COVER

Policy Manual

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CHIEF'S GOLDEN RULE OF DECISION MAKING

POLICY MANUAL

THE RULE

1) It’s good for the team & our mission, and I would have it this way for me and/or a family member, under similar circumstances.

2) The decision/action is both morally and ethically sound.

3) I can support the decision/action logically and reasonably.

4) I will own and publicly defend my decision/action, even in the face of distrust and/or extreme opposition.

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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 abuse 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 abuse 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.

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MISSION STATEMENT

OUR MISSION

Elite, professional policing through protection, service, and education for those whom have empowered and entrusted us with their safety, preservation of property, life and liberty; respectfully delivered with compassion, commitment, and the utmost of integrity.

OUR VISION

Guardians of Our Community – Providing service above self through smart, dynamic, modern, and compassionate policing.

OUR VALUES

An Aransas Pass Police Department employee shall exemplify our core values: Honor, Commitment, Wisdom, and Compassion.

HONOR - Comes by virtue of integrity, trust, accountability, and one's individual devotion to service above self.

COMMITMENT - Is the unyielding, steadfast dedication to the challenges incumbent upon our public service mission.

WISDOM - Is shown through one's astute and well-informed decisions and actions while constantly pursuing smart, dynamic policing.

COMPASSION - Is to care for others during their times of suffering or misfortune, including holding a sincere level of concern and regard for those who would otherwise not reciprocate.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Aransas Pass to perform their functions based on established legal 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.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

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 his/her 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.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE ARANSAS PASS POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Aransas Pass Police Department includes:

(a) In compliance with an arrest warrant.

(b) Without a warrant for any offense committed in an officer's presence or within his/her view (Tex. Code of Crim. Pro. art. 14.01).

(c) Without a warrant when ordered by a magistrate to make an arrest for a felony or breach-of-the-peace offense observed by the magistrate (Tex. Code of Crim. Pro. art. 14.02).

(d) Without a warrant when the officer (Tex. Code of Crim. Pro. art. 14.03):

1. Finds a person in a suspicious place and under circumstances that reasonably show that the person has committed a felony, a breach of the peace, an offense under Tex. Penal Code § 49.02 (public intoxication) or an offense under Tex. Penal Code Chapter 42 (disorderly conduct and related offenses), or is threatening to commit or about to commit some offense.

2. Has probable cause to believe that a person has committed an assault resulting in bodily injury to another and that further injury may occur if an arrest is not made.

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3. Has probable cause to believe that a person has committed an offense under Tex. Penal Code § 25.07 (violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, stalking or trafficking case), regardless of whether the offense occurs within the presence of the officer.
4. Has probable cause to believe that a person has committed an offense involving family violence.
5. Has probable cause to believe that a person has prevented or interfered with another individual's ability to place an emergency call, even if the offense is committed outside the presence of the officer.
6. Is told by a person something that would be admissible against the person and establishes probable cause to believe that the person has committed a felony.

(e) Without a warrant when the officer is provided information, by a credible person, that a felony has been committed and that the offender is about to escape (Tex. Code of Crim. Pro. art. 14.04).

(f) Without a warrant when the officer has reasonable grounds to believe that a person is in possession of stolen property (Tex. Code of Crim. Pro. art. 18.16).

(g) Without a warrant when the officer observes a person committing a traffic offense under Subtitle C, Texas Transportation Code (Rules of the Road offenses) (Tex. Transp. Code § 543.001).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ARANSAS PASS POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Aransas Pass Police Department includes:

(a) Without a warrant for any offense committed within the presence or view of the officer except traffic offenses. Officers may make a warrantless arrest for a traffic offense under Subtitle C, Title 7, Texas Transportation Code if the offense is committed in the same county or counties where the Aransas Pass Police Department is located (Tex. Code of Crim. Pro. art. 14.03).

(b) When in fresh pursuit of a person who committed an offense within the officer's jurisdiction.

An officer making an arrest under this subsection shall, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made (Tex. Code of Crim. Pro. art. 14.03).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

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(b) When an officer enters Louisiana, New Mexico or Oklahoma in fresh pursuit of a felony subject (La. Code Crim. P. art. 231 (Louisiana); 22 O.S. § 221 (Oklahoma); NMSA § 31-2-1 (New Mexico)).

(c) When an officer enters Arkansas in fresh pursuit of a felony subject or a person who has committed, or is reasonably suspected of having committed, an offense of driving or operating a vehicle while intoxicated, impaired or under the influence (A.C.A. § 16-81-404).

Whenever an officer makes an arrest in another state, the officer shall take appropriate action to see that the person is taken to a magistrate or judge in the county where the arrest was made as soon as practicable (A.C.A. § 16-81-405; La. Code of Crim. P. art. 232; 22 O.S. § 222; NMSA § 31-2-2).

100.4 CONSTITUTIONAL REQUIREMENTS

All members 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

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Texas are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Aransas Pass Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 POLICY

It is the policy of the Aransas Pass Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

Any chief executive officer of this department shall, as a condition of continued employment, complete the course of training prescribed by the Texas Commission on Law Enforcement (TCOLE) and be licensed by TCOLE within the time frame prescribed by Tex. Educ. Code § 96.641 (Tex. Occ. Code § 1701.358).

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Aransas Pass Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Tex. Const. art. XVI, § 1).

The form of the oath should be as follows:

“I, (state name), do solemnly swear or affirm that I will faithfully execute the duties of (state position) 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 Texas, so help me God.”

“I, (state name), do solemnly swear or affirm that I have not directly or indirectly paid, offered, promised to pay, contributed or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.”

If a member is opposed, the words “so help me God” may be omitted.

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Tex. Const. art. XVI, § 1).

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Policy Manual

103.1 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, procedures, 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, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Authority for the establishment of this manual has been granted by the Aransas Pass, Texas Code of Ordinances, Chapter 25 - POLICE / ARTICLE I. - IN GENERAL / Sec. 25-5. - Adoption of police manual.

103.2 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 that circumstances may arise that 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.

103.2.1 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 department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Aransas Pass Police Department reserves the right to revise any policy content, in whole or in part.

103.3 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 they may be permanently incorporated into the manual.

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103.4 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 - Generally, for the purposes of criminal charges (Penal Code), an adult is someone 17 and older. Otherwise, someone is not considered an adult until 18 years old.

City - The City of Aransas Pass.

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

Department/APPD - The Aransas Pass Police Department.

