 216.7(d)):

1. Minutes of the board meetings will be recorded and maintained by the Training Coordinator.
2. A copy of the minutes will be forwarded to the Chief of Police, TCLEOSE and to each board member.
3. Minutes will be maintained on file with the Department for a minimum of five years by the Training Coordinator (37 Tex. Admin. Code §215.7(e)).

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942.8 EMPLOYEE TRAINING RECORDS

The Training Coordinator is responsible for the creation, filing and storage of all training records in compliance with TCLEOSE standards using the Texas Commission on Law Enforcement Data Distribution System for sworn peace officer records. Training records shall be retained as long as the employee's personnel file is retained.

942.9 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Coordinator to attend an alternate date.

942.10 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Aransas Pass Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Coordinator.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Coordinator. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

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Field Training Officer Program

944.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Aransas Pass Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and to ensure the officer possesses skills needed to operate in a safe, productive and professional manner.

944.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

944.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.
(b) Minimum of two years of patrol experience.
(c) Demonstrated ability as a positive role model.
(d) Evaluation by supervisors and current FTOs.
(e) Possess a TCLEOSE Basic Peace Officer Certificate.

944.2.2 TRAINING

An officer selected as an FTO shall successfully complete a TCLEOSE-certified, 24-hour Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour FTO update course every three years while assigned to the position.

944.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be selected from the rank of sergeant or above by the Patrol Division Commander or authorized designee and shall possess a TCLEOSE Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.
(b) Conduct FTO meetings.
(c) Maintain and ensure FTO/trainee performance evaluations are completed.
(d) Maintain, update and issue the Field Training Manual to each trainee.
(e) Monitor individual FTO performance.
(f) Monitor overall FTO Program.

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(g) Maintain liaison with FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

944.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Aransas Pass Police Department who has successfully completed a TCLEOSE-approved basic academy and possesses a Texas Basic Peace Officer license.

944.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall be a minimum of four weeks, unless otherwise determined by the FTO supervisor or Chief of Police.

To the extent practicable, entry level and lateral officers should be assigned to a variety of FTO, shifts and geographical areas during their Field Training Program.

944.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Aransas Pass Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Aransas Pass Police Department.

944.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

944.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

944.6.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

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944.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTO to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTO to discuss changes needed in the FTO Program. A summary of this meeting with any recommendations for changes will be documented and forwarded to the Chief of Police for review and approval.

944.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation of each of their FTOs and on the Field Training Program.

944.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) A certificate of completion that the trainee has successfully completed the required number of hours of field training.

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Smoking and Tobacco Use

946.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Aransas Pass Police Department facilities or vehicles.

946.2 POLICY

The Aransas Pass Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Aransas Pass Police Department to limit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

946.3 EMPLOYEE USE

Tobacco use by employees is prohibited any time employees are in public view representing the Department.

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle.

It shall be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

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Sick Leave Policy

948.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick-leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825).

948.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams, or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

948.2.1 NOTIFICATION

Employees are encouraged to notify an immediate supervisor, the Shift Commander or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide notice to the Department as soon as possible and with no less than 30-days notice of the intent to take leave.

948.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

948.3.1 DOCTORS NOTICE REQUIRED

Any member of the department that calls in sick the day before going on his/her scheduled days off or the first day back to work after his/her regularly scheduled days off shall be

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required to present a doctor's notice to the department. This same practice shall be required for days taken off immediately before or immediately after the employees approved vacation time.

The doctors notice shall state that the employee was observed by the doctor or doctor's office and the employee is clear to return to work.

948.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick-leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave.

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Overtime Payment Requests

950.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement, or by allowing the accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practicable after overtime is worked.

950.1.1 DEPARTMENT POLICY

Because of the nature of police work and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the number of hours identified by City Management.

950.1.2 WHEN OVERTIME IS ACCRUED

In accordance with City policy, all sworn staff members within the police department work 80 hour work periods. As a result, sworn staff must first physically work 80 hours before they accrue overtime in a two week period. Vacation and sick time used during the 80 hour two week period does not constitute "physically working".

Non-sworn members within the department fall under the 40 hour work week methodology when calculating overtime.

950.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward the forms to Administration as soon as practicable. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

950.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Commander. Employees submitting overtime forms for on-call pay when off-duty shall submit forms to the Shift Commander the first day after returning to work.

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950.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who approves the overtime request shall verify that the overtime actually was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form will be forwarded to the employee's Division Commander for final approval.

950.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving payment, will then forward the form to the Chief of Police for review.

950.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In the case of being called in for case investigations or court, staff will be compensated with a 2 hour minimum. Canine call-outs will be compensated with a 1 hour minimum if the call-out was approved by the shift commander on duty. The supervisor will enter the actual time worked.

950.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

950.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Shift Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the request form.

950.4 ABUSE OR EXCESSIVE OVERTIME

Employees are to refrain from acquiring excessive overtime that could otherwise be avoided. Employees who are found to abuse overtime through poor time management while on duty, shall be disciplined appropriate. Fabricating or padding overtime is a form of dishonesty and will result in disciplinary action up to termination of employment.

