ARANSAS PASS POLICE MANUAL

Policy and Procedure Manual

Eric Blanchard, Chief of Police

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Adoption Date: 2015/12/02
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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

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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

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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.

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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

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DEPARTMENT MISSION STATEMENT

The mission of the Aransas Pass Police Department is to provide elite, professional policing through protection, service, and education for those who have empowered and entrusted us with their safety, preservation of property, life and liberty; respectfully delivered with compassion, commitment, and the utmost of integrity.

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Chapter 1 - Department Organization and Administration

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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 POLICY

It is the policy of the Aransas Pass Police Department to limit its members to only exercise the authority granted to them by law.

100.3 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers pursuant to Tex. Code of Crim. Pro. art. 2.12 and Tex. Occ. Code § 1701.001 et seq. 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 through Tex. Code of Crim. Pro. art. 2.125.

100.4 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 executiveofficer 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).

104.1.3 GENERAL RULE

When not otherwise stated by policy, special order, or directive, The Rule shall apply.

THE RULE:

Consider the following when making decisions -

(a) Is it good for the team & our mission; and would you have it this way for you and/or a member of your family under similar circumstances;

(b) Is it the right decision or action, morally and/or ethically, to proceed with;

(c) Can you defend your decision or action both logically and reasonably; and

(d) Are you willing and do you intend on defending your decision or action publicly, even in the face of extreme distrust and/or opposition?

Consider these four factors as guidance when making decisions outside the scope of this policy manual. You may not always have someone [your supervisor] readily available to help you make critical decisions. It is okay to make decisions on your own. Your supervisors will consider these factors in evaluating your decision or action later on.

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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 or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

106.2 POLICY

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

106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Aransas Pass Police Department reserves the right to revise any policy content, in whole or in part.

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

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- 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 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue 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.

106.4 DEFINITIONS

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

Adult - Any person 17 years of age or older.

CFR - Code of Federal Regulations.

City - The City of Aransas Pass.

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

Department/APPD - The Aransas Pass Police Department.

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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 employed or appointed by the Aransas Pass Police Department, including:

- Full- and part-time employees.
- Sworn peace officers.
- Reserve, auxiliary officers.
- Civilian employees.
- Volunteers.

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

On-duty - A member's 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 title of the classification 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.

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

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

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

TCOLE - The Texas Commission on Law Enforcement.

TXDOT - The Texas Department of Transportation

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USC - United States Code.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

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

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

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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
  - Training
  - Federally Assigned Officers (TFO's)
  - Emergency Management
  - Communications
- Operations Division
  - Special Services
  - Code Enforcement
  - Patrol Operations
  - SRO
- Investigation Division
  - Criminal Investigations
  - Animal Services
  - Evidence/Property Management
  - Animal Control Operations

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

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over $5000 and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

110.2.2 OPERATIONS DIVISION

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

The Captain is also responsible for completion of patrol focused cases. These cases include matters pertaining to traffic violations, crash offenses, 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. The Captain shall review all self initiated felony cases and insure their completion as well. Once completed, the Captain will deliver said felony cases to the proper court for criminal prosecution of 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. The Captain is also responsible for running and directing localized special narcotics, prostitution, or other type sting related operations. Finally, the Captain also oversees the Sex Offender Registration program.

In addition to the aformentioned responsibilities, the Captain is in charge of animal control operations. The Captain will supervise the day to day operations of animal control operations as well as the staff and volunteers involved.

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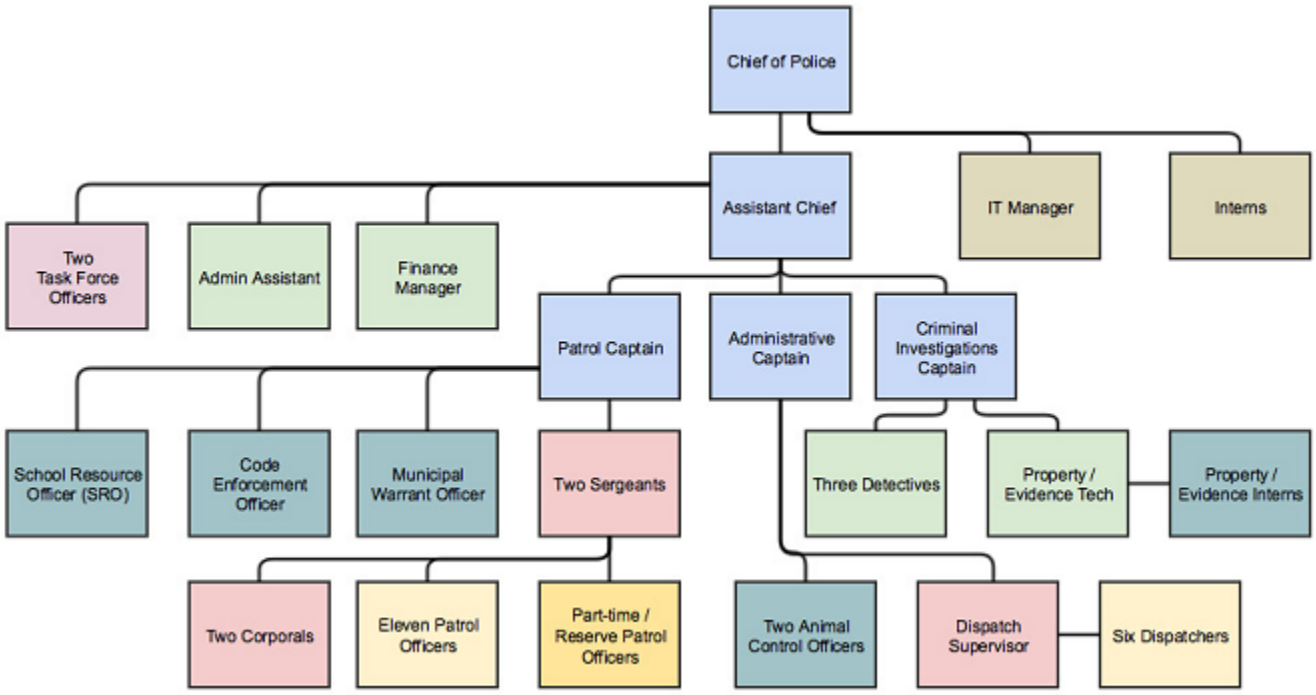
110.3 COMMAND STAFF ORGANIZATION CHART AND PROTOCOL



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 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. Investigators are supervisors for investigative operational purposes only unless assigned otherwise by the patrol captain or criminal investigations captain.

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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 Directives 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 topolicy 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. 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 four digit year, followed by the number "01." For example, 2014-01 signifies the first Departmental Directive for the year 2014.

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.

Any Special Orders issued shall be numbered consecutively starting with the four digit year, followed by the number "01." For example, 2014-01 signifies the first Special Order of the year 2014.

112.2 RESPONSIBILITIES

112.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental 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 Training Coordinator.

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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 or Division Commanders.

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Records Maintenance and Release

116.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

116.2 POLICY

The Aransas Pass Police Department is committed to providing public access to records in a manner that is consistent with the Texas Public Information Act (Tex. Gov't Code § 552.001 et seq.).

116.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Tex. Gov't Code § 552.230).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available.

1. The fee schedule shall follow the rules adopted by the Attorney General (Tex. Gov't Code § 552.262).

(g) Protecting public information from deterioration, alteration, mutilation, loss or unlawful removal. This includes ensuring that public records are repaired, renovated or rebounded as necessary to maintain the records properly (Tex. Gov't Code § 552.203).

(h) Ensuring that a sign is prominently displayed at the Department, in a form prescribed by the Attorney General, that contains basic information about the rights of a requestor to access public information, the responsibilities of the Department and the procedures for inspecting or obtaining a copy of public information (Tex. Gov't Code § 552.205).

(i) Establishing policies to ensure the expeditious and accurate processing of requests that may require programming or manipulation of data (Tex. Gov't Code § 552.231).

(j) Maintaining familiarity with the Attorney General's handbook on the Texas Public Information Act.

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116.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for records shall route the request to the Custodian of Records or the authorized designee.

116.4.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following:

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.

(c) The payment of any authorized fees required for the copying or mailing of the records requested as authorized by the Texas Public Information Act (Tex. Gov't Code § 552.261 et seq.).

(d) Public information should be made available for inspection, duplication, or both, within 10 business days.

1. If a request cannot be honored within 10 business days, or if the record is unavailable because it is actively in use or in storage, the Custodian of Records shall prepare a written response to be sent to the requestor. The response should include the date and a reasonable time when the information will be available (Tex. Gov't Code § 552.221).

(e) The Custodian of Records may not make inquiry of a requestor except to establish proper identity or under one of the following conditions (Tex. Gov't Code § 522.222):

1. If the request is unclear, the person may be asked to clarify the request.
2. If the request is for a large amount of information, the Custodian of Records may discuss with the requestor how to narrow the scope of the request.
3. If the request is for information related to motor vehicle records, the person may be asked to provide additional identifying information that establishes that the person is eligible to receive the information under the Texas Motor Vehicle Records Disclosure Act (Tex. Transp. Code § 730.001 et seq.).
4. A request for clarification or discussion must include a statement that warns the requestor of the consequences of the failure to timely respond to the request for clarification, discussion or additional information.

(f) Examination of the information made available by the Custodian of Records pursuant to a request must occur no later than 10 business days after the date the Custodian of Records makes the record available unless a request for extension has been made and approved in accordance with Tex. Gov't Code § 552.225.

(g) If a request will require programming or data manipulation that makes compliance with the request unfeasible, likely to cause a substantial interference with the department's ongoing operations or at a cost that covers the programming or manipulation, the Custodian of

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Records shall send written notification to the requestor of such fact within 20 days or as otherwise provided in Tex. Gov't Code § 552.231.

1. If the requestor does not respond to the department's written notification within 30 days, the Department does not have any further obligation to provide the requested information.

116.4.2 DENIALS

If the Custodian of Records determines that information should be withheld because it is within one of the exceptions under Subchapter C of the Texas Government Code (Tex. Gov't Code § 552.101 through Tex. Gov't Code § 552.154), he/she must ask the Attorney General for a decision about whether the information is excepted under that subchapter unless there has been a previous determination by the Attorney General that the information may be withheld. The request for a decision by the Attorney General must be in accordance with the Texas Public Information Act (Tex. Gov't Code § 552.301 et seq.).

Records are presumed to be subject to public disclosure if the Custodian of Records fails to request an opinion by the Attorney General as required by law (Tex. Gov't Code § 552.302).

116.5 RELEASE RESTRICTIONS

Examples of release restrictions include, but are not limited to:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any department record, including traffic collision reports, are restricted 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; 18 USC § 2722; Tex. Gov't Code § 552.130; Tex. Transp. Code § 550.065; Tex. Transp. Code § 730.004).

(b) Victim information that may be protected by statutes, including:

1. Specific information that relates to a person's application for or award of victim compensation benefits or contained in a victim impact statement (Tex. Gov't Code § 552.132; Tex. Gov't Code § 552.1325).

2. Victims of crimes who have requested that their identifying information be kept confidential by filing a pseudonym form (Tex. Code of Crim. Pro. art. 57.02; Tex. Code of Crim. Pro. art. 57A.02; Tex. Code of Crim. Pro. art. 57B.02; Tex. Code of Crim. Pro. art. 57D.02).

(c) Juvenile-related information that may be protected by statutes (Tex. Fam. Code § 58.007; Tex. Fam. Code § 58.00711; Tex. Code of Crim. Pro. art. 45.0217).

(d) Ongoing investigation material that may be protected by statutes. This does not include basic information about an arrested person, an arrest or a crime (Tex. Gov't Code § 552.108).

(e) Certain types of reports involving, but not limited to, child abuse and neglect (Tex. Fam. Code § 261.201) and adult abuse (Tex. Hum. Res. Code § 40.005).

(f) Sensitive crime scene images of deceased persons (Tex. Gov't Code § 552.1085).

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(g) Information contained in a personnel file, the disclosure of which would constitute a clear unwarranted invasion of personal privacy (Tex. Gov't Code § 552.102).

1. The home address, telephone number, emergency contact information and Social Security number of a peace officer of this department or other information that reveals whether the peace officer has family members is exempted from disclosure (Tex. Gov't Code § 552.117; Tex. Gov't. Code § 552.1175).
2. Photographs that depict a peace officer of this department are exempted from disclosure if the release would endanger the life or physical safety of the officer unless the officer is under indictment or charged with an offense, a party in a civil service hearing or the photograph is introduced as evidence in a judicial proceeding (Tex. Gov't Code § 552.119).

(h) Information relating to civil or criminal litigation to which any member of the Department is or may be a party as a consequence of the member's employment with the Department (Tex. Gov't Code § 552.103).

(i) Requests made by a person imprisoned or incarcerated in a correctional facility unless made by the person's attorney (Tex. Gov't Code § 552.028).

(j) Recordings from a body-worn recording device of an officer-involved use of deadly force when criminal and administrative matters are still ongoing (Tex. Occ. Code § 1701.660).

116.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records 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.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County and/or DIstrict Attorney, City Attorney or the courts.

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

116.7 RELEASED RECORDS TO BE MARKED

Each record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

116.8 SEALED RECORDS OR EXPUNGEMENT

Expungement orders and orders to seal records received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is expunged or sealed, members shall respond to any inquiry as though the record did not exist.

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116.9 TRAINING

The Custodian of Records shall complete a training program approved or provided by the Attorney General that includes, but is not limited to, the department requirements and obligations under the Texas Public Information Act (Tex. Gov't Code § 552.012).

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Protected Information

118.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Aransas Pass Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public information covered in the Records Maintenance and Release Policy.

118.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Aransas Pass Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

118.2 POLICY

Members of the Aransas Pass Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

118.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, Department of Public Safety (DPS) records and the Texas Law Enforcement Telecommunications System (TLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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118.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Aransas Pass Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (Tex. Gov't. Code § 411.085).

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.

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 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation.

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Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

118.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

118.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

118.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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

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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.

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.

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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 Commanderfor 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 the Officer-Involved Shootings and Death Policy)
- 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
- Boatcrashes or an incident resulting in 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
- Heroic actions of another

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

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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.

126.4.1 STAFF NOTIFICATION
In the event an incident occurs as described in the Policy section above, 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 on-call detective shall be contacted. If the on-call detective cannot be reached or is unknown, the CID Captain should be contacted. The CID Captain will then contact the appropriate detective. All matters requiring a detective to be called out, shall be cause for notification to all police department command staff.

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

Adoption Date: 2015/12/02
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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.

200.2.2 EXCESSIVE FORCE PROHIBITED

It is the policy of the City of Aransas Pass, Police Department to prohibit the use of excessive force by the law enforcement staff within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations.

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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 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.

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(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.

(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.

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(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.

(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.

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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, 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 may require the completion of additional report forms, as specified in department policy, procedure or law.

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 TASER device 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.

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(h) An individual was struck or kicked.

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

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.

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.

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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.

1. If there is an indication of potential 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 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.

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.

(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.

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(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.

200.9 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

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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.

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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 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.

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(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.

(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.

204.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect’s behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.

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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 ISSUING, CARRYING AND USING 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 control, 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. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

206.4 RESPONSIBILITIES

206.4.1 WATCHCOMMANDER 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 RANGEMASTER 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.

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.

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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.

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

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

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.

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 using 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.

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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 incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is 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 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

206.9 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.

206.9.1 DEPLOYMENT AND USE

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.

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(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.

206.9.2 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.

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 effective 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.

206.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

206.10 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.

206.11 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:

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

(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.

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(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).

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.

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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.

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.

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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.

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.

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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 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.

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 unintentionally drawing and firing a firearm.

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

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(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 Shootings and Deaths

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 or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

210.2 POLICY

The policy of the Aransas Pass Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

210.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

210.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

210.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Aransas Pass Police Department would control the investigation if the suspect's crime occurred in Aransas Pass.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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210.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

210.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

210.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death:

210.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved APPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

210.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved APPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any APPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

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

(d) Take command of and secure the incident scene with additional APPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved APPD officer should be given an administrative order not to discuss the incident with other involved officers or APPD members pending further direction from a supervisor.

2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

210.5.3 SHIFT COMMANDER RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Shift Commander.

210.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Division Commander
- Officer-Involved Shooting Protocol rollout team
- Outside agency investigators (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Justice of Peace and/or Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Media Relations Officer

210.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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(a) Any request for legal or union representation will be accommodated.

1. Involved APPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-APPD officers should be referred to their employing agency.

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

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Department to each involved APPD officer. A licensed psychotherapist may also be provided to any other affected APPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members 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.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

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

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

210.6 CRIMINAL INVESTIGATION

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) APPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of APPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics 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 involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be

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given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

210.6.1 REPORTS BY INVOLVED APPD OFFICERS

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

While the involved APPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all 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 activities by 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 APPD 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 but should also be included for reference in the investigation of the officer-involved shooting or death.

210.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable 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 law enforcement personnel for the following:

(a) Identification of 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, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(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 a member of the Department.

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

(c) Promptly contacting 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 the incident.

210.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County and/or DIstrict Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County and/or DIstrict Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

210.7 ADMINISTRATIVE INVESTIGATION

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

Interviews of members shall be subject to department policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or 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.

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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 interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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 a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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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, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County and/or DIstrict Attorney's Office, as appropriate.

210.10 DEBRIEFING

Following an officer-involved shooting or death, the Aransas Pass Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

210.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

210.10.2 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (Tex. Health and Safety Code § 784.003).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., [Dispatcher], other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel (Tex. Health and Safety Code § 784.002).

210.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Commander, Criminal Investigations Division Commander and Media Relations Officer in the event of inquiries from the media.

No involved APPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police.

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Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

210.12 REPORTING

If the death of an individual occurs in the Aransas Pass Police Department jurisdiction and qualifies to be reported to the state as an in-custody death, or when an officer discharges a firearm causing injury or death to another person, the Patrol Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Tex. Code of Crim. Pro. art 49.18; Tex. Code of Crim. Pro. art 2.139).

A copy of the State approved reporting form entitled "Peace officer involved injuries or death report" can be found at https://www.texasattorneygeneral.gov/files/cj/Offender_injuries-death_form.pdf.

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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

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- Training Coordinator
- Non-administrative supervisor
- 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

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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 Pursuits

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.

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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.

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.

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(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.

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.

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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 two vehicles (two units) and an uninvolved supervisor monitoring the pursuit; 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 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

If applicable, 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.

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(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.

(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.

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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 and conveying to that agency the reason for the pursuit.

(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, unless an emergency still exists.

The primary unit and secondary unit 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).

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.

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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) Trail, but not 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.

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.

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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. Notification to another jurisdiction shall include the reason for the pursuit.

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.

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.

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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 and subject to this pursuit policy. 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) Reason(s) for the pursuit and 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

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allowing the pursuit to continue with the potential hazards arising from the use of each 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

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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. 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 used 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 the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other 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.

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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:

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

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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 Pursuits

216.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

216.2 DECISION TO PURSUE

The safety of department members 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 members.

Officers may be justified in initiating a foot pursuit of any individual that 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 alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

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 may place department members 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 a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) 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 immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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216.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) 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) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.

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

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

(h) 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 resources.

(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 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

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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 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) Location and direction of travel.

(b) Call sign identifier.

(c) Reason for the foot pursuit, such as crime classification.

(d) Number of suspects and description, to include name if known.

(e) Whether the suspect is known or believed to be armed with a dangerous weapon.

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 to include requesting medical aid as needed for officers, suspects or members of the public.

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.

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.

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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.

216.4.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the Dispatch is responsible for:

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

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a filed supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

216.5 REPORTING REQUIREMENTS

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

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) 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 Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

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

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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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.

216.6 POLICY

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

Officers are expected to act reasonably, based on the totality of the circumstances.

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Chapter 3 - Field Operations and Custody

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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

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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.

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 staff shall check their department issued email regularly. While on shift, department email shall be checked at the beginning and the end of shift.

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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 are also equipped with a body worn camera system manufactured by Taser. The optimal preference is that officers utilize both camera systems. However, if unavailable or down, the department gives preference to utilization of the Taser Camera systems.