DADS - The Texas Department of Aging and Disability Services.

DFPS - The Texas Department of Family and Protective Services.

DPS - The Texas Department of Public Safety.

Employee - Any person employed by the Department.

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 peace officer 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 that may include 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

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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.

TCIC - Texas Crime Information Center.

TCOLE - The Texas Commission on Law Enforcement.

TDEM - Texas Division of Emergency Management.

THP - Texas Highway Patrol.

TLETS - Texas Law Enforcement Telecommunications System.

TXDOT - The Texas Department of Transportation.

103.5 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.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 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.

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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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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Aransas Pass Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

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

- Administration Division
- Patrol Division
- Criminal Investigations Division Division

200.3.1 ADMINISTRATION DIVISION

The Administration Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Administration Division. The Administration Division consists of technical and administrative services.

200.3.2 PATROL DIVISION

The Patrol Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of uniformed patrol and special operations, which includes the Patrol Division, Dispatch and police aides/assistants.

200.3.3 CRIMINAL INVESTIGATIONS DIVISION DIVISION

The Criminal Investigations Division Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Criminal Investigations Division Division. The Criminal Investigations Division Division consists of the Criminal Investigations Division, Property and Evidence Section, crime analysis and forensic services.

200.4 COMMAND PROTOCOL

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200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Aransas Pass Police Department. During planned absences, 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) Administrative Division Commander

(c) Patrol Division Commander

(d) CID Division Commander

(e) On-duty Shift Supervisor

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member 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., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.5 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

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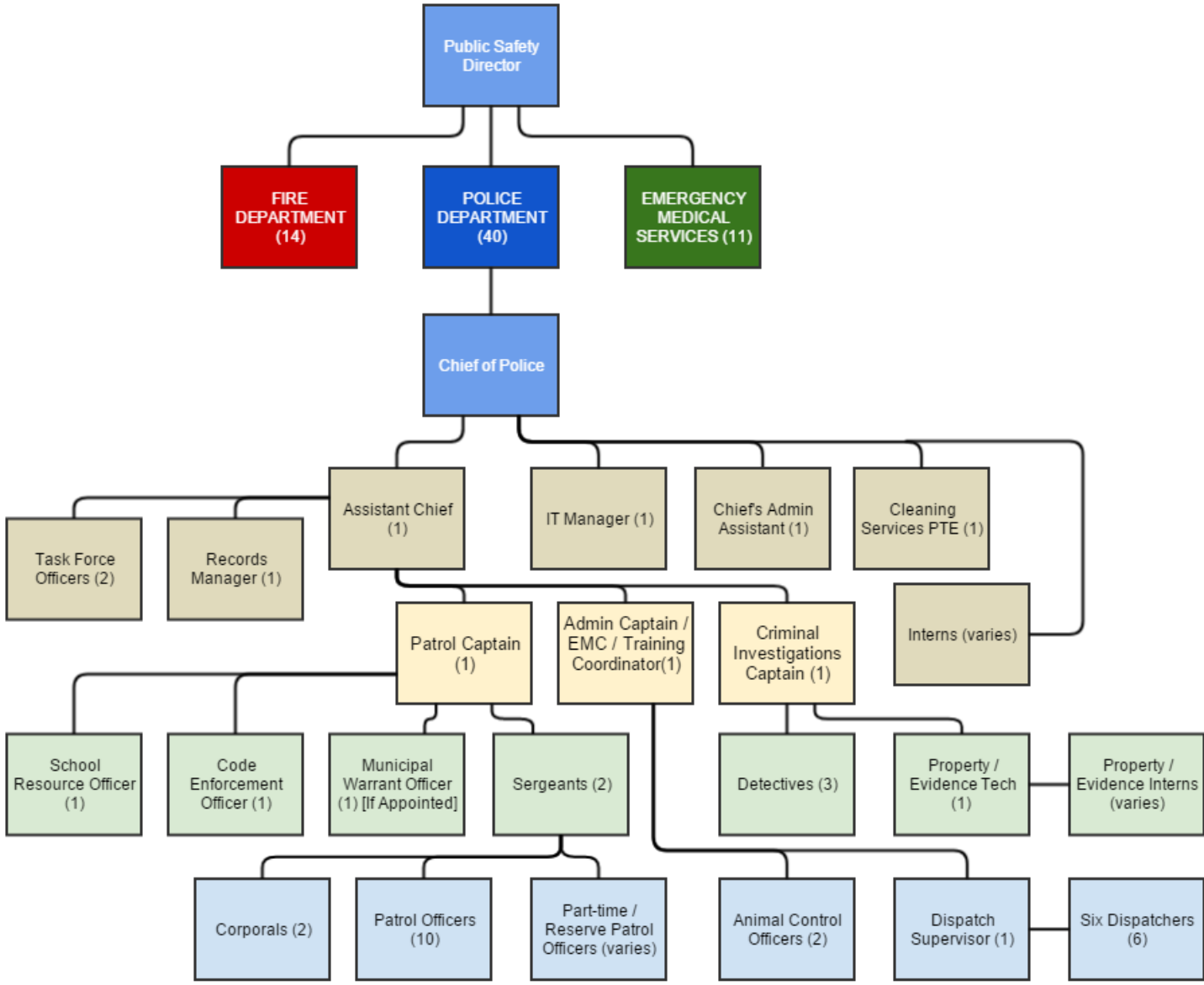
200.6 ORGANIZATIONAL CHART



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Departmental Directives

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Departmental Directives.

201.2 POLICY

Departmental Directives will be used to modify policies of the Aransas Pass Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department.

201.3 PROTOCOL

Departmental Directives will be incorporated into the Policy Manual, as required, upon approval. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Assistant Chief of Police or the authorized designee should ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively and incorporate the year of issue. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

Command staff shall periodically review Departmental Directives to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief of Police.

201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue Departmental Directives.

201.5 ACCEPTANCE OF DIRECTIVES

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

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Emergency Management Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Aransas Pass Police Department and responsibilities of its members pertaining to large-scale emergencies and the Texas Division of Emergency Management (TDEM).

202.2 POLICY

The Aransas Pass Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Emergency Management Plan complies with the Texas Division of Emergency Management Plan. This plan provides guidance for City emergency operations within and outside its borders as may be required (Tex. Gov't Code § 418.001, et seq.; 37 Tex. Admin. Code § 7.13).