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Communicable Diseases

954.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. Procedures shall comply with the minimum standards adopted under the Health and Safety Code (Tex. Health and Safety Code § 81.304).

The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with bloodborne pathogens, aerosol transmissible diseases and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

954.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS

All department personnel who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

954.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Exposure Control Officer. This officer shall be responsible for the following:

(a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP) consistent with 29 CFR 1030 and Tex. Health Safety Code § 81.304.

(b) Establishing written procedures and a training program related to aerosol transmissible diseases.

(c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases.

(d) Acting as a liaison during Occupational Safety and Health Administration (OSHA) inspections and conducting program audits to maintain an up-to-date Exposure Control Plan.

(e) Maintaining an up-to-date list of police personnel who requiring training, developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.

(f) Reviewing and updating the Exposure Control Plan annually (on or before January 1 of each year).

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Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the Exposure Control Officer and the affected employees to ensure that the proper exposure control procedures are followed.

954.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids, such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

954.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex gloves (keeping a box in the car is recommended).
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol, or similar substance, to flush skin at emergency site. Maintaining alcohol-based hand wipes in the car is recommended.

The protective equipment is to be kept in each police vehicle. It should be inspected at the start of each shift and replaced immediately upon returning to the station if it is used or damaged during the shift, or as otherwise needed.

954.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease, shall be offered appropriate treatment and/or immunization (Tex. Gov't Code § 607.004).

954.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

954.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

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954.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene fire response vehicle, at the attending clinic or hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red in color or appropriately labeled with a biohazard warning, and routinely emptied.

954.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately, on-scene if possible, or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or body fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that take place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as a cleaning or decontamination area.

954.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless assisting a paramedic or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other body fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs or a broom and a dustpan to clean up debris. If the material must be hand held, protective gloves must be worn.

954.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the biohazard waste container, placing the gloves in with the waste when through.

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954.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 954.3.4.

Any personal protective equipment that becomes punctured, torn or loses its integrity shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 954.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

954.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, corners and crevices. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as a cleaning or decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (1/4 cup of bleach per one gallon of water), while wearing disposable gloves and goggles. Large particles of contaminants, such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and properly disposed of.

954.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing can be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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954.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

954.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The Exposure Control Officer shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times and between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

954.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employees.

954.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. The report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases, as provided for in this policy Tex. Health and Safety Code § 81.050.

954.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Names and Social Security numbers of the employees exposed
(b) Date and time of incident
(c) Location of incident
(d) What potentially infectious materials were involved
(e) Source of material or person
(f) Current location of material or person
(g) Work being done during exposure
(h) How the incident occurred or was caused
(i) PPE in use at the time of the incident
(j) Actions taken post-event (e.g., clean-up and notifications)

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This report will be provided to the Exposure Control Officer, the consulting physician and to the City's Risk Manager.

954.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspected he/she was exposed should be seen by a physician (or qualified health care provider) as soon as possible. The employee may

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consent to having his/her blood tested by the health care provider following an exposure or suspected exposure to a reportable disease (Tex. Health and Safety Code § 81.050(k)).

The doctor or a qualified health care provider responsible for examining a potentially exposed officer shall review the supervisor's report, the employee's medical records relevant to the visit and examination. The doctor or facility is required to notify the health authority under certain conditions by completing a communicable disease notification report (25 Tex. Admin. Code § 97.11).

954.4.4 COUNSELING

The Department shall provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation (Tex. Health and Safety Code § 81.050).

954.4.5 CONFIDENTIALITY OF REPORTS

The Exposure Control Officer shall ensure that all information obtained and reported pursuant to this policy is kept confidential and not released except as permitted by law (25 Tex. Admin. Code § 97.10; 25 Tex. Admin. Code § 97.11; Tex. Health and Safety Code § 81.046).

The Exposure Control Officer shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The City's Risk Manager shall be responsible for maintaining the name and Social Security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

954.5 SOURCE TESTING

Testing for reportable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate.

It is the responsibility of the ECO to ensure that the proper testing and reporting occur by assisting the exposed officer with the reporting requirements to the health authority (Tex. Health and Safety Code § 81.050), including:

(a) Documentation that the officer experienced the exposure in the course of his/her employment.

(b) Documentation of the officer's belief that the exposure places him/her at risk of a reportable disease.

(c) Preparation of the sworn affidavit which delineates the reasons for requesting the source testing by the appropriate health authority.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

The ECO should maintain contact with the health authority to verify whether testing of the source was accomplished, either voluntarily or by court order.

954.5.1 TEST RESULTS

An officer who is determined to have tested positive shall receive confidential notification from the health authority via his/her commanding officer (Tex. Health and Safety Code

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§ 81.048). The officer receiving notification of a possible exposure shall maintain the confidentiality of the information (Tex. Health and Safety Code § 81.048).

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On-Duty Injuries

956.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to the Risk Management Office to ensure proper medical attention is received and to document the circumstances of the incident.

956.1.1 INJURY LEAVE

In accordance with current law and employee bargaining agreements, the Department will provide up to one year of injury leave at full salary, with no deduction of any other leave, to officers who are injured during the course and performance of duty, unless the officer's own gross negligence contributed to the injury or the injury is related to the performance of routine office duties (Tex. Gov't Code § 661.918).