304.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor. Taser Axon Flex and On-Body camera systems are included within this definition.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

304.2 POLICY

It is the policy of the Aransas Pass Police Department to use mobile audio and video technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

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.

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

304.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Aransas Pass Police Department- identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system’s operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

304.3.1 TASER CAMERA MALFUNCTION

Officers shall test each Taser Camera System at the beginning of their shift and insure that the unit is working properly. Any Taser Camera System found to be malfunctioning shall be removed from inventory and turned into either the MAV Technician or the officer's shift Commander.

304.3.2 ACTIVATION OF THE TASER CAMERA SYSTEM

Activation rules shall remain the same as it pertains to the MAV. However, the Taser Camera System currently does not self-activate. Officers shall activate the Taser Camera System manually before contact with the public is made, before a traffic stop is effected, and upon receipt of a dispatched call. The Taser Camera System shall not be interrupted until the entire event has concluded.

304.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

304.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

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In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify Dispatch

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

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 circumstance where the officer believes that a recording of an incident would be appropriate

304.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on 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 all witnesses and victims have been interviewed.

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304.4.3 WHEN ACTIVATION IS NOT REQUIRED

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

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

304.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

304.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

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To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

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

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MAV systems

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

(f) By department personnel who request to review recordings.

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

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

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee or in compliance with a Public Records Act request

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, staff will determine if the training value outweighs the officer's objection.

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

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of intentionally ridiculing or embarrassing any employee.

304.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

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304.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained as required by the established records retention schedule.

304.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

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

304.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer, or against the Aransas Pass Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

304.7.3 REQUESTING MAV VIDEO FOR CASE

Anytime an incident has been recorded and the video and audio will be needed for criminal prosecution, the officer responsible for his/her own video shall file an email report to the MAV Technician / Video Evidence Manager so that the video can be assigned to the appropriate case, downloaded for preservation, and ultimately forwarded to the appropriate prosecutor's office. This email report shall be completed by the end of the officers regularly assigned shift.

304.8 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.

304.9 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer’s recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer’s transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

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(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

304.10 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

304.11 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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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.

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 America 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.

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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 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.

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(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.

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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Custodial Searches

312.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Aransas Pass Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

312.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

312.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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312.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Aransas Pass Police Department facilities (37 Tex. Admin. Code § 265.2). Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

312.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Aransas Pass Police Department identification number and information regarding how and when the property may be released.

312.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. 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. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

312.5 STRIP SEARCHES

No individual in temporary custody at any Aransas Pass Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

312.5.1 STRIP SEARCH PROCEDURES

Strip searches at Aransas Pass Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift Commander shall be obtained prior to the strip search.

(b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by a medical practitioner (28 CFR 115.115).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should be present during the search for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Commander.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.

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6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) A copy of the written authorization shall be retained and made available upon request to the individual or the individual’s authorized representative.

312.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Commander authorization does not need to be in writing.

If the strip search allows for an inspection of a person’s anal or vaginal cavity in any manner, a search warrant is required (Tex. Code of Crim. Pro. art. 18.24).

312.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and shall be made available to the individual who was searched or other authorized representative upon request.

312.7 TRAINING

The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Temporary Custody of Adults

314.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Aransas Pass Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The period an adult is in custody at the Aransas Pass Police Department prior to being released or transported to a housing or other type of facility.

314.2 POLICY

The Aransas Pass Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

314.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer seventy-two (72) hours.

314.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Aransas Pass Police Department, but should be transported to a county jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (37 Tex. Admin. Code § 265.12).

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

314.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (37 Tex. Admin. Code § 275.1).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (37 Tex. Admin. Code § 271.1(a)(6)).

Absent exigent circumstances, such as a medical emergency or a violent subject, male department members should not enter the cell of a female unless a female department member is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

314.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications

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of suicidal intent. The receiving officer will ask the arresting officer if there are any statements, indication or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Shift Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

314.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall do the following (37 Tex. Admin. Code § 271.1):

(a) Advise the Shift Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

314.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax

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numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
        (c) Forward any communication from the individual to his/her consular officers without delay.
        (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
    2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Forward any communication from the individual to his/her consular officers without delay.

314.4.3 IDENTIFICATION

Each person in custody should be fingerprinted and photographed. Copies of the fingerprints should be forwarded to the proper state and federal authorities (37 Tex. Admin. Code § 265.6).

314.5 SAFETY, HEALTH AND OTHER PROVISIONS

314.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Aransas Pass Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

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(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Aransas Pass Police Department.

The Shift Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

314.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual (37 Tex. Admin. Code § 277.8).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

314.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at the facility to allow access to the

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person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Aransas Pass Police Department. They should be released or transferred to another facility as appropriate.

314.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. 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 may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

314.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make at least two completed telephone calls no later than four hours after arrival (37 Tex. Admin. Code § 291.1).

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

    2. A telephone directory should be available (37 Tex. Admin. Code § 265.7).

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

    1. Individuals in custody should be advised that they may contact any attorney upon reasonable request (37 Tex. Admin. Code § 265.8).

314.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

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Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

314.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (37 Tex. Admin. Code § 269.3). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

314.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Aransas Pass Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy. Supervisor approval should be obtained before using such restraints on a person in custody at the Aransas Pass Police Department facility (37 Tex. Admin. Code § 273.6).

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse. Circulation to the extremities should be checked at least every 15 minutes (37 Tex. Admin. Code § 273.6).

314.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

314.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

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Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return (37 Tex. Admin. Code § 267.5). If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Commander shall attempt to prove or disprove the claim.

314.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio or audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes.

    1. Safety checks should be at varying times.
    2. All safety checks shall be logged.
    3. The safety check should involve questioning the individual as to his/her well-being.
    4. Individuals who are sleeping or apparently sleeping should be awakened.
    5. Requests or concerns of the individual should be logged.

314.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Aransas Pass Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Shift Commander, Chief of Police and Criminal Investigations Division Commander

(c) Notification of the spouse, next of kin or other appropriate person

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(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Justice of Peace and/or Medical Examiner

(g) Evidence preservation

314.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release (37 Tex. Admin. Code § 267.4).

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported (37 Tex. Admin Code § 267.1).

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Aransas Pass Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

    1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility (Tex. Code of Crim. Pro. art 16.22).

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) When capable, transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as required.

314.11 ASSIGNED ADMINISTRATOR

The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (37 Tex. Admin. Code § 263.40):

(a) General security

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(b) Key control

(c) Sanitation and maintenance (37 Tex. Admin. Code § 279.1; 37 Tex. Admin. Code § 279.3)

(d) Emergency medical treatment

(e) Escapes, riots, assaults

(f) Evacuation plans

(g) Fire- and life-safety (37 Tex. Admin. Code Chapter 263)

(h) Disaster plans

(i) Building and safety code compliance

(j) Facility inspections for security, control and fire prevention (37 Tex. Admin. Code § 297.1; 37 Tex. Admin. Code § 263.42)

314.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures. The Shift Commander should ensure that any personnel responsible for supervising individuals in custody receives appropriate training and/or certification (37 Tex. Admin. Code § 263.41; 37 Tex. Admin. Code § 275.2).

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Temporary Custody of Juveniles

316.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Aransas Pass Police Department (42 USC § 5633).

316.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare or any juvenile 9 years old or younger. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile 10 to 16 years of age who is alleged to have committed an offense that would subject an adult to arrest or a 17 year old in custody for such an offense committed before 17 years of age (a non-status offense) (Tex. Fam. Code § 51.02).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

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Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender as defined in Tex. Fam. Code § 51.02. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This also includes any juvenile in custody for an offense that would not subject an adult to arrest but qualifies as delinquent conduct or conduct indicating a need for supervision (CINS) under Tex. Fam. Code § 52.01.

316.2 POLICY

The Aransas Pass Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Aransas Pass Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

316.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Aransas Pass Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Aransas Pass Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

316.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Aransas Pass Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Aransas Pass Police Department without authorization of the arresting officer's supervisor or the Shift Commander.

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Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Aransas Pass Police Department (42 USC § 5633).

Officers may issue a warning notice for offenses according to department disposition guidelines (Tex. Fam. Code § 52.01). If a juvenile offender or status offender will not be released from custody the officer shall transport the juvenile to the designated juvenile processing office for disposition according to the department's disposition guidelines.

316.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Aransas Pass Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

316.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

316.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Aransas Pass Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody under the authority of a juvenile court order for a criminal offense or when the juvenile has committed an offense that would subject an adult to arrest (Tex. Fam. Code § 52.01).

Once a juvenile offender has been placed into custody, the officer must make one of the following dispositions of the juvenile offender without delay (Tex. Fam. Code § 52.02):

(a) Release the juvenile to a parent, guardian, custodian or other responsible adult on that person's promise to bring the juvenile to court on request.

    1. In cases of Class C misdemeanors occurring on school property or a school vehicle, a citation may not be issued but officers may proceed pursuant to Tex. Educ. Code § 37.145 (School staff must file complaint) or Tex. Code of Crim. Pro. art. 45.058 (Rules on taking juvenile into custody.), as applicable.

(b) Bring the juvenile before an office, official or facility designated by the county juvenile board.

(c) Bring the juvenile to a medical facility if the juvenile is believed to suffer from a serious physical condition or illness that requires prompt treatment.

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(d) Release the juvenile without court referral under department guidelines (Tex. Fam. Code § 52.03).

Officers taking a juvenile into custody for an alleged offense shall ensure the case is referred to the juvenile court unless another disposition is authorized under department guidelines, and the custody was properly documented (Tex. Fam. Code § 52.03).

316.4.4 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 juvenile is in violation of the compulsory school attendance law under Tex. Educ. Code § 25.085 may take the juvenile into custody for the purpose of returning the juvenile to his/her school campus to ensure the juvenile's compliance with compulsory school attendance laws (Tex. Fam. Code § 52.01(e)).

(b) A juvenile taken into custody on reasonable grounds that the juvenile has been operating a motor vehicle in a public place while having any detectable amount of alcohol in the juvenile's system may:

1. Be taken to a place to obtain a specimen of the juvenile's breath or blood under the implied consent laws of this state.
2. Have breath alcohol testing and video recording of the juvenile in an adult processing office (Tex. Fam. Code § 52.02(c)). 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 juvenile may be taken into temporary custody to take the juvenile’s fingerprints when the officer has probable cause to believe the juvenile has engaged in delinquent conduct and that the juvenile’s fingerprints will match other fingerprints found at the scene (Tex. Fam. Code § 58.0021).

(d) A juvenile may be taken into temporary custody for purposes of obtaining the juvenile’s photograph when there is probable cause to believe that the juvenile has engaged in delinquent conduct and that the photograph will be of material assistance in the investigation of that delinquent conduct (Tex. Fam. Code § 58.0021).

316.5 ADVISEMENTS

Officers who take a juvenile into custody shall promptly advise the juvenile’s parent, guardian or custodian as well as the office or official designated by the county juvenile board of the reason for taking the juvenile into custody (Tex. Fam. Code § 52.02).

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316.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Aransas Pass Police Department.

(c) Shift Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

316.6.1 RETENTION OF JUVENILE CUSTODY LOG

The Shift Commander should ensure that the juvenile custody log is retained and submitted as required by the local auditing entity.

316.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Aransas Pass Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

316.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Aransas Pass Police Department shall ensure the following:

(a) The Shift Commander should be notified if it is anticipated that a juvenile may need to remain at the Aransas Pass Police Department more than four hours. This will enable the Shift

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Commander to ensure no juvenile is held at the Aransas Pass Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a 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.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

316.8.1 MEDICAL CLEARANCE, WHEN NOT REQUIRED BY POLICY

A juvenile who requires or requests medical clearance/treatment, outside the scope of this policy section and 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 at the medical facility where the juvenile will be receiving treatment.

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316.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Aransas Pass Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other 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.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

316.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Aransas Pass Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Aransas Pass Police Department.

316.11 JUVENILE PROCESSING OFFICE

Juvenile offenders and status offenders shall be kept primarily in juvenile processing offices and shall remain there while at the Aransas Pass Police Department unless removal is necessary for transportation, restroom visits, etc. Separate processing offices should be available for juvenile offenders and status offenders. A juvenile processing office is restricted to facilitating (Tex. Fam. Code § 52.025):

(a) Return of the juvenile to the custody of a parent, guardian, custodian or other responsible adult upon that person's promise to bring the child before the juvenile court as requested by the court.

(b) Completion of essential forms and records required by the juvenile court or the Texas Family Code.

(c) Photographing and fingerprinting if authorized by law.

(d) Issuance of warnings as required or permitted by law.

(e) Receipt of a statement by the juvenile in accordance with Tex. Fam. Code § 51.095.

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316.11.1 JUVENILE PROCESSING OFFICE PROCEDURE

A thorough inspection of the juvenile processing office shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to the use of a juvenile processing office (Tex. Fam. Code § 52.025):

(a) The juvenile processing office rooms must remain unlocked for status offenders (Tex. Code of Crim. Pro. art. 45.058). The room may be locked for juvenile offenders but only when authorized by the county board and department protocol.

1. Locking the door should generally only be done for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of escape, or harm to him/ herself or others.
2. Members of this department should not lock the door for convenience when non-secure custody is, or later becomes, a reasonable option.

(b) Direct personal supervision as described in non-secure custody shall be maintained even when the door is locked for a juvenile offender.

(c) Juveniles are entitled to be accompanied by parents, guardians, custodians or an attorney (Tex. Fam. Code § 52.025).

(d) A parent has the right to communicate in person privately with the juvenile for reasonable periods of time while the juvenile is in the juvenile processing office. The time, place and conditions of the private, in-person communication may be regulated to maintain the safety and security of the facility (Tex. Fam. Code § 61.103).

(e) The juvenile shall constantly be monitored by an officer or police department employee.

(f) Initial placement and removal shall be logged.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be mixed with unrestrained juveniles.

316.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Aransas Pass Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Criminal Investigations Division supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

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(d) Notification of the City Attorney.

(e) Evidence preservation.

(f) Notification of the Justice of Peace and/or Medical Examiner

(g) Notification of the juvenile court

(h) Notification to the Attorney General and the written report of the cause of death for the Attorney General as applicable no later than the 30th day after the date on which the juvenile in custody died (Tex. Code of Crim. Pro. art. 49.18(b)).

316.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Officers may obtain a written, oral or recorded statement from a juvenile in custody if the applicable procedural safeguards are followed (Tex. Fam. Code § 51.095).

316.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

As a general rule, only a juvenile offender may be fingerprinted or photographed and only for a felony offense or a Class B misdemeanor or above (Tex. Fam. Code § 58.002).

Exceptions to the general rule include fingerprinting and photographing of a juvenile (Tex. Fam. Code § 58.002; Tex. Fam. Code § 58.0021; Tex. Fam. Code § 58.0022):

(a) Who is not in custody with a parent or guardian's voluntary written consent.

(b) For inclusion in the missing child information clearinghouse (Tex. Code of Crim. Pro. art. 63.003).

(c) Who is a runaway, when it is necessary to identify him/her.

316.15 REQUIRED SCHOOL NOTIFICATION

An officer who arrests any person for any felony or any misdemeanor listed in Tex. Code of Crim. Pro. art. 15.27, or who refers a juvenile to the agency designated by the juvenile board shall attempt to determine the person’s school enrollment status and advise the appropriate school official of the arrest or referral within 24 hours or by the next school day, whichever is earliest.

Within seven days of the officer’s initial notice to the school the Records Section shall mail the required notice, including details of the arrest or referral as required by Tex. Code of Crim. Pro. art. 15.27, to the designated school official.

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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.

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(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(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

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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:

(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.

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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.

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.

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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.

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

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any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Communications with Persons with Disabilities

320.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should hold a current certification issued by the Board for Evaluation of Interpreters or another current certificate approved by the Texas Commission for the Deaf and Hard of Hearing (Tex. Hum. Res. Code § 82.001).

320.2 POLICY

It is the policy of the Aransas Pass Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

320.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Aransas Pass Police Department's efforts to ensure equal access to services, programs and activities.

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(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Dispatch Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

320.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure persons with disabilities have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

320.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Aransas Pass Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

320.6 TYPES OF ASSISTANCE AVAILABLE

Aransas Pass Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of services.

A person with a disability may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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320.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

320.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who has a disability shall be required to provide his/her own interpreter (28 CFR 35.160).

320.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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320.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

320.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

320.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

320.13 FIELD ENFORCEMENT

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 that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

320.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

320.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

320.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

320.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

320.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

320.18 TRAINING

To ensure that all members who may have contact with persons with disabilities are properly trained, the Department will provide periodic training that should include:

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(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals who are disabled should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

320.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

320.18.2 TEXAS COMMISSION ON LAW ENFORCEMENT TRAINING

The Training Coordinator shall ensure that the Texas Commission on Law Enforcement (TCOLE) training related to deaf or hard of hearing drivers is made available to officers (Tex. Occ. Code § 1701.253).

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Child and Dependent Adult Safety

322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

322.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals 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 social services to ensure an effective, collaborative response that addresses the needs of those affected.

322.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any other children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver 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 child or dependent adult that he/she will receive appropriate care.

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322.3.1 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 children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children or dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults 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 or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services, if appropriate.

(d) Notify the field supervisor or Shift Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another 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 caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

322.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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322.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

322.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

322.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

322.5 TRAINING

The Training Coordinator is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver 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.

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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.

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.

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(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.

(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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Media Relations

326.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

326.2 POLICY

It is the policy of the Aransas Pass Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

326.3 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 Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

326.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

326.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the [PIO] or, if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the [PIO].

(b) Situations involving multiple agencies or government departments, 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.

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(c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

326.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

(a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.

1. Based upon available resources, 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 [PIO] or other designated spokesperson.

(c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written or recorded consent of the person in custody.

(d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

326.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the [PIO].

326.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper 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 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 (FAA) should be contacted (14 CFR 91.137).

326.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the [PIO] to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Files policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

326.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the [PIO].

Requests should be reviewed and fulfilled by the Custodian of Records or, if unavailable, the Shift Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Texas Public Information Act).

326.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

326.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Commander.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals 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, or the information is confidential (e.g., juveniles or certain victims).

(b) The date, time, location, case number, name, 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 or the information is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

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Racial- or Bias-Based Profiling

328.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Aransas Pass Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

328.1.1 DEFINITIONS

Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service (Tex. Code of Crim. Pro. art. 3.05; Tex. Code of Crim. Pro. art. 2.132).

Acts Constituting Racial- or bias-based Profiling - Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

Motor Vehicle Contact - Means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

Race or Ethnicity - Means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

MAV Recording System - All patrol vehicles regularly used by this department shall be equipped with a properly functioning MAV (Mobile Audio Video) recording system while in operation. The term MAV includes both hard-mounted camera systems as well as on-body camera systems.

328.2 POLICY

It is the policy of the Aransas Pass Police Department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state, and federal laws in a responsible and professional manner, without regard to race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group. Officers are strictly prohibited from engaging in racial- or bias-based profiling as defined in this policy.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis

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for providing differing levels of law enforcement service or the enforcement of the law (Tex. Code of Crim. Pro., art. 2.131). Racial- or bias-based profiling is unacceptable and will not be tolerated.

328.2.1 RECORDED CONTACTS

All motor vehicle stops shall be audio and video recorded in accordance with Policy 304 of this manual.

328.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity 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).

328.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

Every officer of this department shall ensure proper function and operation of department installed or issued MAV systems.

(a) Officers are required to use the MAV system on all motor vehicle contacts, and

(b) Officers shall activate the MAV system upon receipt of a dispatched call or when the decision has been made to perform a motor vehicle contact, and

(c) Officers shall not stop or otherwise interrupt the MAV recording system until contact with the vehicle or violator has concluded.

328.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

328.4.2 REPORTING TRAFFIC STOPS

Any officer conducting a motor vehicle contact shall collect the following information relating to the contact (Tex. Code of Crim. Pro art. 2.132; Tex. Code of Crim. Pro. art. 2.133)

(a) The location of the contact

(b) The initial reason for the contact

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(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 and document it as follows:*
    - A = Asian
    - B = Black
    - W = White/Caucasian
    - H = Hispanic
    - ME = Middle Eastern
    - NA = Native America / American Indian
    - O = Other or Unknown

(d) Whether the officer knew the race or ethnicity of the detained person before the stop

(e) Whether an arrest was made and, if so, for what offense

(f) Whether the officer conducted a search and, if so, whether the search was based on consent, probable cause or reasonable suspicion, incident to arrest, contraband or evidence in plain view, the result of towing the vehicle for evidence or safekeeping or any other reason

(g) Whether any contraband or evidence was discovered

(h) A description of any contraband or evidence located

All collected information shall be entered into the Aransas Pass Police Department Racial Profiling database via the electronic ticket writer.