202.3 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The Emergency Management Plan can be activated in a number of ways. For the Aransas Pass Police Department, the Emergency Management Coordinator or his designee may activate the Emergency Management Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the Texas Division of Emergency Management to assist with mutual aid response from local, state and federal law enforcement agencies.

202.3.1 RECALL OF PERSONNEL

If the Emergency Management Plan is activated, all employees of the Aransas Pass Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

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

202.4 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

Copies of the Emergency Management Plan are available in the office of the Emergency Management Coordinator. All supervisors should familiarize themselves with the Emergency Management Plan and the roles members will play when the plan is implemented. The Administration Division Commander should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.5 EMERGENCY MANAGEMENT PLAN REVIEW

The Emergency Management Coordinator or the authorized designee shall review the Emergency Management Plan annually and ensure that the plan conforms to any revisions made by the

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National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions (37 Tex. Admin. Code § 7.12).

202.6 TRAINING

The Department should provide annual training on the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

The Training Coordinator shall ensure that appropriate personnel have completed the Texas Division of Emergency Management approved training (Tex. Gov't Code § 418.005).

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Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local agencies and the Texas Commission on Law Enforcement Officer Standards and Education (TCOLE) training requirements. It is a priority of this department to provide continuing education and training for officer safety, the professional growth and development of its members.

203.3 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 department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with TCOLE rules and regulations concerning law enforcement training.

203.4 TRAINING COORDINATOR

The Chief of Police shall designate a Training Coordinator who is responsible for developing, reviewing, updating and maintaining the department training plan so that required training is completed. The Training Coordinator should review the training plan annually.

203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

(a) Federally mandated training:

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1. National Incident Management System (NIMS) training

(b) State-mandated training:

1. Members of this department shall successfully complete TCOLE approved basic law enforcement training and successfully pass the licensing examination before being issued a peace officer's license (37 Tex. Admin. Code § 217.1).

(a) The basic law enforcement training requirement may be waived if the member is eligible for licensure by meeting the training and licensure standards within the parameters set by TCOLE.

2. Members of this department shall complete the required hours of TCOLE approved continuing education training applicable for their position with the department (Tex. Occ. Code § 1701.351; Tex. Occ. Code § 1701.352; 37 Tex. Admin Code § 218.3).

3. Members serving as school resource officers shall attend training specific to that position (Tex. Occ. Code § 1701.263).

203.5.2 PROFICIENCY CERTIFICATE
The Aransas Pass Police Department will provide all members with training necessary to obtain applicable proficiency certificates (Tex. Occ. Code § 1701.402; 37 Tex. Admin. Code § 221.1).

203.5.3 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 Training Coordinator 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.

203.6 TRAINING COMMITTEE

The Training Coordinator may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee 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 an incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of a member.

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(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by the Department to determine possible training needs.

The Training Committee should 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 members 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 the available resources. Training recommendations as determined by the Training Coordinator shall be submitted to the command staff for review.

203.7 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation.
5. Emergency situations or department necessity.

(b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document his/her absence in a memorandum to his/her supervisor.
2. Make arrangements through his/her supervisor or the Training Coordinator to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Aransas Pass Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Coordinator.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Coordinator. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session,

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members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.9 TRAINING RECORDS

The Training Coordinator is responsible for the creation, filing and storage of all training records in compliance with TCOLE standards using the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS) for sworn member records (37 Tex. Admin. Code § 218.5).

Training records shall be retained in accordance with the established records retention schedule.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

204.2 POLICY

Aransas Pass Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Texas Public Information Act).

204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

204.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, 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. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

204.5 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 Policy.

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Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

205.2 POLICY

The Aransas Pass Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

205.3 MEMORANDUMS

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

205.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms.

Electronic correspondence shall contain the sender’s department-approved signature and electronic communications disclaimer language.

205.5 SURVEYS

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

205.6 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the Departmental Directives Policy).

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Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members throughout all Divisions.

206.2 POLICY

The Aransas Pass Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Division Commanders for each Division and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreements or memorandum of understanding and activity levels to meet the needs of members and the goals of the Department.

206.3.1 TEMPORARY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor in place of a regularly assigned supervisor.

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Retiree Concealed Firearms

207.1 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 to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) and/or Texas law (18 USC § 926C; Tex. Gov't Code § 411.199; Tex. Occ. Code § 1701.357).

207.2 POLICY

It is the policy of the Aransas Pass Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

207.3 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 firearms qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA 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.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

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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 concealed 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.

207.4 TEXAS STATE IDENTIFICATION CARD

The Chief of Police or the Chief of Police's designee 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 § 614.1241):

1. Were last employed by the Aransas Pass Police Department or retired after 20 years of service 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.

207.4.1 TEXAS STATE IDENTIFICATION FORMAT

The identification card issued to qualifying retirees shall contain the following (Tex. Gov't Code § 614.124; Tex. Gov't Code § 614.1241; Tex. Gov't Code § 614.125):

(a) The full name of the retired officer

(b) A photograph of the officer

(c) The name of the Aransas Pass Police Department upon the card

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(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 of the officer

(g) The date the officer last served as a law enforcement 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

207.4.2 LICENSE TO CARRY A HANDGUN

The Chief of Police shall issue a sworn statement to any retiree 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 (LTC). The sworn statement must include (Tex. Gov't Code § 411.199):

(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.

(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.

207.4.3 AUTHORIZATION

Qualified former officers with a Texas handgun license issued by the Texas Department of Public Safety under state law may carry concealed, within this state, any handgun. The card does not itself authorize a retiree to carry a concealed firearm outside this state. The former officer must also meet state and LEOSA requirements.

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207.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Supervisor 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.

207.4.1 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 concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed 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 concealed 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.

207.4.2 RESPONSIBILITIES UNDER TEXAS LAW

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 (Tex. Gov't Code § 614.127).

(c) If carrying a handgun under authority of a LTC, present the LTC and a driver's license or state identification whenever a law enforcement officer demands identification (Tex. Gov't Code § 411.205).

207.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA 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.

207.6 FIREARM QUALIFICATIONS

The Firearms Instructor 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.

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Retiree Concealed Firearms

The Firearms Instructor will provide former 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.

The Firearms Instructor will maintain a record of the qualifications and weapons used (Tex. Occ. Code § 1701.357).

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Chapter 3 - General Operations

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Use of Force

300.1 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.

300.1.1 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. Force includes when one threatens the use of deadly force by pointing a firearm at another. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

300.2 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 Aransas Pass Police 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.

300.2.1 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.