956.2 WORKERS' COMPENSATION FUND REPORTS

956.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries and work-related illnesses requiring medical care must be reported to the Risk Management Office. A claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

956.2.2 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

956.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on-duty shall report such injury, illness or accident as soon as practicable to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with department policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Modified-duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the

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injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

956.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the Employer's First Report of Injury or Illness (DWC) Form-001 as outlined under Policy Manual § 956.2.1. Updated copies of forms with instructions for completion provided by Risk Management are kept in the sergeant's office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury Form shall be completed. The completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, injury or illness is reported initially on the Supervisor's Report of Injury Form and the employee subsequently requires professional medical care, the State of Texas Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

956.2.5 DIVISION COMMANDER RESPONSIBILITY

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

956.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police shall review and forward copies of the report to the Personnel Department. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual §910).

956.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury Form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

956.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful act of another, for which the employee, the City and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the procedure outlined below is to be followed.

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956.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as practicable.

956.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the City's right of subrogation, while ensuring that the employee's right to receive compensation for injuries is not affected.

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Modified-Duty Assignments

958.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or authorized designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis, while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

958.2 DEFINITIONS

Modified duty - Is a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. modified duty also may be termed as light-duty assignments.

958.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous reassessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related, the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

958.4 PROCEDURE

Employees may request assignment to modified-duty by providing a signed statement from their health care provider describing the restrictions, limitations and expected duration to the Division Commander or authorized designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Shift Commander or Division

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Commander. Assignments of longer duration are subject to the approval of the Chief of Police or authorized designee.

958.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

958.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change-of-shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified-duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

958.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

958.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee, or when deemed necessary by the Department, to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

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958.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodation and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

958.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department and medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's personnel rules and regulations regarding family and medical care leave.

958.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified-duty.

958.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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Fitness for Duty

960.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

960.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of his/her position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

960.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived as unable to safely perform his/her duties due to a physical or mental condition, shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem. In all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Commander or employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

960.4 NON WORK RELATED CONDITIONS

Any employee suffering from a non work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

960.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

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Upon the recommendation of the Shift Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

960.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. Employees should be advised in writing that if the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment. The employee will be required to sign any necessary waivers in furtherance of this policy.

(d) All reports and evaluations submitted to the Department by the treating physician or therapist shall be part of the employee's medical file.

(e) Any employee ordered to undergo a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

960.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one-day (24 hour) period or
- 30 hours in any two-day (48 hour) period or
- 84 hours in any seven-day (168 hour) period

Except in very limited circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

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Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

960.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Conduct Policy.

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Outside Employment

962.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

962.1.1 DEFINITIONS

Outside Employment - Is any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Is any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

962.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment and whose request has been denied shall be provided with a written reason for the denial within 30 days of the application.

962.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the City Policy Manual.

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962.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) Should an employee's performance decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum competency, and the outside employment is directly related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permit(s). After the appeal process has concluded, the revocation will stand until the employee's performance directly related to the outside employment has been reestablished to the minimum level.

(b) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.

(c) The outside employment creates an actual conflict of interest with the Department or City.

962.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

962.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be monitored by the Patrol Division Commander.

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(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the department uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

962.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

962.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

962.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

962.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit.

If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, the off-duty work permit may be revoked pursuant to Policy Manual § 962.2.2.

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962.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of the termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

962.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing, within five days, whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in Policy Manual § 962.2.2 shall be followed.

Criteria for revoking the outside employment permit while on disability status include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to the supervisor.

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Meal Periods and Breaks

964.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all City employees.

964.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless they are on assignment outside of the City.

The time spent for the meal period shall not exceed 30 minutes.

964.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each five-hour work period. Only one 15-minute break shall be taken during each five hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

964.1.3 ADMINISTRATIVE AND SECRETARIAL STAFF MEAL BREAKS

Administrative, secretarial, and investigative staff working 8 hour shifts, shall be allowed to take a 1 hour meal break per shift. The hour taken shall be unpaid, however, staff is subject to recall to duty as needed. If investigative staff is working a 10 hour shift, their 1 hour meal break will be paid.

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Lactation Break Policy

966.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

966.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

966.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be considered unpaid (29 USC § 207).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

966.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. The room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall (Tex. Health and Safety Code § 165.003(a)(2)). The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied and there is a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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966.5 STORAGE OF EXPRESSED MILK

An employee shall be provided with access to a hygienic storage area for her expressed milk (Tex. Health and Safety Code § 165.003). Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Record Procedures

968.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages.

968.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

968.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis, usually on Tuesday, with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administration no later than 8:00 a.m. on the Friday morning before the end of the pay period, unless specified otherwise.

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Nepotism and Conflicting Relationships

970.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

970.1.1 DEFINITIONS

Business Relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal Relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public Official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

970.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions should apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

    1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

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2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative, or with whom they are involved in a personal or business relationship.

(c) Whenever possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. The FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender or who engages in serious violations of state or federal laws.