- On contact events where an arrest is made and no citation issued, the officer shall generate a citation on the electronic ticket writer, selecting the offense title "Racial Profiling Data" and entering the arrest offense within the notes section of the electronic citation. A copy of this citation shall not be provided to the violator.
- If the electronic ticket writer is not functioning properly, a paper copy of the required information shall be collected for entry at a later time.

*NOTE: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "O" for other or unknown.

328.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

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(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) In instances where officers record their public contacts, supervisors should periodically review the recordings to ensure compliance with racial profiling laws (Tex. Code Crim. Pro. art. 2.132(d)) and this policy.

1. Supervisors should document these periodic reviews.
2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

328.5.1 SUPERVISORY REVIEW OF MAV RECORDINGS
All department supervisors are responsible for randomly reviewing MAV recordings to ensure compliance with this policy.

When reviewing MAV recordings held within the department's digital online evidence vault, the supervisor shall make a notation in the videos digital file. The notation shall identify

(a) The supervisor reviewing the video

(b) The name of the officer whose video was reviewed

(c) The date and time of the review

(d) A notation that the video file had been reviewed in accordance with policy and racial profiling compliance procedures.

328.5.2 INTERNAL INVESTIGATION
Supervisors initiating formal investigations into violations of this policy shall follow the investigative procedures outlined in Policy 900 of this manual.

328.5.3 DISCIPLINARY AND CORRECTIVE ACTIONS
Any department officer who is found, after investigation, to have engaged in racial profiling in violation of this General Order may be subject to disciplinary action, up to and including termination. Disciplinary Or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

328.6 STATE REPORTING

The Chief of Police shall submit to the Texas Commission on Law Enforcement (TCOLE) and each governing body served by this agency an annual report of the information required in Tex. Code of Crim. Pro. art 2.132(b)(6).

Further, unless exempt under Tex. Code of Crim. Pro. art 2.135, prior to March 1 of each year, the Chief of Police shall provide to TCOLE and to each governing body served by this agency

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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).

These reports may not include identifying information about any officer who made a motor vehicle contact or about an individual who was stopped or arrested by any officer (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art 2.134).

328.7 ADMINISTRATION

Each year, the Patrol Division Commander shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the administrative overview report and the annual report submitted to TCOLE and the governing body and discuss the results with those they are assigned to supervise.

328.8 TRAINING

All sworn members of this department will be scheduled to attend TCOLE-approved training on the subject of racial- and bias-based profiling. This training shall be completed no later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling not later than September 1, 2003.

Each member of this department undergoing initial TCOLE-approved training will thereafter be required 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.

It is the responsibility of the Department Training Coordinator to ensure all officers remain in compliance with this requirement.

328.8.1 TRAINING FOR THE CHIEF OF POLICE

The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

328.8.2 TRAINING OR EDUCATION FOR THE PUBLIC

The Aransas Pass Police Department shall provide education to the public concerning the racial profiling and complaint policy. The primary method of public education shall be through the departments official online website www.ap-police.com/policy . The racial profiling and complaint policy is also publicly accessible in the lobby of the police department, and it explains the complaint process and affords all people an opportunity to file a racial profiling complaint in writing.

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Other educational methods may be utilized to inform the public, including news media, civic presentations, and/or public meetings.

328.9 RACIAL PROFILING COMPLAINT PROCESS

All complaints filed for racial profiling shall be done in accordance with Policy 902 of this manual.

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Foreign Diplomatic and Consular Representatives

330.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Aransas Pass Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

330.2 POLICY

The Aransas Pass Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

330.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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330.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

    1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

    1. Diplomatic-level staff of missions to international organizations and recognized family members
    2. Diplomatic agents and recognized family members
    3. Members of administrative and technical staff of a diplomatic mission and recognized family members
    4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

    1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
    2. Support staff of missions to international organizations
    3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
    4. Honorary consular officers

330.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

330.5.1 DOCUMENTATION PROCEDURES

An officer who stops or issues a citation to a person holding a drivers license issued by the DOS or otherwise claiming privileges or immunities, for a traffic violation or any of the following offenses shall document all of the relevant information required by Tex. Transp. Code § 543.011:

(a) Driving While Intoxicated (DWI)

(b) Intoxication assault

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(c) Intoxication manslaughter

The Records Section shall forward such information with a copy of the traffic citation, accident report or written report of the incident, as applicable, to the DOS within five working days (Tex. Transp. Code § 543.011).

330.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant ((note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)

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Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Immigration Violations

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Aransas Pass Police Department for investigating and enforcing immigration laws.

332.2 POLICY

It is the policy of the Aransas Pass Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

332.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Texas Constitutions.

332.4 ENFORCEMENT

An officer may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

332.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Texas Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

(a) An admission that the person entered the United States illegally.

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(b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.

(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Other factors based upon training and experience.

332.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

(a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)

(b) Immigration and Customs Enforcement (ICE)

(c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person’s presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

332.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

(a) Confirm that the detained person’s immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:

1. Transfer to federal authorities.
2. Lawful arrest for a criminal offense or warrant.

332.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation

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procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

332.6 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

332.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from ICE

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state or local government entity

332.7.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

332.8 U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

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1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

332.9 TRAINING

The Training Coordinator shall ensure that all appropriate members receive immigration training.

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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

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beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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 purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal MDT system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

336.2 POLICY

Aransas Pass Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

The MDT is used to streamline communications and cut down on radio traffic managed by the dispatcher. Every effort should be made to leverage the resources of the MDT and limit radio communications.

336.3 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.

336.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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336.4.1 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.

336.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

336.6 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Commander or other department-established protocol, all calls for service assigned by a [Dispatcher] should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(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 should be documented by a [Dispatcher].

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

336.6.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT.

336.6.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Commander is notified of the incident without delay.

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Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

336.7 EQUIPMENT CONSIDERATIONS

336.7.1 MALFUNCTIONING

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the [Dispatcher] to document all information that will then be transmitted verbally over the police radio.

336.7.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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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.

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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.

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 misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

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).

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340.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 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 member.

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, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable 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.

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.

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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.

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.

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Each patrol officer shall be responsible for the follow up investigation of all 48-hour parking violations marked by the officer.

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

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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).

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.

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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.

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 OF TRAFFIC BUREAU SUPERVISION
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.

348.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

348.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

348.4 PUBLIC ACCESS TO THIS POLICY

Pursuant to Chapter 552 of the Texas Government 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.

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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.

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.

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- 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.

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).

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Vehicle Towing and Release Policy

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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Reporting Police Activity Outside of Jurisdiction

361.1 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.

361.1.1 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.

361.1.2 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

363.1 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.

363.1.1 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.

363.1.2 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.

363.2 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 coordination role within cities when requested to do so by local government (37 Tex. Admin. Code § 4.2).

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363.3 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

365.1 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.

365.2 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.

365.3 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 Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and 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 on- or off-duty who has consumed an amount of an alcoholic beverage, taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

365.4 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.

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(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.

(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.

365.4.1 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.

365.4.2 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.

365.4.3 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.

365.4.4 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.

365.5 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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Prison Rape Elimination

367.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Aransas Pass Police Department Temporary Holding Facilities (28 CFR 115.111).

367.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

367.2 POLICY

The Aransas Pass Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Aransas Pass Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

367.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Aransas Pass Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Aransas Pass Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents#? or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

367.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

367.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Commander any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

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(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

367.4.2 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Shift Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Commander shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

367.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

367.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy

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physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

367.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Aransas Pass Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the County and/or DIstrict Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

367.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

367.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless

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of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

367.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

367.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

367.7 REVIEWS AND AUDITS

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367.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

367.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the department’s progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Aransas Pass Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

367.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

367.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Department Use of Social Media

368.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

368.2 POLICY

The Aransas Pass Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

368.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

368.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

368.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Media Relations Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

368.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Aransas Pass Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

368.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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368.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

368.7 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

368.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Crisis Intervention Incidents

369.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

369.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

369.2 POLICY

The Aransas Pass Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

369.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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369.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

369.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

369.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

369.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the [Dispatcher] provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

369.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

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(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

369.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

369.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

369.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

369.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining

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to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

369.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

The Department shall provide crisis intervention training as required by the Texas Commission on Law Enforcement (TCOLE) (Tex. Occ. Code § 1701.253; Tex. Occ. Code § 1701.402).

369.12.1 BRAIN INJURIES AND TRAUMA-AFFECTED VETERANS

Training in acquired and traumatic brain injuries and trauma-affected veterans should be provided as developed by TCOLE (Tex. Occ. Code § 1701.261; Tex. Occ. Code § 1701.262).

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First Amendment Assemblies

370.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

370.2 POLICY

The Aransas Pass Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

370.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and funeral service disruptions. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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370.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

370.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

370.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

370.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

370.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

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370.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

370.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

370.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

370.8 ARRESTS

The Aransas Pass Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

370.9 MEDIA RELATIONS

The Media Relations Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

370.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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370.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

370.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

370.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

371.1 PURPOSE AND SCOPE

This policy provides members of the Aransas Pass Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Family Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Texas law.

371.2 POLICY

The Aransas Pass Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

371.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

371.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

371.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

371.4.2 JUSTICE COURT ORDERS

Officers shall accompany and assist a person who has been issued an order by a justice court pursuant to Tex. Prop. Code § 24A.002 (Tex. Prop. Code § 24A.003). The officer must provide the occupant, if present at the time of entry, with a copy of the order.

Prior to the removal of property from the location, officers must create an inventory list of the items taken from the residence and then return the items to the person for removal. A copy of the inventory list shall be provided to the person removing property and to the current occupant, or left in a conspicuous place if the occupant is not present. Officers shall ensure that the Records Section receives the original inventory list so that it may be filed with the court that issued the order (Tex. Prop. Code § 24A.003).

371.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases

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(e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

371.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Native American Graves Protection and Repatriation

372.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

372.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

372.2 POLICY

It is the policy of the Aransas Pass Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

372.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Appropriate Texas land management agency, the Texas Historical Commission and the Justice of Peace and/or Medical Examiner, when appropriate (Tex. Code of Crim. Pro. art. 49.05; Tex. Code of Crim. Pro. art. 49.25; 13 Tex. Admin. Code § 26.2)
- Tribal land - Responsible Indian tribal official

372.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Chapter 4 - Field Response, Investigations and Reporting

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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

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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.

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 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Commander or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

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(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned to an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Commander or the field supervisor should consider the following:

- The type of call.
- The necessity of a timely response.
- Traffic and roadway conditions.
- The location of the responding units.

400.8 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

When a member 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 member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests, excluding class C misdemeanor warrant arrests,

(b) All felony crimes

(c) Non-felony criminal incidents involving assault, threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy

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2. Family Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reports Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the Department-approved alternative reporting method (e.g., dispatch log).

*Certain class C misdemeanor arrests do not require an arrest report unless otherwise instructed or categorized by policy.

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 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:

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(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.

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 TRAFFIC AND PEDESTRIAN STOPS

Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense 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.

402.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

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1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

*Online reporting options are not yet available from the Aransas Pass Police Department.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

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.

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

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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 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

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

404.2 POLICY

It is the policy of the Aransas Pass Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

404.3 INITIAL INVESTIGATION

404.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    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., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Commander.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. 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.

404.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

404.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

404.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person 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, reasonable efforts 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.

Consideration should also be given to recording any investigative interview, when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered until a final conviction is obtained, all direct appeals are exhausted or prosecution is barred (Tex. Code of Crim. Pro. art 38.22). Written authorization from the prosecuting attorney and the Criminal Investigations Division supervisor should be obtained and placed in the related case file. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained only when required.

404.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

    1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

    2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

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(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases). The Family Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

404.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

404.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

404.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for

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accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

404.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

404.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Eyewitness Identification

405.1 PURPOSE AND SCOPE

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Aransas Pass Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.2.1 SUPERVISOR RESPONSIBILITY

Once on scene, the first-line supervisor assumes all responsibility for the crime scene. The supervisor should begin by taking the following actions:

(a) Assume Command.

(b) Establish a Command Post (CP):

1. Announce CP by radio;
2. Post green CP flag;
3. Have responding officers or investigative staff report to the Command Post via the safest route, outside of the sealed up crime scene. Personnel MUST receive approval from the Command Post to enter the crime scene;
4. Prepare diagram of crime scene and officer locations using command board (ex. White board);
5. Assign responsibilities for crime scene operations (ie. crime scene log, Command Post scribe, photographer, etc.).

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 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:

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(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

406.5 SEARCHES

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, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 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 & Safety Code § 81.002 et seq.). In the execution and enforcement of orders, officers are authorized to use reasonable force and shall follow the Use of Force Policy (Tex. Health & Safety Code § 81.083 et seq.).

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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.

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(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).

(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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Hostage and Barricade Incidents

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

412.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

412.2 POLICY

It is the policy of the Aransas Pass Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

412.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

412.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to disconnect or control telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (Tex. Utilities Code § 186.021).

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412.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

412.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Media Relations Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

412.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Media Relations Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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412.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Media Relations Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

412.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander’s decision, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee 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 evacuation, media access and support for the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

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412.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the initial officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Aransas Pass Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such 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 should always be the primary consideration.

414.2 POLICY

It is the policy of the Aransas Pass Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

414.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Commander is immediately advised and informed of the details. This will enable the Shift Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

414.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

414.4.1 ARANSAS PASS POLICE DEPARTMENT FACILITY

If the bomb threat is against the Aransas Pass Police Department facility, the Shift Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

414.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Aransas Pass Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Commander deems appropriate.

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414.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

414.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Aransas Pass, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

414.5.1 ASSISTANCE

The Shift Commander should be notified when police assistance is requested. The Shift Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

414.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).

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4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

414.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

414.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

414.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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414.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

414.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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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.

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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, 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.

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(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.

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.

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:

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(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:

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 (Tex. Code of Crim. Pro. art. 5.045).

(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.

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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 VERIFICATION OF COURT ORDERS

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.

(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 arraignment 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 of 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.

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- 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 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 of 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 of 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 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.

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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 three business days following receipt, enter the information into the statewide law enforcement information system (Tex. Code of Crim. Pro. art. 17.292; Tex. Fam. Code § 86.0011).

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Sexual Assault Investigations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, sexual offenses in Title 5, Chapters 21 (Sexual Offenses) and 22 (Assaultive Offenses) of the Texas Penal Code and Tex. Penal Code § 25.02 (Prohibited Sexual Conduct).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

420.2 POLICY

It is the policy of the Aransas Pass Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

420.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

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420.4 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

420.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART or the multidisciplinary response team should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

420.4.2 POLYGRAPH EXAMINATIONS

Members of the Aransas Pass Police Department may not require a victim of a sexual assault to submit to a polygraph examination as a condition for proceeding with a criminal investigation (42 USC § 3796gg-8; Tex. Code of Crim. Pro. art 15.051).

A polygraph examination may only be conducted with the victim’s written informed consent that includes the notice that the examination is not required and that a criminal complaint will not be dismissed solely based on the results of the examination or because the victim chooses not to take the examination (Tex. Code of Crim. Pro. art 15.051).

420.4.3 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).

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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):

(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.

420.4.4 VICTIM'S RIGHTS

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

420.4.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

Officers investigating or receiving a report of an alleged sexual offense that occurred within 96 hours of the offense shall, with the consent of the victim, a person authorized to act on behalf of the victim or an employee of the Department of Family and Protective Services, request a forensic medical examination of the victim (Tex. Code of Crim. Pro. art 56.06).

If a sexual assault is not reported within 96 hours of the offense, the Department may still request a forensic medical examination of the victim provided consent is given by the victim, 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).

Officers should assure the victim of an alleged sexual offense that the Department will pay for all fees associated with the forensic 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). The Criminal Investigations Division supervisor is responsible for forwarding any necessary documentation to obtain reimbursement.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

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 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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The result and the case information should be entered into state and national registries in a timely manner.

420.4.6 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Division supervisor.

Classification of a rape case as unfounded requires the Criminal Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

420.4.7 AUDITING CASE DISPOSITIONS

The Criminal Investigations Division supervisor will ensure case dispositions are reviewed on a periodic basis using an identified group that is independent of the investigation process. The SART or multidisciplinary response team and/or victim advocates should be considered for involvement in this audit.

420.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

420.6 TRAINING

Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. This includes, but is not limited to, the following topics:
    1. Initial response to sexual assaults
    2. Legal issues
    3. Victim advocacy
    4. Victim’s response to trauma

(b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to, the following:
    1. Interviewing sexual assault victims
    2. SART or multidisciplinary response team
    3. Medical and legal aspects of sexual assault investigations

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4. Serial crimes investigations
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP)

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Adult Abuse

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Aransas Pass Police Department members as required by law.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

422.2 POLICY

The Aransas Pass Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

422.3 MANDATORY NOTIFICATION

Members of the Aransas Pass Police Department shall notify Adult Protective Services (APS) when there is cause to believe that an elderly person or person with a disability has been abused (Tex. Hum. Res. Code § 48.051).

For purposes of notification (Tex. Hum. Res. Code § 48.002):

(a) Abuse includes the negligent or willful infliction of injury, unreasonable confinement, cruel punishment or the sexual abuse of an elderly person or person with a disability, or the exploitation or neglect of such a person as provided in Tex. Hum. Res. Code § 48.002.

(b) Elderly person means someone who is age 65 or older.

(c) Person with a disability means someone age 18 or older who has a mental, physical, intellectual or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

422.3.1 NOTIFICATION PROCEDURE

Notification should occur immediately and may be made orally or in writing. The report shall include the following (Tex. Hum. Res. Code § 48.051):

(a) The basis of the member's knowledge of the alleged abuse.

(b) The name, age and address of the adult victim.

(c) The name and address of the person responsible for the adult victim's care.

(d) The nature and extent of the adult victim's condition or injuries.

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422.3.2 ADDITIONAL NOTIFICATION
In addition, members shall notify APS within 48 hours when the member has reasonable cause to believe that a person was the victim of abuse or neglect as a child, and the disclosure of that information is necessary to protect the health or safety of an elderly person or person with a disability (Tex. Fam. Code § 261.101).

422.3.3 ABUSE IN CARE FACILITY
Officers investigating allegations relating to the abuse, neglect or exploitation of an elderly person or person with a disability in a care facility or under the care of a facility should notify the Texas Department of Health regardless of whether a crime report is taken (25 Tex. Admin. Code § 1.205).

422.4 QUALIFIED INVESTIGATORS
Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable

422.5 INVESTIGATIONS AND REPORTING
All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult 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 adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) 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)

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

422.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

422.7 INTERVIEWS

422.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the 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.

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422.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

422.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give 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 adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

422.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

422.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims 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 he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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(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 adult.

422.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, 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.

422.10 STATE MANDATES AND OTHER RELEVANT LAWS

Texas requires or permits the following:

422.10.1 RECORDS SECTION RESPONSIBILITIES
The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to APS as required by law (Tex. Hum. Res. Code § 48.154).

(b) Retaining the original adult abuse report with the initial case file.

422.10.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Tex. Hum. Res. Code § 48.101).

422.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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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).

Members of the Aransas Pass Police Department shall also notify DFPS when a child who was taken or retained without the permission of the child's custodian for a period of 48 hours or more is located and it reasonably appears that the child was the victim of abuse or neglect (Tex. Code of Crim. Pro. art. 63.009). The child may be placed into protective custody if necessary pursuant to Chapter 262 of the Texas Family Code (Tex. Code of Crim. Pro. art. 63.009).

In addition, a member shall notify DFPS when the member has reasonable cause to believe that a person was the victim of abuse or neglect as a child, and the member determines in good faith that disclosure of the information is necessary to protect the health or safety of another child (Tex. Fam. Code § 261.101).

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.

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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).

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.

(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.

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(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).

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).