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300.3 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 this 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.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Officers 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, and identify themselves as peace officers, before using force (Tex. Penal Code § 9.51).

300.3.2 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 (e.g., 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) Individual’s mental state or capacity.

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(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the individual 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 individual 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 individual 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 individual or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 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 individual can comply with the direction or orders of the officer.

(c) Whether the individual 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.

300.3.4 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 an individual in any of the following circumstances:

1. The individual is violent or physically resisting.
2. The individual, 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 individual or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Individuals who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries

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

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Aransas Pass Police Department for this specific purpose.

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300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(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 individual 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 individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 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.

300.5 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.

300.5.1 NOTIFICATIONS 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.

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(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 (TM) or control device.

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

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

(h) An individual was struck or kicked.

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

300.6 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or 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 individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or 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 the on-scene supervisor is 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).

Individuals 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 (see the Medical Aid and Response Policy).

300.7 SUPERVISOR RESPONSIBILITIES

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:

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(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 individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

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

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. 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, without questioning, if there is any indication that the individual 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 noncompliance 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.

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor 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.

300.8 TRAINING

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

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300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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 the evaluation of the use of force.

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member'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 member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

301.4 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 person.

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

The Chief of Police or authorized designee 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 member to notify the Administration Division Commander of any incidents requiring board review. The involved member's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administration Division Commander should staff the Use of Force Review Board with five individuals from the following:

- Representatives of each division
- Command staff representative from the involved member's chain of command
- Training Coordinator

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- Nonadministrative supervisor
- A peer officer/department member
- A law enforcement officer from an outside law enforcement agency, as appropriate
- Department instructor for the type of weapon, device or technique used

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

301.4.2 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 member to appear. The involved member 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.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

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 involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Aransas Pass Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement or memorandum of understanding and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

(b) The member'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

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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 member's actions were within policy and procedure, and determine whether any additional training for the involved officer, additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the involved member'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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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The Aransas Pass Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 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.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person 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 ensure 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.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the arrestee, officers, or others (Tex. Local Gov't. Code § 361.082).

302.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 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.

302.3.4 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 person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 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 person 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.

302.5 APPLICATION OF SPIT HOODS

Spit hoods 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 spit 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 a restrained person due to the potential for impairing or

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distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

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

302.6 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.

302.7 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 person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, 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 vehicle).

302.7.1 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.

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

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

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

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

(f) When transported by emergency medical services, 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 person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person 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 a person 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 person was restrained.

(b) How the person was transported and the position of the person during transport.

(c) Observations of the person'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

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

In order to control individuals 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. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

303.3 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 those members who have successfully completed department-approved training on this policy and 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 person 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.

303.4 RESPONSIBILITIES

303.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

303.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor 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 Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 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 Firearms Instructor for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 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 him/herself 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 assignments or at the direction of their supervisors.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Shift Supervisor, Incident Commander or Special Weapons and Tactics Team 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 and emergency medical services 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.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or group 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 department members or the public.

303.7.1 OC SPRAY

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

303.7.2 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

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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.

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 an individual 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 an individual, 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 or a product demonstration, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC 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 who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

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

303.9 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.

303.9.1 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 individuals engaged in criminal or suicidal behavior.

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

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

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

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

(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.

303.9.2 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 suspect 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.

303.9.3 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 shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

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When they are not deployed, shotguns will be unloaded and properly and securely stored in police department vehicles. When deploying a kinetic energy projectile shotgun, officers shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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.

303.10 TRAINING FOR CONTROL DEVICES

The Training Coordinator shall ensure that those members 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 member's training file.

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

303.11 REPORTING USE OF CONTROL DEVICES

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

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER (TM).

304.2 POLICY

The TASER device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and may 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 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. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicles.

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

Officers who carry the TASER device while in uniform shall carry it 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 the issued TASER device is properly maintained and in good working order.

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

304.4 VERBAL AND VISUAL WARNINGS

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

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

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

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If, after a verbal warning, an individual fails 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 not be intentionally directed into anyone's eyes.

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.

304.5 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 effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 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.

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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(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 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.

304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. 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.

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

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

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the TASER device. As soon as practicable, officers shall notify a supervisor any time the TASER device has been discharged. 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.

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304.5.6 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.

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty unless working an approved off-duty security function.

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.

304.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime reports and on the approved form provided in Guardian Tracking. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

304.6.1 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

304.7 MEDICAL TREATMENT
Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or trained law enforcement officers 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 or who sustained direct exposure of the laser to the eyes 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.

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

(e) The person requests medical treatment.

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

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device (see the Medical Aid and Response Policy).

304.8 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 Firearms Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 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 assignments for a period of six months or more shall be recertified by a qualified 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 skills 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 files.

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.

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Application of TASER devices during training could result in injuries 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.

(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

305.1 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 another 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.

305.2 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.

305.3 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.

305.4 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.

305.4.1 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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305.4.2 CRIMINAL INVESTIGATIONS 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.

305.4.3 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.

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

305.5.1 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.

305.5.2 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

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scene, identity of known or potential witnesses and any other pertinent information.

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 Supervisor 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.

305.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor 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 Supervisor.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Division Division Commander
- Officer-Involved Shootings rollout team
- Outside agency investigators (if appropriate)
- Administration Division supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

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305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(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 employee groups/agency representatives 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, the 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).

(e) The Department will honor the confidentiality of communications with emergency response team members consistent with Tex. Health & Safety Code § 784.003.

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 Supervisor to make schedule adjustments to accommodate such leave.

305.6 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 Administration Division 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.

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(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, he/she 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 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.

305.6.1 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.

305.6.2 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.

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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.

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.

305.6.3 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 Prosecuting Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the Prosecuting 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.

305.7 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 Administration Division 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

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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 interviews.

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

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

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

305.8 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.

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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 but shall be given reasonable access to all other investigations.

305.9 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.

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 video, 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 City Attorney's Office, as appropriate.

305.10 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.

305.10.1 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 & 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., telecommunications operators, civilian personnel). 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 Administration Division personnel (Tex. Health & Safety Code § 784.002).

305.10.2 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 the criminal and/or administrative investigators.

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305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Criminal Investigations Division Division Commander and Public Information 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 or a Division Commander.

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.

305.12 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 Manager is provided with enough information to meet the reporting requirements of Tex. Code of Crim. Pro. art. 49.18 and Tex. Code of Crim. Pro. art. 2.139, as applicable.