970.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

970.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify through the chain of command the Chief of Police of actual or potential violations.

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Employee Speech, Expression and Social Networking

972.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

972.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

972.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Aransas Pass Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

972.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Aransas Pass Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety or privacy of any employee, an employee's family or associates.

972.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following is prohibited:

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Aransas Pass Police Department or its employees.

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(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Aransas Pass Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Aransas Pass Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Aransas Pass Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Tex. Penal Code § 39.06(a)(1)).

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Aransas Pass Police Department on any personal or social networking or other website or web page, without the express written permission of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

972.4.1 UNAUTHORIZED POLITICAL ACTIVITY

Employees of the Aransas Pass Police Department may not engage in a political activity relating to a campaign for an elective office while in uniform or on-duty (Tex. Local Gov't. Code § 150.002). For purposes of this section, an officer will be considered to be engaging in a political activity if he/she:

(a) Makes a public political speech supporting or opposing a candidate.

(b) Distributes a card or other political literature relating to the campaign of a candidate.

(c) Wears a campaign button.

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(d) Circulates or signs a petition for a candidate.

(e) Solicits votes for a candidate.

(f) Solicits campaign contributions for a candidate.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while offduty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

While out of uniform and not on active duty, an employee may engage in a political activity relating to a campaign for an elective office, except that the person may not solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs (Tex. Local Gov't. Code § 150.002; Tex. Local Gov't Code § 150.003).

972.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace).

The Department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

All messages, pictures and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage area or device. This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network.

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Illness and Injury Prevention Program

974.1 PURPOSE AND SCOPE

The health and safety of the employees of the Aransas Pass Police Department are important to executive and management staff, and critical to the operation of this department and to the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Aransas Pass Police Department. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring these guidelines and directives are implemented.

974.2 RESPONSIBILITY

The Administration Division Commander, acting as the Department's IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

974.3 COMPLIANCE

The Administration Division Commander is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Administration Division Commander should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

(a) Informing workers of the provisions of the IIPP.

(b) Recognizing employees who perform safe work practices.

(c) Ensuring that the employee evaluation process includes the employee's safety performance.

(d) Ensuring the Department's compliance with mandates regarding bloodborne pathogens (Tex. Health & Safety Code § 81.303).

Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

974.4 COMMUNICATION

Supervisors should establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

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The Administration Division Commander should ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system should include:

(a) New worker orientation, including a discussion of safety and health policies and procedures.

(b) Regular employee review of the IIPP.

(c) Workplace safety and health training programs.

(d) Regularly scheduled safety meetings.

(e) Posted or distributed safety information.

(f) A system for workers to anonymously inform management about workplace hazards.

(g) Consideration of a labor/management safety and health committee, which may:

1. Meet regularly.
2. Prepare a written record of the safety and health committee meeting.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to management for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of employee safety suggestions.
8. Assess the effectiveness of the Department's efforts to meet the mandates for bloodborne pathogens (Tex. Health & Safety Code § 81.303).

974.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. The Administration Division Commander should be responsible for these safety inspections.

In addition, the Administration Division Commander may contact the Occupational Safety and Health Consultation Program (OSHCON) for additional on-site consultations as necessary to satisfy agency needs. A consultation with OSHCON can be scheduled by filling out an online request at the Texas Department of Insurance website (https://wwwapps.tdi.state.tx.us/inter/perlroot/sasweb9/sasr/oshconrequest.html).

974.5.1 PATROL OFFICERS INSPECTION DUTIES

Officers are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Officers should notify their supervisor if an unsafe condition cannot be immediately corrected.

974.5.2 SUPERVISOR ASSESSMENT DUTIES

Supervisors should inform the Administration Division Commander when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.

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- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Administration Division Commander should take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

974.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident or hazardous substance exposure while on-duty should report such event as soon as practicable to his/her supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisor.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.
- A record of the findings and corrective actions taken should be documented on the appropriate form.

In conjunction with this investigation, the supervisor should proceed with the steps to report an on-duty injury as required by the On-Duty Injuries Policy (worker's compensation) to avoid duplication and ensure timely reporting under that policy.

974.7 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those who are necessary to correct the existing condition. Employees who are necessary to correct the hazardous condition should be provided with the necessary protection.

All significant actions taken and dates these actions are completed should be in the appropriate report, which should be forwarded to the Administration Division Commander via the chain of command.

974.8 TRAINING AND INSTRUCTION

The Administration Division Commander should work with the Training Coordinator to ensure that all workers, including supervisors, are trained on relevant safety topics and

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on general and job-specific workplace safety and health practices. Training should be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the Department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.
- To provide an explanation of the IIPP, the Emergency Action Plan and the fire prevention plan; the measures for reporting any unsafe conditions, work practices and injuries; and the process for informing a supervisor when additional instruction is needed.
- Regarding the use of appropriate clothing, including gloves, footwear and personal protective equipment.
- To provide information about chemical hazards to which employees could be exposed.
- To provide information about the availability of toilet, hand-washing and drinking-water facilities.
- To provide information about provisions for medical services and first aid, including emergency procedures.
- To educate employees about the prevention of heat illness.