424.5.1 REPORTS BY PHYSICIANS

When a physician or physician's agent notifies an officer of this department that a child has claimed he/she has been physically or sexually abused, or the physician has reason to believe such abuse has occurred, the officer shall (Tex. Fam. Code § 33.008):

(a) Respond and write a report within 24 hours of being notified of the alleged abuse.

1. The report is required even if the officer has knowledge that a report about the abuse may have previously been made.

(b) If warranted, refer the case to the prosecuting attorney.

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.

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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. Emergency custody may also be taken 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 trafficking, or that 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 trafficking, 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 DFPS or a state-licensed, freestanding emergency medical care facility (Tex. Fam. Code § 262.302). The provider shall notify DFPS and DFPS shall assume custody of the child (Tex. Fam. Code § 262.303).

DFPS 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

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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, or providing protective services to families (Tex. Fam. Code § 261.3022). Learn more about the Child Safety Check Alert List project here.

An officer who encounters either a person or a child on the alert list shall (Tex. Code of Crim. Pro. art. 2.272; Tex. Fam. Code § 261.3023):

(a) Immediately contact DFPS using the dedicated law enforcement telephone number and request information regarding the case involving the child or other person.

(b) Request information from the person and the child regarding the child's well-being and current residence.

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. If the officer does not take possession of the child, the officer shall obtain the child's current address and any other relevant information to be forwarded to DFPS (Tex. Code of Crim. Pro. art. 2.272).

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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, to whom the child was released, as applicable, and should provide the case number related to the incident (Tex. Code of Crim. Pro. art. 2.272; Tex. Fam. Code § 261.3024).

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 Maintenance and Release Policy (Tex. Fam. Code § 261.201).

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.

(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.

The Training Unit Manager should ensure that members receive training on the Child Safety Check Alert List (Tex. Occ. Code § 1701.402).

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Missing Persons

426.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

426.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk missing - This includes persons who are (Tex. Code of Crim. Pro. art. 63.051):

(a) Missing as a result of an abduction by a stranger.

(b) Missing under suspicious or unknown circumstances, such as when the person:

1. Is 13 years of age or younger.
2. Regardless of age, is believed or determined to be experiencing one or more of the following circumstances:
    (a) Out of the zone of safety for his/her chronological age and developmental stage.
    (b) Mentally or behaviorally disabled.
    (c) Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
    (d) Absent from home for more than 24 hours before being reported to law enforcement as missing.
    (e) In a life-threatening situation.
    (f) In the company of others who could endanger his/her welfare.
    (g) Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
    (h) Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

(c) Missing more than 30 days, or less than 30 days at the discretion of the Department, if there is reason to believe that the person is in danger or deceased.

(d) Reported missing on four or more occasions in a 24-month period (Tex. Code of Crim. Pro. art. 63.0091).

(e) In foster care or in the conservatorship of the Department of Family and Protective Services (DFPS) and reported missing on two or more occasions in a 24-month period (Tex. Code of Crim. Pro. art. 63.0091).

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(f) At a high risk of human trafficking, sexual assault, exploitation, abuse or neglectful supervision.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person 18 years of age or older whose disappearance is possibly not voluntary (Tex. Code Crim. Pro. art. 63.001(2)).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Texas Crime Information Center (TCIC) and the Texas Department of Public Safety's Missing Persons Clearinghouse.

426.2 POLICY

The Aransas Pass Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

426.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations Division supervisor shall ensure the following forms and kits are developed and available:

- Missing Persons Clearinghouse Report Form (MP-3 Form)
- NCIC Initial Entry Report Form (MP-4 Form)
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Dental records release form
- Biological sample collection kits

426.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

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426.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be considered high-risk missing.

(c) Notify a supervisor immediately if there is evidence that a missing person is either high-risk missing or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is considered high-risk missing. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be high-risk missing.

(e) Ensure that entries are made into the appropriate missing person networks:

1. Immediately, when the missing person is high-risk missing.
2. In cases involving attempted child abductions, immediately but not later than eight hours after receiving the report as provided in Tex. Code of Crim. Pro. art. 63.0041.
3. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
4. Consistent with any rules and procedures adopted by the Texas Department of Public Safety and to include what qualifies the person as a high-risk missing person when applicable (Tex. Code of Crim. Pro. art. 63.0092).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) Complete a dental and medical record release form (Tex. Code of Crim. Pro. art. 63.006; Tex. Code of Crim. Pro. art. 63.007).

(i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

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(j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(k) If a member receives a report that a child was taken or retained without the permission of the child's custodian for a period of 48 hours or more, he/she shall immediately make a reasonable effort to locate the child and determine the child's well-being (Tex. Code of Crim. Pro. art. 63.001(3)(D); Tex. Code of Crim. Pro. art. 63.009).

426.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

426.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

426.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the law enforcement agency having jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Criminal Investigations Division.

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(e) Processing all written requests that the Department received and searching the Texas Department of Public Safety's Missing Persons Clearinghouse for information regarding a child whose whereabouts are unknown (Tex. Code of Crim. Pro. art. 63.011). Results of the inquiry shall be reported to the requestor within 14 days (Tex. Code of Crim. Pro. art. 63.012).

(f) Coordinating with the NCIC Terminal Contractor for Texas to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

426.7 CRIMINAL INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified immediately if the missing person is a juvenile under the age of 11 (Tex. Code of Crim. Pro. art. 63.020).

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
3. The investigator shall notify the Texas Department of Public Safety's Missing Persons Clearinghouse that school notification has been made.

(b) Shall ensure that the bureau of vital statistics is notified if the missing person is a child under the age of 11 who was born in Texas (Tex. Code of Crim. Pro. art. 63.020).

(c) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(d) Shall within 30 days, if the missing person is considered high-risk missing, inform the reporting person that a biological sample or a personal article belonging to the high-risk missing person can be submitted for analysis if not previously obtained during the investigation (Tex. Code of Crim. Pro. art. 63.057).

1. Before submitting a biological sample of a high-risk missing person, the investigator shall re-verify the status of the missing person.
2. If the person is verified as still being a high-risk missing, the investigator shall submit the biological sample, as soon as practicable, to the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database (Tex. Code of Crim. Pro. art. 63.060).

(e) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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(f) Shall verify and update the Texas Department of Public Safety's Missing Persons Clearinghouse, the TCIC, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).

(g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(h) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).

(i) Should make appropriate inquiry with the Justice of Peace and/or Medical Examiner.

(j) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(k) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Texas Department of Public Safety's Missing Persons Clearinghouse and enter the photograph into applicable missing person networks (42 USC § 5780).

(l) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(m) Shall forward any medical or dental records received to the Texas Department of Public Safety's Missing Persons Clearinghouse (Tex. Code of Crim. Pro. art. 63.006; Tex. Code of Crim. Pro. art. 63.007).

(n) Shall verify that the missing person does not meet the requirements of Tex. Code of Crim. Pro. art. 63.0091(a) (missing four or more times within 24 months or, if in foster care/ conservatorship of DFPS, missing two or more times within 24 months). If it is determined that the missing person meets either of these definitions, the investigator shall ensure prompt entry into the NCIC database.

(o) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

426.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

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(a) Immediate notification is made to NCIC, TCIC and the Texas Department of Public Safety's Missing Persons Clearinghouse (Tex. Code of Crim. Pro. art. 63.009).

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is considered high-risk missing, the fact that the person has been found should be reported within 24 hours to the Texas Department of Public Safety's Missing Persons Clearinghouse.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

426.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the DPS Missing Children and Missing Persons Information Clearinghouse.

(c) Use available resources, such as those related to missing persons, to identify the person.

426.8.2 SCHOOL REQUESTS

If a child enrolled in school fails to provide valid documentation, the school will contact law enforcement. On receipt of notification, the Records Supervisor shall immediately check the Texas Department of Public Safety's Missing Persons Clearinghouse to determine if the child has been reported missing. If reported missing, the Records Supervisor shall immediately notify appropriate law enforcement agencies that the missing child has been located (Tex. Code of Crim. Pro. art. 63.019(b)).

426.9 CASE CLOSURE

The Criminal Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Aransas Pass or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

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(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

426.10 TRAINING

Subject to available resources, the Training Coordinator should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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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

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age; who departed willingly with someone more than three years older than the child; who departed without a parent or legal guardian's permission; and the person 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:

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(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.

(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 has an impaired mental condition.

(d) It is determined that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety.

(e) The Silver Alert request is made within 72 hours of the senior citizen's disappearance.

(f) 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.

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(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 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.

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428.8 MEDIA ALERTS

Regardless of whether a public alert is activated, the following procedures to alert the media should be followed:

(a) The Media Relations 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 Media Relations 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 to local television and radio stations.

(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.

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(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.

(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.

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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)).

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 an elderly person or a person with a disability.

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:

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(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.

(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 officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(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.

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(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)).

(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 TCOLE 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 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 attacks; providing tactile stimulation to calm a person with post-traumatic stress disorder; assisting people with schizophrenia to distinguish between hallucinations and reality; and helping people with traumatic brain injury to locate misplaced items or to follow daily routines.

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:

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- Guiding people who are blind or have impaired vision.
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- 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 attacks#?¾ providing tactile stimulation to calm a person with post-traumatic stress disorder#?¾ assisting people with schizophrenia to distinguish between hallucinations and reality#?¾ 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.

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.

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Service Animals

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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Emergency Detentions

446.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for an emergency detention without a warrant.

446.2 POLICY

It is the policy of the Aransas Pass Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

446.3 AUTHORITY

An officer who has reason to believe that an individual has a mental illness and is at a substantial risk of harming him/herself or others may take the individual into custody and transport him/her to an inpatient mental health facility or otherwise appropriate facility capable of providing a 48-hour evaluation (Tex. Health & Safety Code § 573.001; Tex. Health & Safety Code § 573.021).

An officer may also transport a person pursuant to a court order issued under Tex. Health & Safety Code § 574.023.

446.3.1 ADVISEMENT

Officers who take an individual into custody for an emergency detention shall immediately inform the individual in simple terms (Tex. Health & Safety Code § 573.001):

(a) Of the reason for the detention.

(b) That a member of the mental health facility will inform the individual of his/her rights within 24 hours after admission (Tex. Health & Safety Code § 573.025(b)).

446.3.2 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for an emergency detention, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the individual pursuant to an emergency detention.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the Peace Officer's Notification of Emergency Detention, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

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

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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 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

446.5 TRANSPORTATION

When transporting any individual for an emergency detention, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Commander approval is required before transport commences.

446.5.1 TRANSPORTING PURSUANT TO A COURT ORDER
When a member transports a person pursuant to a court order, the member shall ensure that the person is transported in the manner proscribed by Tex. Health & Safety Code § 574.045.

446.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the Notification of Emergency Detention and remain present to provide clarification of the grounds for detention, upon request.

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Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

446.7 DOCUMENTATION

The officer shall complete a Notification of Emergency Detention, provide it to the facility staff member assigned to the individual and retain a copy for inclusion in the case report (Tex. Health & Safety Code § 573.002).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

446.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on an emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

446.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an emergency detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent) (Tex. Health & Safety Code § 573.001).

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Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers shall immediately provide the individual a written receipt for the firearm and written notice of the procedure for the return of the firearm (Tex. Health & Safety Code § 573.001; Tex. Code of Crim. Pro. art. 18.191).

446.9.1 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.

446.10 TRAINING

This department will provide training approved by the Texas Commission on Law Enforcement (TCOLE) on interaction with persons with mental disabilities, emergency detentions and crisis intervention (Tex. Occ. Code § 1701.352).

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Criminal Organizations

448.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Aransas Pass Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

448.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

448.2 POLICY

The Aransas Pass Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

448.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

448.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any

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supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

448.3.2 REGIONAL INTELLIGENCE DATABASE ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information into a local or regional criminal intelligence system authorized by Tex. Code of Crim. Pro. art. 61.02(b). Any criminal intelligence system created or maintained under this section should meet or exceed the standards of 28 CFR 23.20. The designated supervisor shall approve entry of information into the local or regional criminal intelligence system only when the information meets the criteria established by Tex. Code of Crim. Pro. art. 61.02(c).

448.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

448.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

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448.4.2 FILE REVIEW AND PURGING
The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the 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 INFORMATION RECOGNITION
Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

448.6 RELEASE OF INFORMATION
Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy (Tex. Code of Crim. Pro. art. 61.03).

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation (Tex. Code of Crim. Pro. art. 61.075).

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

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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 CRIMINAL STREET GANGS

The Criminal Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

448.8 TRAINING

The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Confidential Informants

450.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

450.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Aransas Pass Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Aransas Pass Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

450.2 POLICY

The Aransas Pass Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

450.3 USE OF INFORMANTS

450.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

450.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Chief of Police or the authorized designee

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450.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

450.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Criminal Investigations Division supervisor or their authorized designees.

    1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told 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.

(d) The relationship between department members and informants shall always be ethical and professional.

    1. Members shall not become intimately involved with an informant.

    2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Criminal Investigations Division supervisor.

    3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Criminal Investigations Division supervisor.

    1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

450.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

450.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Criminal Investigations Division. The Criminal Investigations Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Criminal Investigations Division supervisor or their authorized designees.

The Criminal Investigations Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Criminal Investigations Division supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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450.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

450.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any 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 value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Criminal Investigations Division supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

450.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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(a) Payments of $500 and under may be paid in cash from a Criminal Investigations Division buy/expense fund.

1. The Criminal Investigations Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Aransas Pass Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

450.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised 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 informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the 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 informant’s file.

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450.6.3 AUDIT OF PAYMENTS

The Criminal Investigations Division supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Brady Material Disclosure

454.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information#?) to a prosecuting attorney.

454.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Aransas Pass Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

454.2 POLICY

The Aransas Pass Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Aransas Pass Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

454.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material 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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454.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.

    1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request 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.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

454.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

454.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Public Recording of Law Enforcement Activity

455.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

455.2 POLICY

The Aransas Pass Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties

455.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

455.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

455.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

455.6 SEIZING RECORDINGS

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

    2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Public Recording of Law Enforcement Activity

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Medical Aid and Response

456.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

456.2 POLICY

It is the policy of the Aransas Pass Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

456.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

    1. Signs and symptoms as observed by the member.
    2. Changes in apparent condition.
    3. Number of patients, sex and age, if known.
    4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
    5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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456.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

456.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention for a 48-hour evaluation in accordance with the Emergency Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

456.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

456.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

456.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

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456.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after he/she has received the required training as provided in 25 Tex. Admin. Code § 157.41.

456.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Coordinator who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact Dispatch as soon as possible and request response by EMS (Tex. Health & Safety Code § 779.004).

456.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

456.8.3 AED TRAINING AND MAINTENANCE

The Training Coordinator shall ensure appropriate training approved by the Department of State Health Services is provided to members authorized to use an AED (Tex. Health & Safety Code § 779.002).

The Training Coordinator is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (Tex. Health & Safety Code § 779.003; 25 Tex. Admin. Code § 157.41).

456.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the member (Tex. Health & Safety Code § 483.106).

456.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Coordinator.

456.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

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456.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Coordinator should ensure training is provided to members authorized to administer opioid overdose medication.

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Suspicious Activity Reporting

457.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

457.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

457.2 POLICY

The Aransas Pass Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

457.3 RESPONSIBILITIES

The Criminal Investigations Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Criminal Investigations Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

457.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

457.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Criminal Investigations Division supervisor
- Crime Analysis Unit
- Other authorized designees

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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.

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(f) Inspection and documentation, no less than every three months, to show that bicycles not in active service are in a serviceable condition.

(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.

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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 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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Obtaining Air Support

502.1 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.

502.2 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.

502.2.1 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.

502.2.2 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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Animal Control

503.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers (ACOs) and Aransas Pass Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

503.1.1 TRAINING

This department's ACOs shall successfully complete the required basic and continuing education animal control courses as approved by the Texas Department of State Health Services.

The basic animal control course shall be completed prior to the ACO's first anniversary. All ACOs shall complete 30 hours of continuing education courses during each 3-year period thereafter (Tex. Health and Safety Code § 829.002).

503.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The ACO shall be responsible for enforcing local, state and federal laws relating to animals, and is responsible for appropriately resolving or referring animal problems as outlined in this policy. Specifically the ACO is assigned the responsibilities of rabies control as outlined in Chapter 826 of the Texas Health and Safety Code. The ACO shall be under the operational control of the Administrative Captain. The ACO's assigned working hours will be scheduled by the Administrative Captain.

During hours when the ACO is on-duty, requests for animal control services shall be assigned by Dispatch or the Shift Commander.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

503.3 OFFICER RESPONSIBILITY

The ACO's are on call 24/7. However, if the ACO is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazard of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, officers should take measures to confine the animal to prevent further injury.

(c) When an animal is creating a traffic hazard.

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(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When the animal is gravely injured.

503.3.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an ACO may be requested for the purpose of handling the disposition of any animal(s) associated with the case.

In substantiated cases of animal cruelty, ACO will lead the investigation with criminal law enforcement guidance from the CID division.

503.3.2 STRAY DOGS

If the domesticated animal has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued if appropriate. If an animal is taken into custody, it shall be transported to the city animal shelter (8:00 a.m. - 5:00 p.m.), making sure the animal has food, water and bedding.

A Protective Custody form must be completely filled out and placed in the ACO's box. Release of impounded animals requires a fee. Releases will be handled by the ACO or, in his/her absence, by a patrol officer. The Records Section will accept fees and issue receipts.

Once an animal has been taken into custody, all releases should be handled by the city animal shelter. In cases where the ACO is not available, the Shift Commander shall designate an alternate person to transport so that animals are not held in the holding pens unnecessarily or for extended periods.

503.3.3 ANIMAL BITE REPORTS

In the absence of ACO, the patrol officer shall obtain as much information as possible for forwarding to the ACO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

503.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

In the absence of the ACO, officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and the location of the problem. Officers will also document any actions taken, citation(s) issued and related report numbers.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Shift Commander.

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503.4 DECEASED ANIMALS

Deceased animals on public property will be removed and properly disposed of by the ACO. Officers may remove deceased animals when the ACO is not on-duty. The deceased animals may be placed in the dead pan of the Animal Control Officer's truck.

(a) For health reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck. Large animals should be double-bagged and left next to the ACO truck, out of public view.

(b) Neither the ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

503.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. If the owner or responsible handler of the domesticated animal cannot be determined and the injury is so serious the animal is suffering, the animal may be killed to end its suffering.

When there is a need to kill a seriously injured or dangerous animal, the department's Firearms Policy or euthanasia protocol shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Shift Commander.

Injured wildlife should be referred to the Society for the Prevention of Cruelty to Animals (SPCA) of Texas, Marine Mammal Center or Department of Fish and Game, as applicable. The SPCA of Texas will not pick up common pigeons (red legs), starlings, bats or skunks.

When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.

Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If the ACO is off-duty, the information will be forwarded for follow-up.

503.6 CITATIONS

It should be at the discretion of the handling officer, ACO, or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

503.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person’s care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner’s consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

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The arresting officer shall complete a Protective Custody form and deliver the completed form to the ACO.

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Chapter 6 - General Support Operations

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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. Pro. art. 57.02; Tex. Code of Crim. Pro. art. 57A.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. The victim receives a copy of the completed pseudonym form showing that the form was returned to this department.
4. Maintenance of the pseudonym form in a manner that protects the confidentiality of the information on the form.

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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.

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, stalking 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. 57A.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).

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(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) An explanation of the rights available to a victim of sexual assault, abuse, stalking or trafficking or to the victim's guardian or relative as applicable (Tex. Code of Crim. Pro. art. 56.021).

(r) 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.

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.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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.

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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.

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.

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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.

(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.

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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.

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

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

608.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or 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) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These 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.

Qualified bilingual member - A member of the Aransas Pass Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

608.2 POLICY

It is the policy of the Aransas Pass Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The 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.

608.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Aransas Pass Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Commander and Dispatch Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

608.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, 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.

608.5 TYPES OF LEP ASSISTANCE AVAILABLE

Aransas Pass Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

608.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

608.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

608.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

608.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

608.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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608.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

608.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

608.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Aransas Pass Police Department will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

608.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall 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 qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

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.