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Firearms

306.1 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.

306.2 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.

306.3 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 Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with a like 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.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Smith & Wesson MP40. Additional handguns may be approved for on-duty use after review and recommendation of the department armorer and approval from the Chief of Police.

306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870. Additional shotguns may be approved for on-duty use after review and approval of the department armorer and approval from the Chief of Police.

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When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15. Additional patrol rifles 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 consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 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.

(b) The firearm shall be inspected by the Firearms Instructor 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 with the firearm or a like firearm under range supervision and thereafter shall qualify in accordance with the department qualification schedule.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.

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306.3.5 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 Firearms Instructor 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.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Instructor, who will maintain a list of the information.

306.3.6 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.

(c) It will be the responsibility of the member to submit the firearm to the Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Instructor.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

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(e) The member will successfully qualify with the firearm or a like 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 Firearms Instructor, 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.

306.3.7 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 Firearms Instructor 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.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Instructor.

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 Firearms Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Instructor.

306.4.2 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.

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306.4.3 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 Firearms Instructor. 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.

306.4.4 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 Firearms Instructor. 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.

306.5 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 Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Firearms Instructor 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 Firearms Instructor

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approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor 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.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. 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.

306.5.2 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. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Tex. Penal Code § 46.13).

306.5.3 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 taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms (Tex. Occ. Code § 1701.355) . In addition to quarterly training, all members will qualify at least annually with their duty firearms. 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 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).

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Each firearms instructor shall meet the proficiency requirements in 37 Tex. Admin. Code § 221.19.

306.6.1 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:

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.

306.7 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, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 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.

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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 (TM), 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.

306.7.2 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.

306.7.3 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.

306.8 FIREARMS INSTRUCTOR DUTIES

The Chief of Police will designate a firearms proficiency officer, known as the Firearms Instructor, 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 Firearms Instructor. All members attending will follow the directions of the Firearms Instructor. The Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any member to sign in and out with the Firearms Instructor 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 Firearms Instructor 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 (37 Tex. Admin. Code § 218.9).

The Firearms Instructor 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 Firearms Instructor.

The Firearms Instructor 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 Firearms Instructor shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include the qualifications of each instructor

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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 Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

306.9 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's license, passport).

(c) The Aransas Pass Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Aransas Pass Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(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.

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(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.

306.10 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 may not be 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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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

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

Boxing-in - A tactic designed to stop a suspect'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 designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

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

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following 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 vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

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 vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

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307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law unless exempt under Tex. Transp. Code § 546.004 (Tex. Transp. Code § 546.003).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (Tex. Transp. Code § 546.001; Tex. Transp. Code § 546.005):

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit.

(c) Disregard regulations governing direction of movement or turning in specified directions.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

(a) The 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) The 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.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and telecommunications operator/ supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

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

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

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

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(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

(i) Vehicle speeds.

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

(k) The availability of other resources, such as air support assistance.

(l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee 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 arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated 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.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate 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 addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle 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) The pursued vehicle's location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards posed to uninvolved bystanders or motorists.

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(f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles 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 number of suspects. 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 pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 MOTORCYCLES

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the telecommunications operator, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) The location, direction of travel and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including the license plate number, if known.

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(c) The reason for the pursuit.

(d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(e) The number of occupants and identity or description.

(f) The weather, road and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) Immediately notifying the telecommunications operator of his/her entry into the pursuit.

(b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing officer is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

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

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

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1. Available officers 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 officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

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

1. Request assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
3. Request other officers to observe exits available to the suspect.

(d) Notify the Texas Department of Public Safety or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew 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 officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at

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intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

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

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

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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:

(a) Immediately notifying involved officers and the telecommunications operator of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.

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

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

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.

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

(h) Ensuring that the Shift Supervisor is notified of the pursuit, as soon as practicable.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(j) Controlling and managing Aransas Pass Police Department officers when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit as required.

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307.6.1 SHIFT SUPERVISOR RESPONSIBILITIES

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

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

307.7 DISPATCH

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

307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the telecommunications operator 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 field supervisor is notified of the pursuit.

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

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

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

307.8 LOSS OF PURSUED VEHICLE

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

307.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the 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 pursuing officer or supervisor ensure that notification is provided to each outside

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jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Aransas Pass Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility 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.

307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Aransas Pass Police Department, the supervisor should consider:

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

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

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

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

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

307.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

307.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/ supervisors should balance the risk of 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 this 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.

307.10.2 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 meet the requirements authorizing the use of deadly force. 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.

307.10.3 INTERVENTION STANDARDS

Any 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 policies guiding such use. Officers 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 the public's safety, and 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 intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

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1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.
5. Only law enforcement vehicles should be used in this tactic.

(b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment 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 or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. 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, 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 or using the vehicle as a weapon.

(d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, 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. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:

1. Should reasonably only affect the pursued vehicle.

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2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.

3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.

4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

(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. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

307.11 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 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.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

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

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

(c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of the pursuit.

2. Initial reason and circumstances surrounding the pursuit.

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3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
    (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.
11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

(d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

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

307.13 REGULAR AND PERIODIC PURSUIT TRAINING

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

307.14 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

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Foot Pursuits

308.1 PURPOSE AND SCOPE

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

308.2 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.

308.3 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.

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(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.

308.4 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 officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the telecommunications operator or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot 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 public outweighs the objective of immediate apprehension.

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

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

(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 members or the public if the suspect is not immediately apprehended.

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

308.5 RESPONSIBILITIES IN FOOT PURSUITS

308.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. 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, at a minimum, 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 the 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 foot 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 the telecommunications operator of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of

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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.

308.5.2 ASSISTING OFFICER RESPONSIBILITIES

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

308.5.3 SUPERVISOR RESPONSIBILITIES

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 to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

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

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

308.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the telecommunications operator 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 field supervisor is notified of the foot pursuit.

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

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

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

308.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a 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.

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(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.

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

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Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (Tex. Transp. Code § 546.003; Tex. Transp. Code § 546.004).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

(a) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the telecommunications operator.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign

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- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the telecommunications operator.

309.5 SAFETY CONSIDERATIONS

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Tex. Transp. Code § 546.001; Tex. Transp. Code § 546.005):

- Disregard regulations governing parking or standing.
- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.