974.9 RECORD KEEPING

The Administration Supervisor should do the following to implement and maintain IIPP records:

(a) Make available an appropriate form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.

(b) Make available the appropriate form to document individual incidents or accidents.

(c) Develop an appropriate form to document the safety and health training of each employee. This form should include the employee's name or other identifier, training dates, type of training and training providers.

(d) Retain inspection records and training documentation for a minimum of one year.

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Chapter 10 - General Policies

Department Technology Use

1000.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

1000.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

1000.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Aransas Pass Police Department, which are provided for official use by agency employees.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

1000.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on Department computers or systems. A Department designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure; a lawsuit against the agency involving the employee or related to the employee's duties; an alleged or suspected violation of a department policy;

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request for disclosure of public information; or a need to perform or provide a service when the employee is unavailable.

1000.4 AGENCY PROPERTY

All information, data, documents and other entries initiated on any of the agency's computers, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Department and shall not be available for personal or non-department use without the expressed authorization of an employee's supervisor.

1000.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus infection, employees are not permitted to install personal copies of any software onto the agency's computers. If an employee must copy data onto a disk and download it on a non-agency computer, the employee shall scan the disk for viruses before reloading the data on an agency computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the agency while on agency premises or on an agency computer system. The agency and individuals can be subject to civil damages per title copied, along with criminal penalties, including fines and imprisonment.

1000.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources, including Internet access provided by or through the Department, shall be strictly limited to department-related business activities. Data stored on or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or department business-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed includes, but is not limited to, adult forums, pornography, chat rooms and similar or related web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

1000.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

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Electronic Mail

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (e-mail) system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Texas Public Information Act). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks, and/or communication directly related to the business, administration or practices of the Department.

1002.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are the property of the department. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its e-mail system or that is stored on any department system.

The e-mail system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used instead of e-mail.

Employees using the department e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.

1002.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all e-mail is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular e-mail communication, the user should seek prior approval from the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure will minimize the potential for misuse of an individual's e-mail, name and/or password by others.

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1002.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages stored in excess of one month will be deleted at regular intervals from the server computer.

1002.4.1 REGULAR USE OF E-MAIL

All department staff have assigned email addresses within the department for regular use of business communications. As a result, all staff are required to regularly check their email. When on duty, staff shall start their shift by checking their email and end this shift by checking their email. Email correspondence is frequently sent out by members of this department.

1002.4.2 STRICT PROHIBITED USE OF E-MAIL

No member of this department shall use department issued email accounts for personal matters. Staff shall not use department email for social media accounts or business accounts not directly used in the capacity of their job assignment. Violation of this policy could result in termination.

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Personal Communication Devices

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of department-issued mobile phones and personal communication devices, and the on-duty use of such personally owned devices.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile phones, Personal Digital Assistants (PDA) and other such wireless two-way communication and/or portable Internet access devices.

1006.1.1 PRIVACY POLICY

Any employee utilizing any computer, Internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing the service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service.

1006.2 DEPARTMENT ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

1006.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on-duty subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional.

(b) The device shall be purchased, used and maintained at the employee's expense.

1006.2.2 USE OF PERSONAL COMMUNICATION DEVICES

The use of any PCD, whether personal, Department or a hybrid shared-use funded by both the employee and the Department, shall occur only with the understanding that any and all messages transmitted or received from the start through the conclusion of any work assignment, excluding documented break periods, are subject to disclosure to, and review by, the Department without cause.

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impracticable or not feasible. PCDs, however, should not be used to replace regular radio communications.

(a) PCDs shall not be carried in a manner that allows them to be generally visible while in uniform.

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(b) PCDs may not be used to conduct personal business while on-duty, except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practicable to areas where the communication will not be seen or heard by members of the public.

(c) The use of PCDs, including personally owned PCDs while on-duty for personal use other than as specifically permitted within this policy is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

1006.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to complete the call.

Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other PCDs while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business-related calls or calls of an urgent nature.

1006.2.4 OFFICIAL USE

The use of PCDs may be appropriate in the following situations:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes and floods.

(e) Major political/community events.

(f) Investigative stakeouts where regular phone usage is not practicable.

(g) Emergency contact with outside agency or an outside agency field unit equipped with PCDs.

(h) When immediate communication is needed and the use of the radio is not appropriate, and other means are not readily available.

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Concealed Handgun License

1008.1 PURPOSE AND SCOPE

The Director of the Department of Public Safety (DPS) is given the statutory discretion to issue a license to carry a concealed handgun to residents within the state. This policy will provide a guide for handling incidents involving a Concealed Handgun License (CHL) and a written process for the revocation or suspension of such licenses (Tex. Gov't Code § 411.186, 411.187).

1008.2 CONTACT OF A CONCEALED HANDGUN LICENSE HOLDER

An officer, acting in the lawful discharge of his/her official duties, is authorized to disarm a (CHL) holder any time when the officer has a reasonable belief that it is necessary for the protection of him/herself, the license holder or others. However, during routine contacts it is preferred to avoid such action (Tex. Gov't Code § 411.207).