608.12 FIELD ENFORCEMENT

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 that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

608.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. 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.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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608.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

608.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

608.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

608.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

608.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures; including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

608.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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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 OF DISPATCH CENTER

To maintain security Dispatch will remain locked at all times. Only authorized members of the Aransas Pass Police Department will be permitted into Dispatch.

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. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of the officer assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of the officer's return to service

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- Disposition or status of reported incident

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.

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 be licensed by the Texas Commission on Law Enforcement (TCOLE)within one year of their appointment (Tex. Occ. Code § 1701.301; 37 Tex. Admin. Code § 217.27). In addition, all telecommunicators are required to complete the Basic Telecommunicator and Crisis Communications courses within one year of assignment, and any other mandatory training required by TCOLE (Tex. Occ. Code § 1701.405; Tex. Occ. Code § 1701.352).

An officer working as a telecommunicator does not need a license (Tex. Occ. Code § 1701.405; 37 Tex. Admin. Code § 217.27).

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.

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- 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.

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.

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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
        - 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

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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.

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- 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 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.
- The Aransas Pass Fire Department (APFD) shall provide first response for all medical emergencies where the patient is unresponsive, the patient is not breathing, when CPR is in progress, the scene of a motor vehicle crash with injuries, or in anticipation of an extended or delayed response from EMS (mutual aid or EMS responders are not in the area). In all of these circumstances, the communications officer shall first dispatch EMS then dispatch APFD.

- 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

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        - 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.
    - 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.

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- 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.
  - 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.

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- 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
  - 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.

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- 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 actions done

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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

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- 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)
        - 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.

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- 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.
- 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

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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.
    - 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:

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- 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.

o 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.
- 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.

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- 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;
    - Notify the communications division as soon as possible when information becomes available indicating that a theft report or warrant is invalid.

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        - 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.

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- 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 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):

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- 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.
  - 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 -The purpose of validations is to verify the accuracy of records. During the process, invalid records or records missing data shall be corrected immediately. A "validation checklist" form shall be shall be used and kept on file for ever record checked.
  - 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.
  - Validations remain the primary responsibility of the TAC or his/her designee.

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- 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
                - 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

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- 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
  - 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.

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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

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- Calls for Service:
  - 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

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- (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:
    - (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

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- 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.

o 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
  - (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.

o 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.

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- 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
      - (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:

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- (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

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        - 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
        - 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

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- 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
  - 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.

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- 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):
    - 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.

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- 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
      - 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

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- 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.

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Only Records Section personnel shall issue supplies from the supply room, and no supplies will be provided without a Requisition of Supplies Form.

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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Unmanned Aerial System (UAS) Operations

619.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

619.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

619.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

619.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

619.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving the UAS including documentation of time spent monitoring a subjects.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

619.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations shall only be conducted during daylight hours and a UAS shall not be flown over populated areas without FAA approval.

UAS shall only be used pursuant to a valid search or arrest warrant or if the image is captured (Tex. Gov't Code § 423.002):

(a) In immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed a felony.

(b) For the purpose of documenting a crime scene where a felony has been committed.

(c) For the purpose of investigating the scene of:

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1. A human fatality.
2. A motor vehicle accident causing death or serious bodily injury to a person.
3. Any motor vehicle accident on a state highway or federal interstate or highway.

(d) In connection with the search for a missing person.

(e) For the purpose of conducting a high-risk tactical operation that poses a threat to human life or private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities.

(f) For the purpose of fire suppression or rescuing a person whose life is in imminent danger.

619.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

619.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

619.8 REPORTING

Images captured by an unmanned aircraft pursuant to Tex. Gov't Code § 423.002 will be stored in compliance with this policy. The Records Section supervisor shall ensure that the information for reports filed with the state is collected and submitted as required by Tex. Gov't Code § 423.008.

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Chaplains

620.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Aransas Pass Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

620.2 POLICY

The Aransas Pass Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

620.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

620.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Aransas Pass Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

620.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and 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. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

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620.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain 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 the authorized designee.

620.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Aransas Pass Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Aransas Pass Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

620.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

620.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Aransas Pass Police Department.

620.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

620.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Aransas Pass Police Department personnel a minimum of eight hours per month.

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(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Aransas Pass Police Department operations, provided the Shift Commander has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Aransas Pass Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

620.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

620.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

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(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

620.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

620.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

620.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Aransas Pass Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Aransas Pass Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

620.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Coordinator, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress

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- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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Chapter 7 - Property and Evidence Control

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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 release

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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).

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 his or her name 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, when collection is necessary. In general, all drug paraphernalia should be photographed, documented, and then properly discarded.

The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by two copies of the form for the Records Section and detectives. 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

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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 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 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

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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.

700.3.6 RETENTION OF DRIVING WHILE INTOXICATED EVIDENCE

Blood or urine specimens collected as evidence in a Driving While Intoxicated (DWI) investigation shall be retained as required by the court and may not be destroyed until the expiration period specified in the court notice (Tex. Code of Crim. Pro. art. 38.50).

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

(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, gun and rifle boxes should be use to package firearms, 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.

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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 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.

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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.

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.

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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 items 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 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 before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

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 before it is destroyed or auctioned. This notification and 90-day waiting period does not apply to property other than money that was seized at the time the owner was arrested for a Class C misdemeanor if the person was provided with appropriate notice at the time when he/she was released from custody (Tex. Code of Crim. Pro. art. 18.17). 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.

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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 Tex. Penal Code § 46.06.

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.

700.6.8 RETURN OF FIREARMS RELATED TO EMERGENCY DETENTIONS
The Property and Evidence Section supervisor shall be responsible for ensuring that a written notice regarding the return of a firearm is mailed and a timely disposition request is made through the appropriate court (Tex. Code of Crim. Pro. art 18.191).

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.

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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 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.

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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 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.

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(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.

(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

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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.

(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

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires 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. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice, or cash transfer form. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

704.4 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate 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.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year, by the Chief of Police or the City.

704.5 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Criminal Investigations Division supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

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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 responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence and Informants policies.

Cash in excess of $1000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

704.7 POLICY

It is the policy of the Aransas Pass Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

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Contraband Forfeiture

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 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized contraband and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Aransas Pass Police Department seizes property for forfeiture or when the Aransas Pass Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of seized contraband is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Also referred to as 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 that has been acquired directly or indirectly through the commission of certain offenses as specified in Tex. Code of Crim. Pro. art. 59.01(2). Contraband may also include proceeds gained from the commission of offenses as specified in Tex. Code of Crim. Pro. art. 59.01(2). However, contraband as defined by Tex. Code of Crim. Pro. art. 59.01(2)(B)(v) related to the Texas Litter Abatement Act only applies to a municipality with a population of 250,000 or more (Tex. Code of Crim. Pro. art. 59.02).

Property subject to forfeiture may also include items associated with a conviction related to gambling, an offense involving a criminal instrument (specially designed, made or adapted for use in the commission of an offense), possession of an obscene device or material, child pornography or for an offense involving a scanning device or a re-encoder (Tex. Code of Crim. Pro. art. 18.18).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

708.2 POLICY

The Aransas Pass Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person’s due process rights.

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It is the policy of the Aransas Pass Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

708.3 CONTRABAND SEIZURE

Property may be seized for forfeiture as provided in this policy.

708.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (Tex. Code of Crim. Pro. art. 59.03):

(a) Property subject to forfeiture seized under the authority of a search warrant or other court order.

(b) Property subject to forfeiture may be seized without warrant under any of the following circumstances:

1. The owner, operator or agent in charge of the property knowingly consents to the seizure.
2. The owner, operator or agent in charge of the property knowingly consented to a search that led to the discovery of the property subject to forfeiture and the seizing officer has a reasonable belief that a substantial connection exists between the property and the criminal activity.
3. The seizure was incident to a lawful arrest, lawful search or lawful search incident to arrest and the seizing officer has a reasonable belief that a substantial connection exists between the property and the criminal activity.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

708.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture attorney’s current minimum forfeiture thresholds should not be seized.

(b) Property when it is reasonably known to the officer that a third party may be an “innocent owner” as defined by Texas law (Tex. Code of Crim. Pro. art.59.02(c); Tex. Code of Crim. Pro. art. 59.02(h); or Tex. Code of Crim. Pro. art. 59.02(i)).

If there is a question as to whether a third party might be an innocent owner, the officer should seek guidance from the forfeiture reviewer or the assigned attorney.

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708.3.3 CONTRABAND LOCATED OUT OF STATE

If property subject to seizure is located out of state, the officer making such discovery shall provide the forfeiture attorney with a sworn statement that identifies the contraband and reasons it is subject to seizure so that a notice of intended forfeiture may be filed in the appropriate state court (Tex. Code of Crim. Pro. art. 59.022).

708.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

708.4.1 DOCUMENTATION AND FOLLOW UP

An officer who seizes property subject to forfeiture shall (Tex. Code of Crim. Pro. art. 59.03):

(a) Provide the forfeiture attorney with a sworn statement containing a list of the property seized, an acknowledgement that the officer has seized the property and an explanation of the officer’s reasons for the seizure.

(b) Document an assertion of an interest in, or right to, the property by the person in possession of the property at the time of seizure.

No member may request, require or in any manner induce any person, including a person who asserts an interest in, or right to, the property, to execute a document purporting to waive the person’s interest in, or rights to, property seized under this chapter (Tex. Code of Crim. Pro. art. 59.03).

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Within 72 hours after the seizure, the officer shall place the property under seal, remove the property to a place ordered by the court or have the property taken into custody by another agency having jurisdiction.

708.4.2 DOCUMENTATION IN SUITS FOR PROCEEDS

An officer who identifies proceeds gained from the commission of an offense specified in Tex. Code of Crim. Pro. art 59.01(2) shall provide the forfeiture attorney for the state with an affidavit identifying the amount of the proceeds and the officer's basis for probable cause to believe the proceeds are contraband subject to forfeiture (Tex. Code of Crim. Pro. art. 59.023).

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.

708.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on contraband forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Tex. Code of Crim. Pro. art. 59.01 et seq., Tex. Code of Crim. Pro. art. 18.18 and the forfeiture policies of the forfeiture attorney's office.

(b) Serving as the liaison between the Department and the forfeiture attorney and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

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1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in contraband forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each contraband forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters.

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(j) Ensuring the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Upon completion of any forfeiture process, ensuring that no property is retained by the Aransas Pass Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(l) Reviewing cases for potential "substitute property" that may be forfeitable through the forfeiture attorney when more direct proceeds or property may have been converted into other assets (Tex. Code of Crim. Pro. art. 59.021).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures (Tex. Code of Crim. Pro. art. 59.06).

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Tex. Code of Crim. Pro. art. 59.06).

708.7 DISPOSITION OF FORFEITED PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Proceeds or property received under Tex. Code of Crim. Pro. art. 59.01 et seq. will not be used to (Tex. Code of Crim. Pro. art. 59.06):

(a) Contribute to a political campaign.

(b) Make a donation to any entity, except as provided by Tex. Code of Crim. Pro. art. 59.06(d-2).

(c) Pay expenses related to the training or education of any member of the judiciary.

(d) Pay any travel expenses related to attendance at training or education seminars if the expenses violate generally applicable restrictions established by the commissioner's court or the governing body of the municipality, as applicable.

(e) Purchase alcoholic beverages.

(f) Make any expenditure not approved by the proper authority.

(g) Increase a salary, expense or allowance for an employee of the law enforcement agency, a forfeiture attorney who is budgeted by the commissioner's court or the governing body of the municipality, unless the commissioner's court or the governing body first approves the increase.

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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:

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(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.

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

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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.

(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

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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

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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.

(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 (Orange paint may be used in lieu of crayon/chalk)
- 1 Command Post flag
- 1 accident measurement roller
- 1 roll of crime scene barricade tape

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- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 box of latex gloves
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials Emergency Response Guidebook (Electronic version may be substituted.)
- 1 fingerprint kit and assorted evidence collection supplies
- 1 camera (when unit is 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 Command Post flag
- 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.

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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 purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Aransas Pass to provide assigned take-home vehicles.

804.2 POLICY

The Aransas Pass Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

804.2.1 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 USE OF VEHICLES

804.3.1 SHIFT ASSIGNED VEHICLES

The Shift Commander shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

804.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

804.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. 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.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after

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the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

804.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

804.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

804.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

804.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

804.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

804.3.9 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

804.3.10 PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

All marked, authorized emergency vehicles shall be backed into parking spaces or otherwise parked in a manner in which they are ready for rapid emergency deployment.

804.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

This does not exclude temporarily attached devices that do not otherwise compromise the integrity of the vehicle's components or systems.

804.3.12 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

804.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

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804.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

804.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Aransas Pass City limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

804.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Aransas Pass is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Aransas Pass may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

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(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Division Commanders.
4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

804.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Aransas Pass Police Department or while off-duty, an officer shall not initiate enforcement actions except

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in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

804.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

804.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Shift Commander on the shift assignment roster.

804.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Response and Reporting Policy).

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Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

804.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges. If operating outside of TTC 541.201 and 284.070, one must pay the toll and will be reimbursed for the expense.

804.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Seat Belts

806.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Tex. Transp. Code § 545.412).

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 (Tex. Transp. Code § 545.413).

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.

806.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

806.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members 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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806.5 POLICY

It is the policy of the Aransas Pass Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

806.6 TRANSPORTING CHILDREN

All children younger than 8 years of age shall be transported using a child restraint system unless the child is taller than 4 feet 9 inches (Tex. Transp. Code § 545.412).

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, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

806.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

806.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Chapter 9 - Personnel Policies

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Standards of Conduct

900.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Aransas Pass Police Department and are expected of all department 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 conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

900.1.1 CONFLICT RESOLUTION

Policy 900 coexist with the City of Aransas Pass Personnel Policy Division 7. When a policy pertaining to disciplinary action or appeal within Policy 900 of this code conflicts with any policy contained within City of Aransas Pass Personnel Policy Division 7, merit shall be given to the City of Aransas Pass Personnel Policy manual.

900.2 POLICY

The continued employment or appointment of every member of the Aransas Pass Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

900.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

900.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible

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for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

900.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

900.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Texas Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

900.4.1 ASSISTANT CHIEF OF POLICE RESPONSIBILITY

All disciplinary actions and investigations shall be handled primarily by the Assistant Chief of Police. Where stated and referring to the Chief of Police, one may safely assume that responsibility primarily applies to the Assistant Chief of Police.

Further, the Assistant Chief of Police will offer guidance and oversight for the patrol commander and patrol sergeants whom shall bear the majority of disciplinary matters that shall take place. On occasion, the Assistant Chief of Police shall perform and complete disciplinary investigations and measures on his own.

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The Chief of Police is the department head of the police department. The Chief of Police's primary responsibility will be to oversee major disciplinary measures or investigations and respond to all final appeals that escalate to the department head level. In the Chief of Police's absence, the Assistant Chief of Police shall hear and decide on final appeals.

All final appeals decided by the Chief of police or Assistant Chief, in his absence, shall be final unless the Chief of Police was the primary official over the investigation and action taken.

900.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

900.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations, including:

1. Violation of one or more of the 10 general orders.
    (a) Racial profiling (Tex. Code of Crim. Pro. art. 2.131).
    (b) Acts of official oppression as defined in Tex. Penal Code § 39.03.

900.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Aransas Pass Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized off-duty work excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

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900.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful (see generally Tex. Penal Code § 39.03).

900.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know 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 this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

900.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

900.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

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(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Aransas Pass Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) 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.

900.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

900.5.8 PERFORMANCE

(a) 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.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document .

(c) Failure to participate in, or 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.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. 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.

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(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

900.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct (Tex. Penal Code § 39.03).

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

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900.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

900.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Personnel Complaints

902.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Aransas Pass Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

902.2 POLICY

The Aransas Pass Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any meet and confer or collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

902.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy, or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

902.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member 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 may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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902.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, through social media communication portals, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

902.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

902.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

902.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a 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 as necessary.

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.

902.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

A copy of the signed personnel complaint form must be given to the employee named in the complaint within a reasonable time after the complaint is filed (Tex. Gov't. Code § 614.023). A reasonable time may be determined based upon the complexity of the investigation and/or the nature of the complaint.

902.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

902.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    1. The original complaint form will be directed to the Shift Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
    2. 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 member's Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Commander and Chief of Police are notified via the chain of command as soon as practicable.

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(e) Promptly contacting the Personnel Department and the Shift Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Shift Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

902.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees:

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.

1. Off-duty interviews should be conducted based on the seriousness of the investigation and other factors that indicate time is of the essence.

(b) An investigator may not interview an employee 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.

(c) Unless waived by the employee, interviews of an accused employee shall be at the Aransas Pass Police Department or other reasonable and appropriate place. An investigator may not interview an officer at that person's home without the officer's prior permission.

(d) No more than two interviewers should ask questions of an accused employee.

(e) Not less than 48 hours before an investigator begins the initial interview, the investigator must inform the employee in writing of the allegations in the complaint. All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(f) No employee should 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 and may be subject to discipline for failing to do so.

(g) 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.

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(h) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) An employee may be compelled to submit to a polygraph examination under the conditions set forth in Tex. Gov't Code § 614.063.

902.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member 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, documents) should be attached to the report.

902.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. 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 that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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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.

902.6.5 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

902.7 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

902.8 ADMINISTRATIVE LEAVE
When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

902.9 CRIMINAL INVESTIGATION
Where a member is accused of potential criminal conduct, a separate supervisor or investigator 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 a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

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The Aransas Pass Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

902.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

902.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member'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.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

902.10.2 CHIEF OF POLICE RESPONSIBILITIES

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 recommendation 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, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) 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 member, the Chief of Police may grant a reasonable extension of time for the member to respond.

    2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

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Once the member has completed his/her response or if the member 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 render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

902.11 PRE-DISCIPLINE 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) The 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 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 issues of information raised in any subsequent materials.

902.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

902.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established within the City of Aransas Pass, Personnel Manual.

902.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

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Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

902.15 RETENTION OF PERSONNEL INVESTIGATION

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

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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 ADOPTION OF CITY PERSONNEL POLICY ON GRIEVANCE PROCEDURES

All matters pertaining to grievances shall follow the Aransas Pass Personnel Policy, Division 8.

904.2 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 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.

908.3.1 DEPARTMENT RESPONSIBILITY TO REPORT

When a person who holds a license issued by the Texas Commission on Law Enforcement (TCOLE) is arrested for or charged with a reportable offense by this department, the Chief of Police must report it to TCOLE within 30 business days of the arrest (37 Tex. Admin. Code § 211.28).

In addition, when any person who is under appointment with this department is arrested for, charged with or convicted of a reportable offense, the Chief of Police must report this to TCOLE within 30 days of notice of the arrest, charge or conviction (37 Tex. Admin. Code § 211.29).

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908.3.2 MEMBER RESPONSIBILITY TO REPORT

If a member who holds a license issued by TCOLE is arrested for, charged with or indicted for a reportable offense, he/she must report it to TCOLE within 30 days (37 Tex. Admin. Code § 211.27).

In addition, members must report any of the above mentioned arrest, charge or indictment for a criminal offense to the Aransas Pass Police Department, as also required by the Standards of Conduct Policy.

It is the responsibility of the Administration Supervisor to maintain current information on the status of a member's license.

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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 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; Tex. Gov't Code § 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 the Texas Public Information Act, 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, date of birth, 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).

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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 of the Texas Government 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 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.

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(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.

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 two 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.
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.

(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.

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(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.
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.

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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.

(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.

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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 a goal set outlining the amount of time for correction. Habitual issues with a non-probationary employee do not require a prescribed action for correction or a deadline for which such issue should be remedied, if the matters have been previously addressed.

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.

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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 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 a minimum of once each year by the employee's immediate supervisor in the month of June, and if performed twice a year, the month of December.

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:

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Above Expectation - Represents performance that is better than expected of a fully competent employee. Includes performance well beyond that required for the position and may include definitely superior or extraordinary performance. Written explanation shall be noted for such rating.

Satisfactory - 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 comments section. This section allows the rater to document the employee's strengths, weaknesses and to identify areas where improvement is needed. Any rating marked unsatisfactory, needs improvement, or above expectation 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.

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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.

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 members 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 nondiscrimination 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 a member to discipline.