309.5.1 NUMBER OF OFFICERS ASSIGNED

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one police vehicle should be coordinated by Dispatch to avoid any unanticipated intersecting of response routes. The telecommunications operator shall notify the Shift Supervisor or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

309.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

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309.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Supervisor, field supervisor or the telecommunications operator of the equipment failure so that another officer may be assigned to the emergency response.

309.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the telecommunications operator. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the telecommunications operator of his/her determination. Any subsequent change in the appropriate response level should be communicated to the telecommunications operator by the officer in charge of the scene unless a supervisor assumes this responsibility.

309.8 DISPATCH

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the telecommunications operator shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers. In all other circumstances, the telecommunications operator shall obtain authorization from the Shift Supervisor or a field supervisor prior to assigning an emergency response.

309.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the telecommunications operator is responsible for:

(a) Confirming the location from which the officer is responding or requesting assistance.

(b) Attempting to assign the closest available assisting officers to the location of the emergency call.

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(c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.

(d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).

(e) Notifying the Shift Supervisor as soon as practicable.

(f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Supervisor or field supervisor.

309.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Shift Supervisor or the field supervisor shall verify that:

(a) The proper response has been initiated.

(b) No more than those officers reasonably necessary under the circumstances are involved in the response.

(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 officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned 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 Supervisor or the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding officers and the location of the incident.

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Family Violence

310.1 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 the Aransas Pass Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of family violence.

310.1.1 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.

Family violence - An act by one of the following individuals against the same that is intended to result in physical harm, bodily injury, assault or sexual assault, or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself (Tex. Fam. Code § 71.003; Tex. Fam. Code § 71.004; Tex. Fam. Code § 71.005; Tex. Fam. Code § 71.006):

(a) Persons related by blood or marriage

(b) Former spouses

(c) Individuals who have a child in common without regard to marriage

(d) Foster children and foster parents without regard to whether the individuals reside together

(e) Persons who reside together in the same dwelling without regard to their relation to one another, including persons who have previously lived together

The term "family violence" also includes dating violence as defined by Tex. Fam. Code § 71.0021 and certain types of abuse, as defined by Tex. Fam. Code § 261.001, by one of the above-mentioned individuals against a child of same (Tex. Fam. Code § 71.004).

310.2 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.

310.3 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

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the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

310.4 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.

(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.

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(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 violence 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 or social identity, professional position or sexual orientation of the victim or suspect.

310.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 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 assistance).

(b) Document the resolution in a report.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

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(a) Victims shall be provided with the department family violence information handout, even if the incident may not rise to the level of a crime (Tex. Code of Crim. Pro. art. 5.04).

(b) Victims shall also be alerted to any available victim advocates, shelters and community resources (Tex. Code of Crim. Pro. art. 5.04).

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time (Tex. Code of Crim. Pro. art. 5.045).

1. If the person presents a writ issued by a justice court for entry into the person's residence to retrieve personal property, officers shall accompany and assist the person in making entry into the residence and retrieving items specified in the writ (Tex. Prop. Code § 24A.002; Tex. Prop. Code § 24A.0021; Tex. Prop. Code § 24A.003) (see the Civil Disputes policy).

(d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.

(e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

310.6 DISPATCH ASSISTANCE

All calls of family violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Telecommunications Operators are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that telecommunications operators check whether any of the involved persons are subject to the terms of a court order.

310.7 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.

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310.8 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, 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.

310.9 STANDARDS FOR ARRESTS

Officers investigating a family violence report should consider the following:

(a) An arrest is required when an officer has probable cause to believe that a person has violated a court order specified in Tex. Penal Code § 25.07, and the offense has occurred in the presence of the officer (Tex. Penal Code § 25.07).

(b) An arrest should be made whenever an officer has probable cause to believe that a person has committed any of the following even if the act is committed outside the presence of the officer (Tex. Code of Crim. Pro. art. 14.03):

1. An offense involving family violence
2. Interference with a person's ability to make an emergency telephone call
3. A violation of a court order specified in Tex. Penal Code § 25.07

(c) The arresting officer should notify a magistrate when an arrest has been made and 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 may be issued (Tex. Code of Crim. Pro. art. 17.292).

(d) The arresting officer should evaluate whether a post-bond hold is reasonable and observe the following additional requirements (Tex. Code of Crim. Pro. art. 17.291):

1. A post-bond hold requires approval from the Shift Supervisor.
2. A post-bond hold shall not exceed four hours, unless:

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(a) The Shift Supervisor determines that the hold should exceed four hours, the Shift Supervisor should then notify a magistrate and receive written approval.

Any decision not to arrest a person, when there is probable cause to do so, must be approved by a supervisor.

310.9.1 NOTIFICATION UPON RELEASE OF ARRESTED PERSON

Before releasing a person arrested or held without a warrant, the releasing member 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 member 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.

310.10 REPORTS AND RECORDS

(a) When an officer investigates an assault, aggravated assault or terroristic threat, the officer shall complete a report that includes, at a minimum (Tex. Code of Crim. Pro. art. 2.30; Tex. Code of Crim. Pro. art. 5.05):

1. The names of the suspect and complainant.
2. The date, time and location of the incident.
3. Any visible or reported injuries.
4. A description of the incident and a statement of its disposition.
5. Whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.
6. The reasons for filing an Emergency Protective Order on a victim's behalf, if one was filed.

(b) Upon request of the victim of a family violence incident, the following information that is not exempt from disclosure under the Texas Public Information Act shall be released (Tex. Code of Crim. Pro. art. 5.05):

1. The name of the suspect and complainant
2. The date, time and location of the incident

(c) 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 electric 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).

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(d) 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 (Tex. Code of Crim. Pro. art. 5.05).

(e) The Records Manager will maintain records on the number of family violence-related calls reported to the Department and forward such records to the state as required (Tex. Code of Crim. Pro. art. 5.05).

(f) To ensure that officers responding to a call are aware of the existence and terms of court orders, the Records Manager shall establish a procedure to provide adequate information or access to the name of persons protected by the orders and those to whom orders are directed (Tex. Code of Crim. Pro. art. 5.05; Tex. Code of Crim. Pro. art. 17.292; Tex. Fam. Code § 86.001; Tex. Fam. Code § 86.005).

(g) Upon receipt of an original or modified court order, the Records Manager 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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Search and Seizure

311.1 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.

311.2 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.

311.3 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 to the rule 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:

- 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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311.4 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) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(f) 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.

311.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of:

- 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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Child Abuse

312.1 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.

312.1.1 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.

312.2 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.