(a) During traffic stops and contacts officers should:

1. Follow the seven-step violator contact.
2. If the driver advises he/she is a CHL holder, ask if he/she are currently carrying a handgun and where the handgun is located.
3. Caution the driver not to reach for, touch or display the weapon unless requested to do so.
4. Recognize that a CHL holder need not identify him/herself as a CHL holder if no handgun is in his/her possession.
5. Complete the traffic stop or contact in a normal manner unless there is reasonable need to disarm the CHL holder.

(b) During a response to a disturbance, officers should:

1. Ascertain during the initial contact if any of the parties present or involved in the incident are CHL holders and if they currently are in possession of a handgun.
2. Remove any handgun from the scene as safely and quickly as possible.
3. Assess and respond to violations of the CHL laws by a CHL holder who is involved in a disturbance, assault or similar situation or incident.

(c) Disarming a CHL Holder:

1. If an officer decides to disarm a CHL holder, it should be done in the safest, but least intrusive manner possible. Simply having the CHL holder move away from the location of a handgun should suffice in most situations. The less a gun is handled the less chance there is of an accidental discharge.
2. In the case of a traffic stop, the best practice should be to place the weapon in the trunk of the licensee's vehicle if the officer is not comfortable having the handgun left in the passenger compartment.

1008.3 ARRESTED PERSONS

When a person is arrested for any offense that would qualify for suspension or revocation of a CHL under Texas Concealed Handgun Laws, a check shall be conducted to determine whether he/she has been issued a CHL. The arresting officer shall ensure that a check for

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a CHL be conducted regardless of whether the arrested person was in possession of a license or a handgun at the time of the arrest.

Offenses that qualify for suspension or revocation include:

- Any felony
- Any class A or B misdemeanor
- Any class C misdemeanors involving violence, assault, disorderly conduct or similar behavior.

Any handgun or CHL in possession of a person arrested for a qualifying offense shall be seized as evidence and booked into property (Tex. Gov't Code § 411.206).

If the offense does not qualify for suspension or revocation of a CHL and the arrested person holds a valid CHL, any handgun found in possession of the arrested person shall be placed into property for safekeeping.

1008.4 REVOCATION OF LICENSES

(a) An officer may request revocation of a CHL for any of the following reasons (Tex. Gov't Code § 411.186):

1. The licensee has violated any of the restrictions or conditions placed upon the license.
2. The licensee was not entitled to the license at the time it was issued.
3. The licensee gave false information on the application.
4. The license holder becomes ineligible for a license under Tex. Gov't Code § 411.172, unless the sole basis for ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or an offense under Tex. Penal Code § 42.01, or of a felony under an information or indictment.
5. The license holder is convicted of an offense under Tex. Penal Code § 46.035.
6. The license holder engaged in conduct constituting a reason to suspend a license listed in Tex. Gov't Code 411.187(a) after the person's license has been previously suspended twice for the same reason.
7. The licensee submitted an application fee that was not honored or reversed.

(b) If an officer believes there is reason to revoke the license, the officer shall:

1. Prepare an affidavit on form CR-88 provided by DPS stating the reason(s) for revocation.
2. Attach all related reports to the affidavit.
3. Submit the forms and reports to DPS no later than the fifth working day after the date the form is prepared.
4. Send a copy of the form and attachments to the licensee.

1008.5 SUSPENSION OF LICENSE

(a) An officer may request suspension of a CHL for any of the following reasons (Tex. Gov't Code § 411.187):

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1. The license holder is charged with the commission of a Class A or Class B misdemeanor or an offense under Tex. Penal Code § 42.01, or of a felony under an information or indictment.
2. The license holder fails to notify the Department of a change of address or name, as required by Tex. Gov't Code § 411.181.
3. The license holder carries a concealed handgun under the authority of Tex. Gov't Code § 411.187 of a different category than the license holder is licensed to carry.
4. The license holder fails to return a previously issued license after a license is modified, as required by Tex. Gov't Code § 411.184(d).
5. The license holder commits an act of family violence and is the subject of an active protective order rendered under Title 4, Tex. Family Code.
6. The license holder is arrested for an offense involving family violence or an offense under Tex. Penal Code § 42.072, and is the subject of an order for emergency protection issued under Tex. Code of Crim. Pro. § 17.292.

(b) If an officer believes there is reason to suspend the license, the officer shall:

1. Prepare an affidavit on form CR-81 provided by DPS stating the reason(s).
2. Attach all related reports to the affidavit.
3. Submit the forms and reports to DPS no later than the fifth working day after the date the form is prepared.
4. Send a copy of the form and attachments to the licensee.

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Retired Officer Concealed Handgun Licenses and Weapons Proficiency Certificates

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to clarify the duties of the Aransas Pass Police Department that apply to officers who wish to carry a concealed handgun upon retirement. There are three statutory schemes by which a retiree may carry a concealed handgun, and each scheme carries its own independent authority. Each is addressed separately to ensure clarity, as qualifying retirees may seek to carry a concealed handgun under any of the applicable schemes.