914.3 DISCRIMINATION PROHIBITED

914.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member 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 a member'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.

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 a member 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 as a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct by a member 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) and the Texas Workforce Commission, Civil Rights Division.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

914.3.4 RETALIATION

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.

914.4 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.

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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.

(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.

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 members 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.

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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, offensive, unprofessional or inappropriate. 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 supervisory resolution process, a formal investigation will be conducted.

The member 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 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 is not 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 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated 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. Members 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 the action taken to remedy or address the circumstances giving rise to 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.

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914.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member 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 with the Department.

914.8.1 DISCRIMINATION OR SEXUAL HARASSMENT TRAINING – STATE MEMBERS

State members will receive initial training within 30 days from the date of employment. Thereafter, members will receive regular supplemental training every two years (Tex. Lab. Code § 21.010). Each state member 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 member's personnel file.

914.8.2 DISCRIMINATION OR SEXUAL HARASSMENT TRAINING - MUNICIPAL OR COUNTY MEMBERS

Members will receive initial training within 30 days from the date of employment. Thereafter, members will receive regular supplemental training every two years. Each member 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 member's personnel file.

914.9 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, the Personnel Manager or the City Manager, for further information, direction or clarification.

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Drug- and Alcohol-Free Workplace

916.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

916.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

916.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

916.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

916.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

916.4.1 CONSUMPTION OF INTOXICANTS PRIOR TO SHIFT

Generally, employees should not consume intoxicating beverages or intoxicating prescription drugs within 8 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 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

916.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

916.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

(a) The supervisor 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) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or damage to property.

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916.7.1 SUPERVISOR RESPONSIBILITY
The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

916.7.2 SCREENING TEST REFUSAL
An employee may be 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, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

916.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

916.9 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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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

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(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.

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.

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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.

924.3 TATTOOS

At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible on the body of an employee with the Aransas Pass Police Department. Examples of offensive tattoos would include, but not be limited to, those that depict or promote racial bias, sexual matters, discriminatory content, gang related content, criminal content, 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 policies:

- Firearms
- Department-Owned and Personal Property
- Body Armor
- 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 for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

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.

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(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform

(k) 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.

(c) Short-sleeve button up shirt may be worn for court in lieu of the long-sleeve shirt with tie.

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.

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(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 an approved Polo Style uniform looking shirt with the department patch embroidered over the left breast region and the officers name and rank embroidered over the right breast region.

(b) Shorts may be worn with specific approval from the chief or his designee.

(c) BDU style pants may be worn so long as they have pockets and are of common solid color (black, gray, navy, khaki, etc.).

(d) Shoes may be boots, shoes, or black colored athletic shoes with black socks.

(e) 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, during the summer months or as defined by the Chief of Police or his designee. 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 Detectives, Dispatch, 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

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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:

(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.

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(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.

(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:

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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 (see the Department-Owned and Personal Property Policy)

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

928.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

928.1.1 CIVILIAN CARRY

Non-sworn staff shall not carry a firearm on or about their person while on duty. On or about the person includes inside any department owned vehicle used by the non-sworn employee. Any non-sworn employee who is licensed under state law to carry a concealed firearm, is permitted in carrying their firearm while off duty but shall not carry that firearm inside the police department, police department owned vehicles or at anytime while on duty.

In accordance with State law, no employee, while off duty, can be forbidden from carrying a firearm inside his/her personally owned vehicle while that vehicle is park or driven upon city owned property unless other wise prohibited by law.

928.1.2 NONAPPLICABILITY

Section 928.1.3 does not apply to City of Aransas Pass employees who possess a Texas Concealed Handgun License and whom have been approved by the City Manager and Chief of Police to exercise their Texas CHL privilege while at work.

928.2 POLICY

The Aransas Pass Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

928.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, 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 members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

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928.3.1 HANDGUNS

The authorized department-issued handgun is the S&W M&P .40. Additional handgun models may be approved for on-duty use after review and recommendation of the department armorer and approval from the Chief of Police.

928.3.2 SHOTGUNS

The authorized department-issued shotgun is the [Mossberg Model 500]. Additional shotgun models may be approved for on-duty use after review and recommendation of the department armorer and approval from the Chief of Police.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

928.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15. Additional rifle models may be approved for on-duty use after review and recommendation of the department armorer and approval from the Chief of Police.

Members may deploy the patrol rifle in any circumstance where the member 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 member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member 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.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

928.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.

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(b) The firearm shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Armorer, who will maintain a list of the information.

928.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and on the department list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Armorer, who will maintain a list of the information.

928.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

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(c) It will be the responsibility of the member to submit the firearm to the Armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Armorer.

(d) Prior to carrying any off-duty firearm, the member 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.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Armorer, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and Aransas Pass Police Department identification cards under circumstances requiring possession of such identification.

928.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Armorer when needed, in accordance with established policy.

Members 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.

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).

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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 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Armorer.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Armorer.

Any repairs or modifications to the member’s personally owned firearm shall be done at his/her expense and must be approved by the Armorer.

928.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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.

928.4.4 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Armorer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

928.4.5 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Armorer. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

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928.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer. Members shall not dry fire or practice quick draws except as instructed by the Armorer or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members 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 an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

928.5.1 INSPECTION AND STORAGE

Handguns shall be inspected annually and upon access or possession by another person (37 Tex. Admin. Code § 218.9). Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

928.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so.

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Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Tex. Penal Code § 46.13).

928.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

928.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with all firearms carried (Tex. Occ. Code § 1701.355). Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course that meets the requirements of 37 Tex. Admin. Code § 218.9.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

In the event that the above requirements present a hardship, the Department may request in writing that the Texas Commission on Law Enforcement (TCOLE) waive an officer's annual demonstration of weapons proficiency requirement (Tex. Occ. Code § 1701.355(b); 37 Tex. Admin. Code § 218.9).

Each firearms instructor shall meet the proficiency requirements in 37 Tex. Admin. Code § 221.19.

928.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

    1. Unauthorized range make-up
    2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

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928.7 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 to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths 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.

928.7.1 DESTRUCTION OF ANIMALS

Members 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 where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members 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 member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

928.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

928.7.3 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 member reasonably believes that they appear necessary, effective and reasonably safe.

928.8 ARMORER DUTIES

The Chief of Police will designate a firearms proficiency officer, known as the Armorer, who will be responsible for maintaining department records of firearms proficiency for each officer (37 Tex. Admin. Code § 218.9). 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.

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Failure of any member to sign in and out with the Armorer may result in non-participation or 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 firearms carried by members of this department to verify proper operation. The Armorer has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Armorer.

The Armorer has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry (37 Tex. Admin. Code § 218.9).

The Armorer shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Armorer should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

928.9 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 officers 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, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Aransas Pass Police Department identification card, bearing the officer's name, a full-face photograph, identification number, 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 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 Chief of Police an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

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(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a 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 of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) 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.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

928.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Aransas Pass Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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928.11 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.

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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 (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 Department-Owned and Personal Property Policy.

(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 policy establishes the guidelines for department members who must appear in court. It will allow the Aransas Pass Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

934.2 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

934.3 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

934.4 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

934.4.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

934.5 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with standard compensation or the department overtime policy.

934.6 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Criminal subpoenas may be served upon members in accordance with Tex. Code of Crim. Pro. art. 24.04 by personally delivering or reading the subpoena to the member; electronically transmitting

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the subpoena, with a receipt requested, to the last known email address of the member; or by certified mail with a return receipt requested.

Civil subpoenas may be served upon a member by personally delivering a copy of the subpoena to the member along with any fees required by law (Tex. RCP Rule 176.5; Tex. Civ. Prac. & Rem. Code § 22.001).

934.6.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Aransas Pass Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Aransas Pass Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

934.6.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, in accordance with standard compensation or the department overtime policy.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

934.6.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

934.7 POLICY

Aransas Pass Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

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Recruitment and Selection

940.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Aransas Pass Police Department and that are promulgated and maintained by the Personnel Department.

940.2 POLICY

In accordance with applicable federal, state and local law, the Aransas Pass Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

940.3 RECRUITMENT

The Administration Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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940.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Citizenship verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents

(e) Information obtained from public Internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible) - *Optional

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

940.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Aransas Pass Police Department (37 Tex. Admin. Code 217.1).

940.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d; 16 CFR 600 et seq.).

940.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Division Commander should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

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(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

940.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

940.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

940.5.5 ADDITIONAL REQUIREMENTS

It will be the joint responsibility of an investigator assigned to a background investigation and the Administration supervisor to ensure compliance with Texas Commission on Law Enforcement (TCOLE) mandates concerning completion of the background investigation and a request for peace officer licensing reports (37 Tex. Admin. Code § 217.7).

940.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

940.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Tex. Occ. Code § 1701.301 et seq.; 37 Tex. Admin. Code § 217.1 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

940.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by TCOLE (37 Tex. Admin. Code § 217.1):

(a) Citizen of the United States

(b) At least 21 years of age unless the candidate has at minimum an associate's degree or received an honorable discharge after two years of active service with the United States Armed Forces in which case the minimum age shall be 18 years of age

(c) Possess one of the following:

1. An associates, bachelors or masters degree;
2. A high school diploma; or
3. A GED equivalent.

(d) Fingerprinted for local, state and national records

(e) Not have received community supervision or probation for any of the following:

1. Any offense above a Class B misdemeanor
2. A Class B misdemeanor if the date of the court order granting community supervision or probation is within the last 10 years

(f) Not be currently charged with any criminal offense for which conviction would be a bar to licensure

(g) Not have been convicted of any of the following:

1. Any offense above a Class B misdemeanor
2. A Class B misdemeanor within the last 10 years
3. An offense involving family violence as defined under Chapter 71, Texas Family Code

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(h) Not prohibited by state or federal law from operating a motor vehicle, or possessing firearms or ammunition

(i) Submitted to a City approved medical examination prior to appointment to ensure the candidate is physically sound and free from any defect which may adversely affect the performance of a peace officer's duties and that the candidate shows no trace of drug dependency or illegal drug use

(j) Submitted to a department approved psychological evaluation prior to appointment to determine whether the candidate is in satisfactory psychological and emotional health to serve as a peace officer

(k) Not have received a dishonorable or other discharge based on misconduct which could bar future military service

(l) Has not had a license issued by TCOLE denied by final order or revoked

(m) Not have received a dishonorable discharge F5 report to TCOLE

(n) Not currently on suspension by TCOLE

(o) Meets the minimum training standards established by TCOLE and passes the peace officer licensing examination

940.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the following minimum standards established by TCOLE (37 Tex. Admin. Code § 217.1):

(a) Citizen of the United States

(b) At least 18 years of age

(c) Possess one of the following:

1. An associates, bachelors or masters degree;
2. A high school diploma; or
3. A GED equivalent.

(d) Not have received community supervision or probation for any of the following:

1. Any offense above a Class B misdemeanor
2. A Class B misdemeanor if the date of the court order granting community supervision or probation is within the last 10 years

(e) Not be currently charged with any criminal offense for which conviction would be a bar to licensure

(f) Not have been convicted of any of the following:

1. Any offense above a Class B misdemeanor
2. A Class B misdemeanor within the last 10 years
3. An offense involving family violence as defined under Chapter 71, Texas Family Code

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(g) Submitted to a department approved psychological evaluation prior to appointment to ensure the candidate is physically sound and free from any defect which may adversely affect the performance of a telecommunicator's duties and that the candidate shows no trace of drug dependency or illegal drug use

(h) Submitted to a department approved psychological evaluation prior to appointment to determine whether the candidate is in satisfactory psychological and emotional health to serve as a telecommunicator

(i) Not have received a dishonorable or other discharge based on misconduct which could bar future military service

(j) Has not had a license issued by TCOLE denied by final order or revoked

(k) Not have received a dishonorable discharge F5 report to TCOLE

(l) Not currently on suspension by TCOLE

(m) Meets the minimum training standards by passing the basic telecommunicator course and a TCOLE-approved crisis communication course

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Training

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 (TCOLE).

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 TCOLE 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 trained as required.

942.4.1 STATE-MANDATED TRAINING

All members of the Aransas Pass Police Department shall receive all state mandated training appropriate for their employment position (Tex. Occ. Code § 1701.351; Tex. Occ. Code § 1701.352; Tex. Occ. Code § 1701.355).

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Members serving as school resource officers shall attend training specific to that position (Tex. Occ. Code § 1701.263).

942.4.2 PROFICIENCY CERTIFICATE

The Aransas Pass Police Department will provide all members with training necessary to obtain applicable proficiency certificates (Tex. Occ. Code § 1701.402).

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.

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

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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.

942.7 TEXAS COMMISSION ON LAW ENFORCEMENT APPROVED TRAINING

The Training Coordinator shall coordinate efforts and associated training advisory board requirements when the Chief of Police has directed the department to seek approval as a training provider from the Texas Commission on Law Enforcement (TCOLE) (37 Tex. Admin. Code § 215.1 et seq.; Tex. Occ. Code § 1701.252). The Training Coordinator will meet the training coordinator duties specified in 37 Tex. Admin. Code § 215.9.

942.8 EMPLOYEE TRAINING RECORDS

The Training Coordinator is responsible for the creation, filing and storage of all training records in compliance with the Texas Commission on Law Enforcement (TCOLE) standards using the

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Texas Commission on Law Enforcement Data Distribution System (TCLEDDS) for sworn member records (37 Tex. Admin. Code § 218.5). 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

Not in use at this time.

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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.

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(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(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.

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(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.

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 smoking and the use of tobacco products by members and others while on-duty or while in Aransas Pass Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

946.2 POLICY

The Aransas Pass Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

946.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Aransas Pass Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

The use of mouth tobacco is prohibited while in view of the public. Containers used to discard mouth tobacco shall not be left in plain view or sight of anyone, and mouth tobacco shall not be openly discarded into any trash receptacle or onto any city or privately owned improved surface.

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VACATION LEAVE POLICY

947.1 PURPOSE AND SCOPE

To provide guidelines for the efficient scheduling of vacations in order to maintain sufficient staffing at all times. Any leave request outside of sick leave or extended medical leave, shall be guided by this policy.

947.2 POLICY

Personnel desiring to take vacations shall submit requests in writing, addressed to the appropriate supervisor. Vacations will be scheduled on a first request basis. Vacation requests are not considered as being submitted until it is accepted, dated and signed by the appropriate supervisor. When two or more requests are received on the same date for the same days off, priority will be given to seniority. It is the approving Supervisor's responsibility to insure that the work force does not fall below the requirements.

In lieu of a written request, email may be substituted and is encouraged. When email is used, the auto-generated date and time stamp on the email will be the date and time the request was submitted.

947.3 DEFINITIONS

(none)

947.4 PROCEDURES

947.4.1 REQUESTS FOR TWO OR MORE DAYS

An employee wanting two or more vacation days will file a written or email request with the employee's Supervisor no less than ten (10) days prior to the starting date of the vacation.

The Supervisor will insure that the employee has the requested time accrued and insure the absence of the employee will not bring the work force below requirements. The Supervisor will approve or deny the vacation request and notify the employee of the approval or denial. If the vacation request is denied, the immediate Supervisor will also forward his decision to the Division Commander.

If denied, the employee may appeal the supervisor's decision to the division commander. If the denied employee is within the criminal investigations division (CID), the appeal shall be forwarded to the Assistant Chief (division commander over CID). The division commander's decision shall be final.

947.4.2 REQUEST FOR ONE DAY

An employee wanting one vacation day must file a written or email request with the employee's immediate Supervisor no less than seventy-two (72) hours prior to the start of the vacation.

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The Supervisor will insure that the employee has the requested time accrued. The immediate Supervisor will insure that the absence of the employee will not bring his work force below requirements. The immediate Supervisor will approve or deny the vacation request and notify the employee of the approval or denial. If the vacation request is denied, the immediate Supervisor will also forward his decision to the Division Commander.

The immediately supervisor's decision shall be final and no appeal shall attach.

947.5 ADDITIONAL POLICY REQUIREMENTS

No vacation time or request for vacation will be approved if the employee does not have accrued time.

Time limits for the submission of vacation requests may be waived by the Division Commander.

Seniority will prevail in the approval of vacation requests, however:

- Once a vacation request has been approved, it will not be canceled due to a subsequent vacation request from an employee with higher seniority.
- In a case of two vacation requests submitted at the same time, vacation requests of five (5) days or more will have priority over vacation requests of less than five days.

Vacation requests will be submitted no later than one year in advance of the vacation.

Employees will receive written or email confirmation of approval or denial of the vacation request with explanation if denied, in a timely manner from the supervisor.

Any approved vacation will not be canceled by a supervisor unless an emergency arises and other personnel are unavailable. The Division Commander must approve any cancellation of vacation.

947.6 DUTY TO NOTIFY COURT

The employee taking vacation, has a duty to notify the court or ancillary agency that has a tendency of subpoenaing officers or requiring officers to testify on behalf the State for matters pertaining to the employee's employment. Employees should be mindful of all courts with jurisdiction (ie. Nueces County/District, San Patricio County/District, Aransas County/District courts, JP courts for all counties, municipal court, civil court, and ALR hearings, etc.).

Failure to notify the courts with jurisdiction could cause interruption in requested vacation time. Furthermore, officers shall respond to all legal process as required by the law and this department manual.

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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.

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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 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 worked".

Non-sworn members within the department fall under the 40 hour work week methodology when calculating overtime.

950.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

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

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on-call pay when off-duty shall submit forms to the Shift Commander the first day after returning to work.

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 provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

954.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Aransas Pass Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

954.2 POLICY

The Aransas Pass Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

954.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Minimum standards for bloodborne pathogens as established by the Department of State Health Services. These include (Tex. Health & Safety Code 81.303 et seq.; 25 Tex. Admin. Code § 96.201 et seq.):

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(a) Minimum standards contained in the model exposure control plan developed by the Department of State Health Services (Tex. Health & Safety Code § 81.304; 25 Tex. Admin. Code § 96.202).

(b) Needleless systems and sharps injury protection (Tex. Health & Safety Code § 81.305; 25 Tex. Admin. Code § 96.301; 25 Tex. Admin. Code § 96.302).

(c) Sharps injury log (Tex. Health & Safety Code 81.306; 25 Tex. Admin. Code 96.401).

2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

3. Reporting diseases to the local health authority as mandated by Tex. Health & Safety Code § 81.042.

The ECO should periodically review and update the exposure control plan and review implementation of the plan at least annually (25 Tex. Admin. Code § 96.203).

954.3.1 EXPOSURE CONTROL OFFICER TO SERVE AS INFECTION CONTROL OFFICER
The ECO shall serve as the department's Infection Control Officer unless another member is selected for the role by the Chief of Police. The Chief of Police shall also select an alternate member to serve in that role. A member acting as the Infection Control Officer shall (Tex. Health & Safety Code § 81.012):

(a) Receive notification of a potential exposure to a reportable disease from a health care facility.

(b) Notify the appropriate health care providers of a potential exposure to a reportable disease.

(c) Act as a liaison between members who may have been exposed and the hospital that treated the source person of the potential exposure.

(d) Investigate and evaluate an exposure incident using current evidence-based information on the possible risks of communicable diseases presented by the exposure incident.

(e) Monitor all follow-up treatment provided to an exposed member, in accordance with applicable federal, state and local law.

The member serving as the Infection Control Officer and the alternate must meet the qualifications and training established by the commissioner of state health services (Tex. Health & Safety Code § 81.012).

The ECO shall notify the local health authorities or local health care facilities of the persons at the Department who are serving as primary and alternate infection control officers.

954.4 EXPOSURE PREVENTION AND MITIGATION

954.4.1 GENERAL PRECAUTIONS
All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

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(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

    1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

954.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

954.5 POST EXPOSURE

954.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

954.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

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(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Illness and Injury Prevention Policy).

954.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

954.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

954.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Requesting a health authority to order testing and seeking a subsequent court order when necessary (Tex. Health & Safety Code 81.050; Tex. Health & Safety Code § 81.151; 25 Tex. Admin. Code § 97.12).

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(c) Receipt of a notice from a hospital indicating testing is warranted (Tex. Health & Safety Code § 81.048; Tex. Gov't Code § 607.102; 25 Tex. Admin. Code § 97.11).