312.3 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 (Tex. Fam. Code § 261.101; Tex. Fam. Code § 261.103; Tex. Fam. Code § 261.105).

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. 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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312.3.1 NOTIFICATION PROCEDURE

Notification shall occur immediately by phone or by using the online reporting website provided by DFPS and contain the following, if known (Tex. Fam. Code § 261.104; Tex. Fam. Code § 261.105):

(a) The name and address of the child and any person responsible for the care, custody or welfare of the child

(b) Any other pertinent information concerning the alleged abuse

312.4 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.

312.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, 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.

(f) Whether the child victim was transported for medical treatment or a medical examination.

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(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.

The investigation of 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).

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).

312.5.1 REPORTS BY PHYSICIANS

When a physician or physician's agent notifies an officer 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.

312.6 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.

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 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).

312.6.1 SAFE HAVEN LAW

Members presented with an infant by a parent seeking to voluntarily surrender the child should immediately notify DFPS. Members should also notify appropriate emergency medical services personnel if it reasonably appears that the infant requires medical attention.

Any report to this department from DFPS of a surrendered child shall be investigated to determine whether the child is reported as missing (Tex. Fam. Code § 262.305).

312.6.2 RELEASE OF CERTAIN CHILDREN TAKEN WITHOUT A COURT ORDER

Officers who take a child into protective custody without a court order pursuant to Tex. Fam. Code § 262.104 may release the child to an approved governmental entity, including DFPS, or to a person authorized by law to take possession of the child (Tex. Code of Crim. Pro. art. 2.273).

Prior to releasing a child taken into protective custody to a non-governmental entity, officers shall (Tex. Code of Crim. Pro. art. 2.273):

(a) Verify that the person to whom the child is to be released is at least 18 years old.

(b) Verify through NCIC that the child is not a missing child.

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(c) Search NCIC databases for relevant information about the person to whom the child is being released, such as whether he/she is the subject of a protective order or a registered sex offender who is not permitted to take possession of the child.

(d) Contact the DFPS Abuse Hotline to determine whether the person is in the DFPS registry as someone who abused or neglected a child.

Officers shall document the placement of the child in an appropriate report. The report should include the name and address of the person to whom the child is released and identifying information about the child.

312.7 INTERVIEWS

312.7.1 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.

312.7.2 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.

312.8 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

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medical examination, the notified supervisor should consider obtaining a court order for such an examination.

312.9 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.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should:

(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 their 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 at the scene.

(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.

312.9.2 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.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Texas requires or permits the following:

312.10.1 CHILD SAFETY CHECK ALERT LIST

The Texas Department of Public Safety maintains 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).

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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).

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 ensure that TCIC is updated to reflect that the child has been located, to whom the child was released, as applicable, and the case number related to the incident (Tex. Code of Crim. Pro. art. 2.272; Tex. Fam. Code § 261.3024).

312.10.2 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).

312.10.3 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).

312.11 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.

(g) Recognizing abuse that requires mandatory notification to another agency.

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The Training Division Manager should ensure that members receive training on the Child Safety Check Alert List (Tex. Occ. Code § 1701.402).

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Adult Abuse

313.1 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.

313.1.1 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.

313.2 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.

313.3 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. In addition, members shall notify the Texas Department of Health if allegations relate to the abuse of an elderly person or person with a disability in a care facility or under the care of a facility, regardless of whether a crime report is taken (Tex. Hum. Res. Code § 48.051; 25 Tex. Admin. Code § 1.205).

For purposes of such notification (Tex. Hum. Res. Code § 48.002):

(a) "Abuse" includes the negligent or willful infliction of injury to, unreasonable confinement of, cruel punishment of or the sexual abuse of an elderly person or a 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 his/her own care or protection

313.3.1 NOTIFICATION PROCEDURE

Notification should occur immediately and may be made orally or in writing. The report shall include (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.

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(d) The nature and extent of the adult victim's condition and injuries.

313.3.2 ADDITIONAL NOTIFICATION

In addition, a member 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).

313.4 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.

313.5 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.

313.6 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.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio 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

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practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 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) The adult cannot adequately provide for his/her own care or protection and 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.

313.8 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. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 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.

313.9.1 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.

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(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 at the scene.

(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.

313.9.2 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.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS
Texas requires or permits the following:

313.10.1 RECORDS DIVISION RESPONSIBILITIES
The Records Division is responsible for:

(a) Providing a copy of the adult abuse report to the APS as required by law (Tex. Hum. Res. Code § 48.154).

(b) Retaining the original adult abuse report with the initial case file.

313.10.2 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).

313.11 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.

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(f) Availability of victim advocates or other support.

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Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 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 a member 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 and privileges 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.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 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 an individual'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 a work environment that is free of discrimination.

314.3.2 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,

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participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

314.3.3 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.

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 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.

314.3.4 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 and the Texas Workforce Commission, Civil Rights Division guidelines.

(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.

314.4 RESPONSIBILITIES
This policy applies to all department members, who 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, the Director of Human Resources or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment, discrimination or retaliation, 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 a resolution as stated below.

314.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Resources or the City Manager for further information, direction or clarification.

314.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring 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) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

314.4.3 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:

(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 can 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.

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314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such 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, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

314.5.1 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 or 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.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person 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 any 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, Director of Human Resources or the City Manager.

314.5.3 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.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

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(a) Approved by the Chief of Police, the City Manager or the Director of Human Resources, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 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.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

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Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk missing - 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 development 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 engage 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).

(f) At a high risk of human trafficking, sexual assault, exploitation, abuse or neglectful supervision.

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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 of Crim. Pro. art. 63.001).

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 (DPS) Missing Children and Missing Persons Information Clearinghouse.

315.2 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.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations Division supervisor shall ensure the following forms and kits are developed and available:

- Missing person report 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
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering an individual 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.

315.5 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.

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(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 "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:

  (a) Immediately, when the missing person is a high-risk missing person.

  (b) 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.

  (c) In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

  (d) Consistent with any rules and procedures adopted by the Texas DPS 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 according to 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.

(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.

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(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; Tex. Code of Crim. Pro. art. 63.009).

315.6 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.

315.6.1 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 Division.

(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 person 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.

315.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division 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 where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Criminal Investigations Division.

(e) Processing all written requests that the Department received and searching the DPS Missing Children and Missing Persons Information Clearinghouse for information regarding a child whose whereabouts are unknown. Results of the inquiry shall be reported to the requestor within 14 days (Tex. Code of Crim. Pro. art. 63.011; Tex. Code of Crim. Pro. art. 63.012).