1010.1.1 SUMMARY OF STATUTORY SCHEMES

The statutes which allow a retiree to carry a concealed handgun are summarized as follows:

(a) **Tex. Gov't. Code § 411.199** - An officer who was employed full time as a peace officer may apply for a concealed handgun license directly to the Department of Public Safety at any time after retirement. The Aransas Pass Police Department shall allow a retired officer an opportunity to annually demonstrate the required proficiency and report as required to the Department of Public Safety.

(b) **Tex. Occ. Code § 1701.357** - The Aransas Pass Police Department may allow an honorably retired officer with 15 years of service or more an opportunity to demonstrate weapons proficiency. The retiree may be able to carry a concealed handgun in Texas provided he/she meets all requirements under the authority of this section and Tex. Penal Code § 46.15.

(c) **18 USC § 926C** - The United States Code (federal law) carries its own authority for allowing former peace officers to carry concealed handguns in Texas and other states.

1010.2 LICENSURE UNDER TEX. GOV'T. CODE CHAPTER 411

1010.2.1 QUALIFIED RETIREES

Any honorably retired full-time sworn officer of this department, who was authorized to, and did, carry a firearm during the course and scope of employment, may apply for a concealed handgun license to the Department of Public Safety (Tex. Gov't Code § 411.199). Honorably retired includes all peace officers who were eligible to receive a service or disability pension or annuity, but shall not include any officer who retired in lieu of termination. No concealed handgun license shall be issued by the Department of Public Safety to any officer who retired because of a psychological disability.

1010.2.2 APPLICATION PROCESS

An honorably retired officer should apply directly to the Department of Public Safety to obtain a concealed handgun license under this statute.

The Administration Supervisor will ensure that the required statement regarding a retiree is submitted upon request, to the Department of Public Safety, pursuant to Tex. Gov't Code § 411.199, and includes, but is not limited to:

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(a) Name and rank of the retiree.

(b) Status of the retiree prior to retirement.

(c) Whether the retiree was accused of misconduct at the time of retirement.

(d) Physical and mental condition of the retiree.

(e) Type of weapon the retiree had demonstrated proficiency with during the last year of employment.

(f) Whether the retiree is eligible for rehire, and if not, why not.

(g) Recommendation of the Chief of Police regarding issuance of a license to a retiree.

The Armorer will ensure that a retiree applying to the Department of Public Safety for a concealed handgun license be allowed reasonable opportunity to annually demonstrate the required proficiency under Tex. Gov't Code § 411.199(e). The Armorer will also ensure that the results are properly reported to the Department of Public Safety.

1010.3 LICENSURE UNDER TEX. OCC. CODE CHAPTER 1701

1010.3.1 QUALIFIED RETIREES

Under Texas Occ. Code § 1701.357, retired officers from the Aransas Pass Police Department may apply to the Administration Supervisor for an identification card and a weapons proficiency certification. The Administration Supervisor will ensure that the required application and supporting affidavit from the retiree are in order and that the request otherwise complies with Tex. Occ. Code § 1701.357.

The Armorer will ensure that a retiree applying for a weapons proficiency certification under this section be allowed reasonable opportunity to demonstrate the required proficiency under Tex. Occ. Code § 1701.357 every two years. The Armorer will also ensure that the results are properly reported to the Administration Supervisor.

The Administration Supervisor is responsible for issuing department identification cards with weapons proficiency endorsements. It is the responsibility of the retiree and the retiree alone to ensure that he/she is complying with Tex. Penal Code § 46.15 and other relevant state laws when carrying a concealed handgun in Texas.

The Chief of Police may develop a process to issue proficiency certifications to retirees from other agencies by following the relevant portions of Tex. Occ. Code § 1701.357.

1010.3.2 APPLICATION PROCESS

A retired officer of the Aransas Pass Police Department must provide a sworn affidavit to the Administration Supervisor in order to apply for a proficiency certification under this section (Tex. Occ. Code § 1701.357). The retiree must submit a new affidavit each time he/she requests a new weapons proficiency certification. The sworn affidavit shall state that:

(a) The officer honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies.

(b) The officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer.

(c) The officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

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1010.4 18 USC 926C

Subject to 18 USC § 926C, qualified former officers of this department may be authorized to carry a concealed handgun in Texas and other states. The Administration Supervisor will allow former officers who are qualified under this code and who request it an opportunity to obtain a weapons proficiency certification.

The Armorer will ensure that a retiree applying for a weapons proficiency certification under this section be allowed reasonable opportunity to demonstrate the required proficiency annually. The Armorer will also ensure that the results are properly reported to the Administration Supervisor.

It is the responsibility of the retiree and the retiree alone to ensure that he/she is complying with 18 USC § 926C and other relevant state laws before carrying a concealed handgun in Texas or any another state.

1010.5 IDENTIFICATION CARDS AND WEAPONS PROFICIENCY CERTIFICATES

The Administration Supervisor is responsible for issuing identification cards and weapons proficiency certificates to qualifying retirees. The identification card issued to any qualified and honorably retired officer shall be at least 2 inches by 3 inches and contain the following (Tex. Gov't Code § 614.123):

(a) The full name of the honorably retired peace officer

(b) The name Aransas Pass Police Department prominently displayed

(c) The signature of the person authorizing the issuance of the card

(d) Brief description of the honorably retired peace officer, including the honorably retired peace officer's height, weight and eye color

(e) Thumbprint of the honorably retired peace officer

(f) Date of issue

(g) The words, State of Texas, the state seal and this statement: This identification card certifies that (insert name of honorably retired peace officer) is an honorably retired peace officer of the Aransas Pass Police Department."