(d) Court order after an exposure from an arrestee (Tex. Code of Crim. Pro. art 18.22).

(e) Release of medical or epidemiological information to the department's Infection Control Officer by a health care facility (Tex. Health & Safety Code § 81.046).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

954.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

954.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Occupational Disease, Work-Related Injury and Death Reporting

956.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases or work-related injuries and deaths.

956.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any injury or disease that causes damage or harm to the physical structure of the body and that arises out of and in the course and scope of employment with the Aransas Pass Police Department. This includes damage or harm occurring as the result of repetitious, physically traumatic activities (Tex. Labor Code § 401.011).

956.2 POLICY

The Aransas Pass Police Department will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Tex. Labor Code § 409.005 et seq.).

956.3 RESPONSIBILITIES

956.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

956.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

956.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury or death 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, the City's risk management entity and the Administration Division Commander.

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956.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

956.4 OTHER DISEASE OR INJURY
Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

956.4.1 FIREARM INJURIES OR DEATHS
If a member is injured or killed by a firearm discharged by another person, the Division Commander shall ensure that reporting required by the Attorney General is submitted (Tex. Code of Crim. Pro. art. 2.1395).

956.5 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

956.5.1 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 occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member 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 to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Temporary 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 POLICY

Subject to operational considerations, the Aransas Pass Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

958.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Texas Commission on Human Rights Act shall be treated equally, without regard to any preference for a work-related injury (Tex. Labor Code § 21.001 et. seq.).

No position in the Aransas Pass Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

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Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

958.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Personnel Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Commander or Division Commander with notice to the Chief of Police.

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

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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 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander.

958.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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958.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

958.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

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.

958.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

958.8 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 their assignment to temporary modified duty.

958.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

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who are assigned to temporary modified duty shall inform their supervisors 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.

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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.

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.

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960.7 LIMITATION ON HOURS WORKED

Absent emergency operations or approval from a supervisor, members should not work more than:

- 16 hours in one-day (24 hour) period or
- 32 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 off-duty work, overtime or relieve to off-duty status any member who has exceeded the above guidelines.

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 Personnel Complaints 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 inner-office memorandum or email, which shall be submitted to the employee's immediate supervisor. The memorandum 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 written approval either in writing or by email. Unless otherwise indicated, all approved outside employment will be valid for the terms established or no later than one calendar year unless otherwise specified by the Chief of Police. Any employee seeking to renew outside employment approval shall submit a new written request 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.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the City Policy Manual.

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 request 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.

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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 Supervisor.

(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.

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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 request.

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 permission may be revoked pursuant to Policy Manual § 962.2.2.

962.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during a permitted period, 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 permitted outside employment, a notice of intent to revoke the employee's permission will be forwarded to the involved employee. The revocation process outlined in Policy Manual § 962.2.2 shall be followed.

Criteria for revoking the outside employment permission 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.

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(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 Breaks

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 (Tex. Gov't Code § 619.003).

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. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Tex. Health & Safety Code § 165.003; Tex. Gov't Code § 619.004).

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.

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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.
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

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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. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

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 anticipated to compromise the safety of any employee, an employee's family or

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associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

972.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(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.

(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. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(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)).

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(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 authorization 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). While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Aransas Pass Police Department or identify themselves in any way that could be reasonably perceived as representing the Aransas Pass Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(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.

(d) Circulates or signs a petition for a candidate.

(e) Solicits votes for a candidate.

(f) Solicits campaign contributions for a candidate.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Aransas Pass Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. 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 e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed 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.

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 department computers or networks.

972.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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972.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Illness and Injury Prevention

974.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Aransas Pass Police Department.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

974.2 POLICY

The Aransas Pass Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

974.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Division Commander is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

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974.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Division Commander include, but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
    (a) Bloodborne pathogens (Tex. Health & Safety Code § 81.303 et seq.)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Developing a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

974.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) 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 Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Division Commander.

(e) Notifying the Administration Division Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.

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2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

974.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These 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 members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Division Commander via the chain of command.

The Administration Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

974.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Division Commander shall ensure that the appropriate documentation is completed for each inspection.

974.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

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974.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

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) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease, Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

974.9 TRAINING

The Administration Division Commander should work with the Training Coordinator to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member’s job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

974.9.1 TRAINING TOPICS

The Training Coordinator shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves, footwear and PPE.

(c) Use of respiratory equipment.

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(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed.

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Safety Data Sheets (SDS) hazards and mitigation.

(l) Back exercises/stretches and proper lifting techniques.

(m) Avoidance of slips and falls.

(n) Good housekeeping and fire prevention.

(o) Other job-specific safety concerns.

974.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Anti-Retaliation

976.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

976.2 POLICY

The Aransas Pass Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

976.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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976.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Personnel Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

976.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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976.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

976.7 WHISTLE-BLOWING

Texas law protects members who make a good faith report of a violation of law by the Department or another member to the appropriate law enforcement authority (Tex. Gov't. Code § 554.002).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

976.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

976.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Police Cadets

977.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks, in an apprenticeship program in preparation for a career in law enforcement.

977.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 (“C” grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

977.3 PROGRAM COORDINATOR

The Training Bureau Manager will serve as the Program Coordinator. The Program Coordinator will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

977.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

977.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress in the program.

977.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for civilian employees.

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977.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Training Bureau Manager.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

977.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Shift Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

977.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

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Department Technology Use

1000.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

1000.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Aransas Pass Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - 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, messages, photographs or videos.

1000.2 POLICY

It is the policy of the Aransas Pass Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

1000.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes 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 username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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1000.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

1000.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

1000.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

1000.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

1000.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

1000.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

1000.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Department Technology Use

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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 (email) system by employees of this department. Email 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 email 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 EMAIL RIGHT OF PRIVACY

All email 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 email system or that is stored on any department system.

The email 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 email.

Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

1002.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email 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 email 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 email 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 email, name and/or password by others.

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1002.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Texas Public Information Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release.

(Currently, there is no retention schedule or requirement for department email.)

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 their 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.

1002.5 CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) INFORMATION OVER EMAIL

CJIS data in general can be defined as all TLET's recovered data, DL Photos, State Gang data, most all law enforcement only sensitive type data provided by a State or Federal law enforcement source. For more information on CJIS data, visit the FBI online at http://www.fbi.gov/about-us/cjis/ncic.

CJIS protected data, if to be disseminated, shall only be disseminated over the department provided internet email system (Microsoft Office 365) to another CJIS approved email system unless the following practices are followed:

(a) Use Microsoft Office Word version 2007 or newer and cut and paste your data into that Word document. Then click on the blue "File" tab. You will then see three medium size boxes in the middle. You will click on the "Protect Document" box and then select "encrypt with a password" in the drop-down list. Set your password and save the document. (A good password should have eight characters comprised of letters, upper and lowercase, numbers, and a symbol.)

(b) Next, attach the encrypted document to an email and send it off.

(c) Lastly, you will have to communicate the password to the document in a separate email or over the phone to the recipient.

Any electronic online communication of CJIS protected data outside the guidelines of this policy, shall be a violation of this policy.

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Response to Serious Injury or Death of a Member (LODD)

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the Department's response to the serious injury or death of a Department member, retiree or other law enforcement member. Notification responsibility, assignments and funeral protocol are included.

The Department recognizes that this is a very difficult time for the family and the Department as a whole. Every effort will be made to assist the family as much as possible. The extent of our participation will depend on the wishes of the family and the resources available.

1004.2 DEFINITIONS

Active Member Injury, Illness or Death in the Line-of-Duty: A member of the Department who is actively employed or in an authorized volunteer service, who suffers a serious or fatal injury or illness while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service.

Active Member Injury, Illness, or Death not in the Line-of-Duty: A member of the Department who is actively employed or in an authorized volunteer service, who suffers a serious or fatal illness while off-duty and which is non-law enforcement related.

Retired Member Death: The death of a retired member who is in good standing and fully separated through retirement from the Department.

A *retiree* is defined as:

(a) Any sworn or non-sworn member who resigns and fulfills the requirements set out in policy 1010 (Retiree concealed Firearms), regardless of age; or

(b) Any sworn or non-sworn member who resigns and who is eligible to begin receiving pension benefits; or

(c) Any former sworn or non-sworn member who is receiving from the City disabilities pension.

1004.3 DEATH OF ANOTHER LAW ENFORCEMENT AGENCY MEMBER

The following guidelines apply to a member of an outside agency, which is recognized as a public law enforcement agency, who dies while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service, whether on or off duty within the City of Aransas Pass.

(a) The on-duty patrol supervisor will immediately notify the Chief of Police;

(b) The Police Chief or designee will be responsible for contacting the involved employee's law enforcement agency in order to make official notification;

(c) The Police Chief or designee will then provide direction to our Department's staff based on the request of the other agency chief administrator.

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1004.4 FULL DEPARTMENT HONORS

Full Departmental Honors are the rendering of honors at the funeral of a member of the Department who died in the line-of-duty.

The following Full Departmental Honors will be rendered, upon approval of the family:

(a) Request will be made to the City Manager for the City of Aransas Pass flag to be flown at half-staff for three consecutive days from the day of death;

(b) All members of the Department with badges will place a black sash or ribbon on it. The sash is to be worn horizontally across the badge;

(c) An Honor Guard representative may be assigned to the funeral parlor during viewing times at the discretion of the Chief of Police;

(d) A United States burial flag will be provided to drape the casket;

(e) Colors will be conducted by the Honor Guard at the committal service;

(f) Flag folding ceremonies will be conducted by the Honor Guard at the committal service;

(g) The flag will be presented to the family by the Chief of Police or his/her designate;

(h) A 21-gun salute will be performed by the Honor Guard at the committal service;

(i) “Taps” will be played at the committal service;

(j) A bagpiper may play at the committal service;

(k) A last law enforcement radio call may be aired;

(l) A police fleet escort will be provided for the funeral service.

1004.4.1 DEPARTMENTAL HONORS

Departmental Honors are the rendering of the honors at the funeral of a member of the Department where the cause of death was not in the course or scope of the member’s employment. Departmental Honors are to be used at the funeral of a retired member of the Department. The following Departmental Honors will be rendered, upon request of the family:

(a) Active Member:

(a) All members of the Department with badges will place a black sash or ribbon on it. The sash is to be worn horizontally across the badge from the time of death until after the funeral, unless deemed otherwise by the Chief of Police;

(b) A United States or Texas flag will be provided to drape the casket;

(c) Flag folding ceremonies will be conducted by the Honor Guard;

(d) The flag will be presented to the family by the Chief of Police or his/her designee;

(e) A police fleet escort may be provided for the funeral service at the direction of the Chief of Police.

(b) Retired Member:

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(a) All members of the Department with badges may place a black sash or ribbon on it. The sash is to be worn horizontally across the badge from the time of death until after the funeral, unless deemed otherwise by the Chief of Police;

(b) An Honor Guard representative will be assigned to the funeral parlor during all viewing times at the discretion of the Chief of Police;

(c) A United States or Texas burial flag will be provided to drape the casket;

(d) Colors will be conducted by the Honor Guard at the committal service at the discretion of the Chief of Police;

(e) Flag folding ceremonies will be conducted by the Honor Guard;

(f) The flag will be presented to the family by the Chief of Police or his/her designee;

(g) "Taps" may be played at the committal service;

(h) A bagpiper may play at the committal service;

(i) A police fleet escort may be provided for the funeral service.

1004.4.2 CEREMONIAL HONORS

Ceremonial Honors are the rendering of honors on, but not limited to, the funeral of a person the Department wishes to honor. Ceremonial Honors may include some or all of the honors rendered as part of the Full Departmental honors or Departmental Honors. All Ceremonial Honors must have prior approval of the Chief of Police.

1004.5 POLICE FAMILY SUPPORT TEAM

The Police Family Support Team will consist of the following personnel:

(a) **Executive Liaison** – The senior department Captain or Captain of the Division the member was assigned to;

(b) **Family Liaison Officer** – an officer designated by the family and agreed upon by the Department, who coordinates the wishes of the family and the activities of the family Support Team. This includes making arrangements for travel and lodging for family members. The Chief of Police must first approve any financial commitment for these expenses;

(c) **Benefits Coordinator** – The records clerk will be responsible for coordinating all benefits for which the member and his/her family are eligible;

(d) **Press Information Officer** – The Chief of Police will designate the PIO. The PIO will coordinate all press releases and arrange for media coverage of any funeral services;

(e) **Traffic Coordinator** – The patrol Captain will be responsible for coordinating and conducting any and all movements of vehicles involved in a funeral operation. This includes arranging for traffic control at intersections;

(f) **Honor Guard Coordinator** – An Assistant Chief or Training Coordinator will be in charge of either assembling an Honor Guard comprised of officers closest to the deceased or request for assistance from an outside agency.

The Police Family Support Team will be activated at the direction of the Chief of Police. Upon activation, notification will be posted and/or emailed. Notification will list the names of those on the

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Team and their responsibilities. The Police Family Support Team will also provide the Department with any needed communication regarding the funeral operation. When activated, the members of the Police Family Support Team will contact the Executive Liaison on a daily basis to provide an update.

1004.6 NOTIFICATION OF FAMILY MEMBERS

The following are the general procedures regarding notification of deaths and life-threatening injuries. In all situations where a member of the Department is seriously or fatally injured, the family members and their needs should be given prime consideration.

The name of the seriously or fatally injured member shall not be released to the media or on any other platform of communication before the family members are properly notified. This means staff shall not even suggest or hint of a major event, serious injury event, or death on any personal social media accounts due to the rapid nature at which information travels via these medians.

If the family members live outside the area, and having an Aransas Pass Police representative make the personal notification would cause an unreasonable delay, the ranking officer on duty shall request a prompt and personal notification from the jurisdictional law enforcement agency in the area in which the family lives.

If the Department is requested by another law enforcement agency to perform a personal notification of a serious injury or death of one of their members to a family member living in Aransas Pass, the same courtesy and procedures shall be afforded to the agency as that which would be done for our own Department.

On occasion, a family member may arrive on scene of the serious injury or death. If injured, every effort shall be made to allow the spouse or immediate family member to remain with the injured member. If the member has died, the immediate family member may request to view or touch the member's body. Reasonable effort shall be made to cover or conceal any gruesome injuries/ body parts of the member before allowing contact by the members immediate family. Only if the immediate family is insistent on viewing the injury shall such coverings or concealment methods be removed.

1004.6.1 SUICIDE

If the death of the Department member resulted from suicide and a suicide note, email, or message has been left behind, reasonable effort shall be made to expeditiously provide a copy of the letter or it's contents to the immediate family. The original letter, email or note shall be preserved as evidence in the suicide investigation.

If the suicide was not discovered by a family member or the deceased member has not been viewed by a family member, the immediate family of the member may request to view the deceased member. Typically, staff shall make brief but reasonable efforts to persuade the family against viewing the deceased member. If the family remains insistent, reasonable effort shall be made to cover any gruesome injuries of the member before allowing contact by the members immediate

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family. Only if the immediate family is insistent on viewing the injury, shall such coverings or concealment methods be removed.

1004.6.2 NOTIFICATION TEAM COMPOSITION/RESPONSIBILITIES
The notification team's fundamental responsibility is to provide proper notification to the immediate family members of the severely injured or deceased employee.

The notification team should be made up of the Chief of Police, the employee's immediate supervisor, and a department employee known by the injured employee's family (if possible). Consideration should be given to arranging for childcare in the event the spouse or significant other will be going to the hospital.

Prior to arrival of the notification team, accurate and up-to-date information should be secured. The notification team's goal should be to make a timely notification before Family members learn through other means.

NOTIFICATION PROHIBITIONS:

- Employees outside the official notification team are prohibited from making contact with family members prior to official notification;
- Employees shall not share information with others not directly involved with the event and should caution their family members, if they have knowledge, against contacting the victim's family members prior to the official notification;
- Employees shall refrain from posting anything directly or indirectly related to the event on social media or other public forums, prior to official notification;
- Involved employees shall limit radio traffic to an "as needed" basis only and take reasonable care not to air particular details over the police radio prior to official notification; and
- Uninvolved employees or individuals are not privileged to event details prior to official notification.

1004.7 RESPONSE TO A LIFE THREATENING INJURY, ILLNESS OR DEATH SUFFERED IN THE LINE OF DUTY

When a member of the Department suffers a life threatening injury or illness or is killed in the line of duty, the following will be provided for the Family members:

(a) Personal notification of family members residing nearby;

(b) Notification by local jurisdiction if the family member lives outside the area;

(c) Transportation to the medical facility or other location for local family members;

(d) Security for the family member and/or their home if deemed necessary by the Chief of Police;

(e) Family Support Team member's available 24 hours per day;

(f) Any other requests for additional support for the family (transportation, lodging, financial) must be made through the Family Support Team and approved by the Chief;

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(g) These supportive measures will be provided from the time of the serious injury until the member's life is no longer threatened, or, in the event of death, 24 hours after the committal services;

(h) The above-listed supportive measures will also apply to situations where the injured employee is hospitalized outside the area. The Chief of Police will determine what supportive measures are appropriate;

(i) In the event an employee is killed in the line of duty outside the area, the Family Support Team member or their designee will go to the location where the employee was killed to handle the logistical details and provide an escort for the remains.

1004.7.1 RESPONSE TO A LIFE THREATENING INJURY, ILLNESS OR DEATH NOT SUFFERED IN THE LINE OF DUTY

When a member of the Department suffers a life threatening injury or illness or is killed NOT in the line of duty, some or all of the above supportive measures may be provided at the request of the family and with the approval of the Chief of Police.

1004.7.2 RESPONSE TO THE DEATH OF A RETIREE

In the event of the death of a retiree, where the family has requested the rendering of Departmental Honors for a local funeral service, the Family Support Team will be activated to fulfill such a request with the approval of the Chief of Police.

1004.8 DEPARTMENTAL REPRESENTATION AT OUT OF TOWN FUNERAL SERVICES FOR IN THE LINE OF DUTY DEATHS

With the approval of the Chief of Police, Department personnel may attend an out of town funeral of a Department member killed in the line of duty at the Department's expense. The distance to be traveled will be taken into consideration.

1004.9 DEPARTMENTAL REPRESENTATION AT FUNERALS OF OTHER LAW ENFORCEMENT AGENCY MEMBERS (LINE OF DUTY DEATHS)

A supervisory officer will be designated by the Executive Liaison, as the Officer-in-Charge of the Department's official representation at the funeral.

(a) The dress of the day will be as designated by the hosting agency;

(b) The Patrol Captain may send fleet escort subject to staffing considerations at the time of the funeral;

(c) The duties of the official representation team will be considered an on-duty assignment;

(d) The make-up of the Department's official representation will be influenced by the distance to be traveled and staffing considerations;

(e) This guideline does not prohibit attendance at other law enforcement agency funerals by those officers who wish to travel by private transportation, off-duty, nor does it prohibit the use of police vehicles, if approved by the Chief of Police;

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1004.10 DEMEANOR OF OFFICERS AT MEMORIAL, FUNERAL AND COMMITTAL SERVICES

(A) Memorial and Funeral Services:

(a) "Chapel" is interpreted to include the church, funeral home, or other inside location where a memorial or funeral service is held, other than the committal service;

(b) "Casket" is interpreted to include any receptacle containing the remains of the deceased, including cremated remains;

(c) "Cover and uncover" are interpreted to be the placing of a hat and the removing of a hat from one's head;

(B) When inside the chapel, the following will apply:

(a) Honor Guard members posted at the casket will remain covered;

(b) All other personnel with hats will remain uncovered and will carry the hat under the non-gun side when not seated;

(c) When outside the chapel, all personnel wearing hats will remain covered at all times.

(C) Committal Services - At a law enforcement funeral, persons in uniform will come to ATTENTION and will execute a hand salute at the command, PRESENT ARMS, which will be given

(a) Any time the flag is being moved;

(b) When the casket is moved from the site of the funeral/memorial service to the hearse, or from the hearse to the site of the committal service;

(c) During the firing of volleys;

(d) While "Taps" is being played.

(D) At a law enforcement funeral, law enforcement personnel not in uniform will place their right hand over the heart at the command, PRESENT ARMS, which will be given:

(a) Any time the flag is being moved;

(b) During the firing of volleys;

(c) While "Taps" is being played.