(h) Photograph of the retiree

(i) Retiree's date of birth

(j) Date of retirement

(k) Address and phone number of the Aransas Pass Police Department

(l) A stamped or otherwise inscribed date indicating the last weapons certification

(m) If applicable, a notation that, "This person is an honorably retired peace officer under 18 USC § 926C"

(n) If applicable, a notation that, This person qualifies as an honorably retired peace officer under Tex. Occ. Code § 1701.357 (Tex. Penal Code § 46.15)

1010.6 DENIAL, REVOCATION OR SUSPENSION OF CONCEALED HANDGUN LICENSE OR DEPARTMENT WEAPONS PROFICIENCY CERTIFICATION

The concealed handgun license for any officer retired from this department may be denied, revoked or suspended upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner (Tex. Gov't Code § 411.180):

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(a) In the event that a CHL is initially denied, the retired officer shall have 30 days from the date of denial to submit a written request for a hearing.

(b) A hearing may be scheduled in the justice court of the county where the retired officer resides and must be held within 60 days. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right (Tex. Gov't Code § 411.180(g)).

(c) A party adversely affected by the justice court's ruling may appeal the ruling to the county court within 30 days (Tex. Gov't Code § 411.180(e)).

1010.6.1 DENIAL, REVOCATION OR SUSPENSION OF A CONCEALED HANDGUN LICENSE ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY

The denial or revocation of a retiree's concealed handgun license is handled by the Department of Public Safety. Any employee of the Aransas Pass Police Department who is informed or believes that the retiree may not qualify for a concealed handgun license obtained from the Department of Public Safety should notify a supervisor promptly. The supervisor should forward the information to the Administration Supervisor. The Administration Supervisor should investigate and forward relevant information to the Department of Public Safety (Tex. Gov't Code § 411.186).

1010.6.2 DENIAL OR REVOCATION OF A WEAPONS PROFICIENCY CERTIFICATE ISSUED BY THE ARANSAS PASS POLICE DEPARTMENT

Tex. Occ. Code § 1701.357(c) mandates that an agency establish written procedures for the denial of a certificate of proficiency. A weapons proficiency endorsement under Tex. Occ. Code § 1701.357 for any officer retired from this department may be denied or revoked upon a showing of good cause. (This process relates only to weapons certifications issued under this code and does not relate to concealed handgun licenses issued by the Department of Public Safety).

A weapons proficiency certification issued by the Aransas Pass Police Department may also be immediately revoked by the Shift Commander when the conduct of a retired peace officer compromises public safety. Good cause exists when the retiree has submitted a false affidavit or has a psychological or physical disability that would interfere with the ability of the retiree to properly handle a handgun. Good cause, if challenged, shall be determined in the following manner:

(a) In the event that weapons proficiency is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing should, absent written agreement between the parties, be held no later than 120 days after the request by the retired officer for a hearing is received.

(b) Prior to revocation of any weapons proficiency certification, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested, to the retiree's last known address.

    1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

    2. The hearing shall, absent written agreement between the parties, be held no later than 120 days after the request by the retired officer for a hearing is received.

    3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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4. The hearing for the denial or revocation of any weapons proficiency certification shall be conducted before an impartial hearing officer.
5. The decision of such hearing officer shall be binding on the Department and the retiree.
6. Any retiree who waives the right to a hearing or whose weapons certification has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card, which shall be stamped No Weapons Proficiency.

(c) Employees who have reason to suspect that a retiree has psychological or physical disability that would interfere with the retiree's proper handling of a handgun should notify the Shift Commander as soon as practical. The Shift Commander should take the following steps:

1. Promptly investigate the matter.
2. If warranted, contact the retiree in person and advise him/her in writing that:
   (a) His/her weapons proficiency endorsement is immediately and temporarily revoked.
   (b) The retiree shall have 15 days to respond and request a hearing to determine if the temporary revocation should become permanent.
   (c) If the retiree fails to request a hearing within the 15-day period, the retiree will forfeit the right to a hearing and the weapons proficiency endorsement will be permanently revoked.

(d) In the event that personal contact with the retiree cannot be achieved in a reasonably timely manner, the Shift Commander should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree is arrested or detained by a distant agency, the Shift Commander may request that a peace officer of that agency act as the department's agent to deliver the written notification.

(e) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested.

(f) The Shift Commander should document in a memo the investigation, actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

1010.7 RETENTION OF RECORDS

Records pertaining to the issue of a concealed handgun license shall be maintained pursuant to the requirements of any other personnel record.

1010.8 HONORABLY RETIRED IDENTIFICATION CARDS

When an honorably retired Aransas Pass Police Department officer who holds a weapons proficiency certificate under Texas Occ. Code § 1701.357 requests it, the Chief of Police shall issue a photo identification card to the retired officer indicating that the officer honorably retired from the Aransas Pass Police Department.

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