(E) The hand salute or the right hand over the heart will be held until the command, ORDER ARMS, is given.

(F) In accordance with military custom, hats will not be removed outside for prayers, but all personnel will bow their heads, as a sign of respect.

(G) Uniformed personnel, when not at ATTENTION, will remain in the position of PARADE REST during the outside committal service.

1004.11 SERIOUS INJURY OR DEATH NOTIFICATION WITHIN THE DEPARTMENT

(A) When a member is seriously injured, killed or dies while working, the shift supervisor will:

(a) Notify immediately notify the Chief of Police and Command Staff;

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(b) Notify members of the Family Support Team as identified by the Chief of Police.

(B) When a member is seriously injured, killed or dies while off duty, and the death is not duty related, the shift supervisor will:

(a) Immediately notify the Chief of Police and members of the Command Staff;

(b) Notify members of the Family Support Team as identified by the Chief of Police.

(C) When a member is killed or dies whether on or off duty, the Division Captain:

(a) Will be responsible for having the member's police issued equipment and personal belongings collected and inventoried no sooner than 24 hours after the funeral *;

(b) Will insure that the member's personal belongings are delivered to the spouse, significant other, parents, nearest responsible relative or executor of the estate.

When a member is killed or dies in the line of duty, the Dispatch Supervisor, at the Chief's direction, will send a Teletype concerning the incident to the other law enforcement agencies. When funeral arrangements are set, this information will also be transmitted. The initial Teletype shall not precede death notification to the immediate family.

1004.12 MEMORABILIA

When an event involves the death of a department member, department issued items may be released to surving family members.

As long as the death is not the result of criminal wrongdoing, excluding suicide, and a request is made by the family, the police badge and ID card shall be given to the immediate family member.

Further, any awards or plaques shall likewise be turned over to the immediate family. In the event the immediate family has been split due to re-marriage or other legal separation matters in the past, duplicate badges, ID cards, and awards may be purchased by the department and provided to each side. Such duplication shall first be approved by the Chief of Police.

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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 mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

1006.2 POLICY

The Aransas Pass Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD connected to or otherwise communicating over department networks is subject to monitoring.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

1006.3 PRIVACY EXPECTATION

Members shall have no expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

1006.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number 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 cause.

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

1006.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances, (e.g. unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) If applicable, any work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Aransas Pass Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

1006.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications. Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

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(d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Officers are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

1006.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

1006.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are equipped with lights and siren should not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

1006.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information

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is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

1006.10 SECTION TITLE

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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 handgun to residents within the state. This policy will provide a guide for handling incidents involving a Handgun License (HL) and a written process for the revocation or suspension of such licenses (Tex. Gov't Code § 411.186; Tex Gov't Code § 411.187).

1008.2 CONTACT OF A HANDGUN LICENSE HOLDER

An officer, acting in the lawful discharge of his/her official duties, is authorized to disarm an HL 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 an HL 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 an HL holder need not identify him/herself as an HL 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 HL 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 HL 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 HL laws by an HL holder who is involved in a disturbance, assault or similar situation or incident.

(c) Disarming an HL Holder:

1. If an officer decides to disarm an HL holder, it should be done in the safest, but least intrusive manner possible. Simply having the HL 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.

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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 an HL under Texas handgun laws, a check shall be conducted to determine whether he/she has been issued an HL. The arresting officer shall ensure that a check for an HL 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 HL 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 an HL and the arrested person holds a valid HL, 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 an HL 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.

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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 an HL for any of the following reasons (Tex. Gov't Code § 411.187):

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 commits an act of family violence and is the subject of an active protective order rendered under Title 4, Tex. Family Code.
4. 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. art. 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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Retiree Firearms

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Aransas Pass Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Texas law (18 USC § 926C; Tex. Gov't Code § 411.199; Tex. Occ. Code § 1701.357).

1010.2 POLICY

It is the policy of the Aransas Pass Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

1010.2.1 CARRYING A FIREARM

An honorably retired officer eligible to sustain the honorably retired status, does not need a CHL license to carry a firearm. The honorably retired officer shall maintain a current copy of his/her firearms qualification form on hand while carrying a firearm.

1010.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

1010.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Aransas Pass Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

1010.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a firearm under 18 USC § 926C when he/she is:

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(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Texas law or by a private person or entity on his/her property if such prohibition is permitted by Texas law.

1010.4 TEXAS STATE IDENTIFICATION CARD

The Administration Supervisor is responsible for issuing identification cards to qualified retirees as follows:

(a) To qualifying honorably retired officers under Tex. Gov't Code § 614.121 who (Tex. Gov't Code § 614.124):

1. Did not retire in lieu of any disciplinary action.
2. Are eligible to retire in this state or are ineligible to retire only as a result of an injury received in the course of employment.
3. Are entitled to receive a pension or annuity for service or are not entitled to receive a pension or annuity only because those were not offered.
4. Possess a weapons proficiency certification under Tex. Occ. Code § 1701.357.

(b) To qualifying retired law enforcement officers under 18 USC § 926C who (Tex. Gov't Code § 614.124):

1. Were last employed by the Aransas Pass Police Department or retired after 20 years of continuous TCOLE recognized service, 10 of which were with the Aransas Pass Police Department, and are currently receiving retirement or pension benefits as a result of that service.
2. Possess a weapons proficiency certificate under Tex. Occ. Code § 1701.357.

1010.4.1 TEXAS CARD FORMAT

The identification card issued to qualifying retirees shall contain the following (Tex. Gov't Code § 614.123; Tex. Gov't Code § 614.124; Tex. Gov't Code § 614.125; Tex. Gov't Code § 614.1241):

(a) The full name of the retired officer

(b) A photograph of the officer

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(c) Identification that the Aransas Pass Police Department issued the card

(d) If applicable, the signature of the person authorizing the issuance of the card on behalf of the Aransas Pass Police Department

(e) A brief description of the officer, including height, weight and eye color

(f) The thumbprint or barcode which uniquely identifies the officer

(g) The date the officer last served as a peace officer for the Aransas Pass Police Department

(h) The date of issuance

(i) A phone number operational 24 hours a day, seven days a week that a person may call to verify the validity of the identification card

(j) The words "State of Texas" and the state seal

(k) A statement as follows: "This identification card certifies that (insert the name of the officer) is an honorably retired peace officer of the Aransas Pass Police Department." If the identification card is issued under the authority of Tex. Gov't Code § 614.1241, the statement shall read: "This identification card certifies that (insert the name of the officer) is a qualified retired law enforcement officer of the Aransas Pass Police Department."

(l) An expiration date not later than one year after the date of issuance

1010.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

1010.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

1010.5.2 RESPONSIBILITIES UNDER TEXAS IDENTIFICATION CARD LAWS

A retiree with a Texas identification card shall:

(a) Surrender his/her identification to this department on or before its expiration date (Tex. Gov't Code § 614.124; Tex. Gov't Code § 614.1241).

(b) Notify the Department if the identification card is lost or stolen and submit an affidavit stating the card was lost or stolen if he/she is requesting a replacement. Replacement cards will be

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provided absent evidence of wrongdoing by the former officer (Tex. Gov't Code § 614.127; Tex. Gov't Code § 614.125).

1010.6 DENIAL, SUSPENSION OR REVOCATION

An identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

1010.7 FIREARM QUALIFICATIONS

The Armorer may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification.

The Armorer will provide former officers and former reserve officers from this department an opportunity to qualify for the purposes of an application for a license to carry a handgun under Tex. Gov't Code § 411.199 or Tex. Gov't Code § 411.1992.

The Armorer will maintain a record of the qualifications and weapons used (Tex. Occ. Code § 1701.357).

1010.8 LICENSE TO CARRY A HANDGUN

The Chief of Police shall issue a sworn statement to any retiree or reserve officer from this department who requests such a statement for the purpose of applying to the Texas Department of Public Safety for a license to carry a handgun. The sworn statement must include (Tex. Gov't Code § 411.199; Tex. Gov't Code § 411.1992):

(a) The name and rank of the officer.

(b) The status of the officer.

(c) Whether the officer was accused of misconduct at the time of his/her retirement or at any time during service as a reserve officer, and the disposition of any accusations against the reserve officer.

(d) A description of the physical and mental condition of the applicant.

(e) The type of weapons the officer had demonstrated proficiency with during the last year of employment or service.

(f) If the officer is retired, whether the officer would be eligible for reemployment with the agency and, if not, the reasons the officer is not eligible.

(g) A recommendation regarding the issuance of a handgun license.

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Security of Criminal Justice Information Systems (CJIS)

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for use and security of the department-issued TLETS Terminal, Mobile Data Terminal (MDT) equipment and related CJIS information. It shall be the policy of Aransas Pass Police Department to protect the integrity of the CJIS database and all data and information obtained through use of Mobile Data Terminals and/or hard-wired TLETS terminals by strictly following the procedures outlined in this policy.

1011.2 DEFINITIONS

- CJIS - Criminal Justice Information System
- CJI - Criminal Justice Information
- TLETS Terminal -This term includes all computers that have access, via wireless or hardwired network, to TLETS, TCIC, NCIC or any law enforcement database.
- MDT -Mobile Data Terminal. This term includes all computers that have access, via wireless or hard-wired network, to TLETS, TCIC, NCIC or any law enforcement database.
- Secure location -This term includes the areas of the police department that are not open to the public and accessible only by authorized personnel. This term also includes official police vehicles that are locked and/or attended by authorized sworn police personnel.
- Non-secure location -This term includes all locations not defined as "secure location" above.

1011.3 PROCEDURES

- CJIS, TLETS, TCIC and NCIC data shall be accessed ONLY from secure locations, as defined above.
- Each person authorized to access Terminal/MDT data shall receive security awareness training within six months of appointment or employment and thereafter at least every two years, in accordance with CJIS policy; this training will be documented.
- Maintain a roster and/or agency-issued credentials (officer badge, access card, etc) of authorized personnel with unescorted access into physically secure areas.
- When transporting non-law enforcement personnel in police vehicles, officers will close the screen of the MDT or position it in a manner that will prevent unauthorized viewing of MDT data. TLETS terminal screens shall be positioned to prevent unauthorized viewing.
- User/Operator List shall be reviewed annually and as needed; document when this was performed. Changes in authorized personnel will be immediately reported to TCIC Training section.

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- All printouts of CJIS data shall be promptly filed with the corresponding incident records. Otherwise, such printouts should be promptly shredded; if not shredded, then incinerated. Disposal or destruction is witnessed or carried out by authorized personnel.
- All storage media containing or used for CJIS data that is no longer used shall be secure-formatted using methodology that over-writes all data in three iterations or degaussed prior to disposal or release for reuse by unauthorized personnel; if no longer needed, media will be destroyed. Inoperable electronic media shall be physically destroyed. Sanitation or destruction is witnessed or carried out by authorized personnel. The department's Electronic Media Sanitation and Disposal Verification form must be completed.
- The Department shall keep a list of all MDT IDs and contact(s) so that devices can be promptly disabled, should the need arise.
- The local CJIS network equipment shall be located in a physically secure location.
- All law enforcement vehicles containing MDTs shall be securely locked when not in use.
- All computers used for processing CJIS data shall have anti-virus software installed; all will have latest available updates for the operating system & anti-virus. MDT(s) shall have a personal firewall enabled.
- Employ a Formal Incident Response Plan. It shall be the responsibility of each authorized user to report any violations of this security policy up the chain-of-command and/or proper authorities.
- No personal hardware (PC, laptop, etc) or software shall be allowed on the agency's TLETS network.
- No publicly accessible computers shall be allowed on the agency's TLETS network.
- This agency shall authorize and control information system-related items entering and exiting the physically secure location.
- This agency shall establish a Security Alert and Advisories process.

1011.3.1 BEST PRACTICES TO INSURE CJI SECURITY

- Periodically check to ensure Servers/Terminals/MDTs connected to the CJIS network are receiving the latest updates in regards to the Operating System & Antivirus software; ensure personal firewalls are enabled on MDTs; ensure Sessions are locked within thirty (30) minutes on non-dispatch Terminals. Take appropriate action if required.
- Periodically check physically secure location(s) to ensure safeguards such as locks are in working order; Doors are closed & properly secured; Terminals are not viewable by unauthorized personnel. Take appropriate action if required.
- Periodically check to ensure that all network components (routers, firewalls, switches) that process CJIS information are still supported by the manufacturer. If warranties/contracts are in place, ensure they are valid and not out of date. Take appropriate action if required.

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- Periodically check pertinent documents to ensure they are up to date. Take appropriate action such as making editing changes or replacement if required
- Validate information system accounts at least annually and keep documentation.

1011.3.2 CJIS SECURITY INCIDENT HANDLING, RESPONSE PLAN

TLETS Security Incident Response Plan - There has been an increase in the number of accidental or malicious computer attacks against both government and private agencies, regardless of whether the systems are high or low profile. The following establishes an operational incident handling procedure for The Aransas Pass Police Department CJIS, TCIC/NCIC, and TLETS information systems that includes adequate preparation, detection, analysis, containment, recovery, and user response activities; track, document, and report incidents to appropriate Police Department personnel, TCIC agency officials and/or authorities. The LASO is the department's point-of-contact for security-related issues and will ensure the incident response reporting procedures are initiated at the local level.

As the criminal justice community becomes more dependent on global network technology, the reasons for the attacks can be accidental or malicious. The effects of these intrusions can range from embarrassment, to causing the inability to function, to the loss of human life. Because incidents can have many possible consequences that range from slight to catastrophic, priorities must be considered when evaluating and processing incidents. The following five priorities should be evaluated when an incident occurs:

Priority 1 - Protect human life and people's safety.

Priority 2 - Protect classified data.

Priority3 - Protect Sensitive But Unclassified data.

Priority 4 - Prevent damage to systems (e.g., loss or alteration of system software and files, damage to disk drives, etc.).

Priority 5 - Minimize disruption of computing resources.

Reporting Information Security Events - The department will promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the department will use email to expedite the reporting of security incidents. All Dispatchers will be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the Support Services Supervisor. Reporting Procedures for Suspected and Actual Security Breaches:

- If you become aware of any policy violation or suspect that your password may have been used by someone else, first, change your password and, then, report the violation immediately to the Department's LASO.

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Virus Reporting Procedures and Collection of Security Incident Information:

- Upon identifying a problem, disconnect the TLETS coax cable from the TLETS Hughes modem or notify personnel that have access the modem.
- Notify your appropriate Chain-of-Command.
- Notify the Local Agency Security Officer.
- Notify the TLETS Operations Intelligence Center (OIC) at 1-888-DPS-OIC0 (1-888-377-6420)
- Identify who will run your traffic in the meantime while you fix the problem.
- Compile information for completing an Information Security Response Form
- Suspected cause for incident (Name, virus, etc.)
- Was Antivirus software running at the time of infection?
- How and when the problem was first identified?
- Has Local IT staff been notified/are they involved?
- Number of workstations infected?
- Any other equipment infected?
- Action plan for removal.
- Will infected workstations be re-imaged before reconnection?
- When was the last update of signature files?
- When was the last operating system update?
- Was any CJIS data or personnel identification information compromised?
- The TLETS system will remain disconnected from TLETS until the LASO can guarantee your systems are free from virus infection.
- Once free from infection and given clearance by the CJIS Security Group on-call person, the system can be reconnected to TLETS and NLETS.

1011.4 ACOUNT MANAGEMENT

This agency shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. This agency shall validate information system accounts at least annually and shall document the validation process. The validation and documentation of accounts can be delegated to local agencies.

Account management includes the identification of account types (i.e., individual, group, and system), establishment of conditions for group membership, and assignment of associated authorizations. This agency shall identify authorized users of the information system and specify access rights/privileges.

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This agency shall grant access to the information system based on:

- Valid need-to-know/need-to-share that is determined by assigned official duties.
- Satisfaction of all personnel security criteria.

This agency responsible for account creation shall be notified when:

- A user's information system usage or need-to-know or need-to-share changes.
- A user is terminated or transferred or associated accounts are removed, disabled, or otherwise secured.

1011.5 ALL 802.11X WIRELESS PROTOCOLS

This agency shall follow the following protocol to insure security of wireless access points.

- Perform validation testing to ensure rogue APs (Access Points) do not exist in the 802.11 Wireless Local Area Network (WLAN) and to fully understand the wireless network security posture.
- Maintain a complete inventory of all Access Points (APs) and 802.11 wireless devices.
- Place APs in secured areas to prevent unauthorized physical access and user manipulation.
- Test AP range boundaries to determine the precise extent of the wireless coverage and design the AP wireless coverage to limit the coverage area to only what is needed for operational purposes.
- Enable user authentication and encryption mechanisms for the management interface of the AP.
- Ensure that all APs have strong administrative passwords and ensure that all passwords are changed in accordance CJIS policy.
- Ensure the reset function on APs is used only when needed and is only invoked by authorized personnel. Restore the APs to the latest security settings, when the reset functions are used, to ensure the factory default settings are not utilized.
- Change the default service set identifier (SSID) in the APs. Disable the broadcast SSID feature so that the client SSID must match that of the AP. Validate that the SSID character string does not contain any agency identifiable information (division, department, street, etc.) or services.
- Enable all security features of the wireless product, including the cryptographic authentication, firewall, and other privacy features.
- Ensure that encryption key sizes are at least 128-bits and the default shared keys are replaced by unique keys.

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- Ensure that the ad hoc mode has been disabled unless the environment is such that the risk has been assessed and is tolerable. Note: some products do not allow disabling this feature; use with caution or use different vendor.
- Disable all nonessential management protocols on the APs and disable hypertext transfer protocol (HTTP) when not needed or protect HTTP access with authentication and encryption.
- Enable logging (if supported) and review the logs on a recurring basis per local policy. At a minimum logs shall be reviewed monthly.
- Segregate, virtually (e.g. virtual local area network (VLAN) and ACLs) or physically (e.g. firewalls), the wireless network from the operational wired infrastructure. Limit access between wireless networks and the wired network to only operational needs.
- When disposing of access points that will no longer be used by the agency, clear access point configuration to prevent disclosure of network configuration, keys, passwords, etc.

1011.5.1 WIRELESS ACCESS RESTRICTIONS

No one is permitted to connect a personal devices or a public accessible devices to any wireless access point (WAP) that is connected to any criminal justice information network. These wireless access points can only be utilized from department issued devices, by authorized personnel and only for criminal justice purposes.

1011.6 LOCAL AGENCY SECURITY OFFICER (LASO)

The chief of police shall appoint a Local Agency Security Officer (LASO). The LASO shall:

- Identify who is using the CSA approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
- Identify and document how the equipment is connected to the state system.
- Ensure that personnel security screening procedures are being followed as stated in this policy.
- Ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and ensure CSA ISO is promptly informed of security incidents.

1011.7 DISPOSAL OF PHYSICAL MEDIA

Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

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1011.8 PHYSICAL SECURITY

The following procedure shall be followed to insure physical security of criminal justice information systems:

The perimeter of physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled and secured in a manner acceptable to the CSA or SIB.

Physical Access Authorizations

- This agency shall develop and keep current a list of personnel with authorized access to the physically secure location (except for those areas within the permanent facility officially designated as publicly accessible) or shall issue credentials to authorized personnel.

Physical Access Control

- This agency shall control all physical access points (except for those areas within the facility officially designated as publicly accessible) and shall verify individual access authorizations before granting access.

Access Control for Transmission Medium

- This agency shall control physical access to information system distribution and transmission lines within the physically secure location.

Access Control for Display Medium

- This agency shall control physical access to information system devices that display CJI and shall position information system devices in such a way as to prevent unauthorized individuals from accessing and viewing CJI.

Monitoring Physical Access

- This agency shall monitor physical access to the information system to detect and respond to physical security incidents.

Visitor Control

- This agency shall control physical access by authenticating visitors before authorizing escorted access to the physically secure location (except for those areas designated as publicly accessible). The agency shall escort visitors at all times and monitor visitor activity.

Delivery and Removal

- This agency shall authorize and control information system-related items entering and exiting the physically secure location.

1011.9 PERSONNEL SECURITY

To verify identification, a state of residency and nationality, fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and

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those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.

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