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(f) Coordinating with the National Crime Information Center (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 (34 USC § 41308).

315.7 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 DPS Missing Children and Missing Persons Information 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 party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update the DPS Missing Children and Missing Persons Information 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 (34 USC § 41308).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) 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 (34 USC § 41308).

(h) Should make appropriate inquiry with the Medical Examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

1. If the missing person is considered high risk, the investigator shall inform the reporting person, within 30 days of the report being filed, that a biological sample or a personal article can be submitted for analysis if not previously obtained during the investigation (Tex. Code of Crim. Pro. art. 63.057).

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(a) Upon verification that the person is still a high-risk missing person, 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).

(j) 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 DPS Missing Children and Missing Persons Information Clearinghouse and enter the photograph into applicable missing person networks (34 USC § 41308).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) Shall forward any medical or dental records received to the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.006; Tex. Code of Crim. Pro. art. 63.007).

(m) 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.

(n) In the case of a high-risk missing 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).

315.8 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 Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Immediate notification is made to NCIC, TCIC and the DPS Missing Children and Missing Persons Information Clearinghouse (Tex. Code of Crim. Pro. art. 63.009).

(b) The 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 DPS Missing Children and Missing Persons Information Clearinghouse.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

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315.8.1 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 (Tex. Code of Crim. Pro. art. 63.009).

(c) Use available resources, such as those related to missing persons, to identify the person.

315.8.2 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 Manager shall immediately check the DPS Missing Children and Missing Persons Information Clearinghouse to determine if the child has been reported missing. If reported missing, the Records Manager shall immediately notify appropriate law enforcement agencies that the missing child has been located (Tex. Code of Crim. Pro. art. 63.019).

315.9 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.

(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.

315.10 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:

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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

316.1 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.

316.2 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.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Aransas Pass Police Department should notify their supervisors, Shift Supervisor 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 the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making 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 Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

(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.

316.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children (37 Tex. Admin. Code § 9.21).

316.4.1 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

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of 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.

316.4.2 PROCEDURE

The following is the procedure for initiating an AMBER Alert:

(a) Submit the completed 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) Email photographs of the missing child and suspect, if available, to the SOC.

(c) Confirm that the form and any sent emails were received by the SOC.

(d) Ensure that appropriate entries are made in 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 contracting the regional AMBER Alert program, if available.

The activating official should be notified of all relevant updates that may require modification or termination of the AMBER Alert.

316.5 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer (37 Tex. Admin. Code § 9.81).

316.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued (Tex. Gov't Code § 411.446; 37 Tex. Admin. Code § 9.82):

(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.

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316.5.2 PROCEDURE
The following is the procedure for initiating a Blue Alert (Tex. Gov't Code § 411.446; Tex. Gov't Code § 411.449; 37 Tex. Admin. Code § 9.82):

(a) Submit the completed Blue Alert Request Form to the SOC.

(b) Email photographs of the suspect and the suspect's vehicle, if available, to the SOC.

(c) Confirm that the form and any sent emails were received by the SOC.

(d) Ensure that appropriate entries are made in 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.

(g) Inform the SOC if there is reason to believe the suspect poses a threat to other law enforcement officers and to the public.

The activating official should be notified of all relevant updates that may require modification or termination of the Blue Alert.

316.6 SILVER ALERTS
Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is a senior citizen and has an impaired mental condition, including an individual who has been diagnosed with Alzheimer's & Dementia disease (37 Tex. Admin. Code § 9.31).

316.6.1 CRITERIA
The following criteria are utilized to determine if a Silver Alert should be issued (Tex. Gov't Code § 411.386; 37 Tex. Admin. Code § 9.32):

(a) The person reported missing is 65 years of age or older or has Alzheimer's disease.

(b) The person's location is unknown.

(c) The person has an impaired mental condition, including Alzheimer's disease, and the family or legal guardian provides documentation of the condition.

(d) It is determined that the person's disappearance poses a credible threat to his/her health and safety.

(e) The Silver Alert request is made within 72 hours of the person's disappearance.

(f) There is sufficient information available to disseminate to the public that could assist in locating the person.

316.6.2 PROCEDURE
The following is the procedure for initiating a Silver Alert:

(a) Submit the completed 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).

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(b) Include documentation of the person's age and condition of the person with the request for activation (37 Tex. Admin. Code § 9.32; Tex. Gov't Code § 411.386).

(c) Email photographs of the missing senior citizen, if available, to the SOC.

(d) Confirm that the form and any sent emails were received by the SOC.

(e) Ensure that appropriate entries are made in the TCIC and NCIC databases.

(f) Inform the SOC of any updates, including when the missing senior citizen is located.

(g) Consider contacting the regional Silver Alert program, if available.

The activating official should be notified of all relevant updates that may require modification or termination of the Silver Alert.

316.7 ENDANGERED MISSING PERSONS ALERTS

Endangered Missing Persons Alerts are used to provide a statewide system for the rapid dissemination of information regarding those with intellectual disabilities.

316.7.1 CRITERIA

The following criteria are utilized to determine if an Endangered Missing Persons Alert should be issued (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.

(b) The activating official shall obtain a written diagnosis documenting the missing person's intellectual disability from the treating licensed physician or psychologist.

(c) The Endangered Missing Persons Alert request is made within 72 hours of the person's disappearance.

(d) It is believed that the person's disappearance poses a credible threat to his/her health and safety.

(e) There is sufficient information available to disseminate to the public that could assist in locating the person.

316.7.2 PROCEDURE

The following is the procedure for initiating an Endangered Missing Persons Alert (37 Tex. Admin. Code § 9.42):

(a) Submit the Endangered Missing Persons Alert Request Form to the SOC, including documentation of a diagnosed intellectual disability for the missing person.

(b) E-mail photographs of the missing person, if available, to the SOC.

(c) Confirm that the form and any sent emails were received by the SOC.

(d) Ensure that appropriate entries are made in the TCIC and NCIC databases.

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(e) Inform the SOC of any updates, including when the missing person is located.

The activating official should be notified of all relevant updates that may require modification or termination of the Missing Persons Alert.

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Victim and Witness Assistance

317.1 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.

317.2 POLICY

The Aransas Pass Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members 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.

317.3 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.

317.3.1 CRIME 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 department members afford victims and witnesses the rights described in 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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317.4 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.

317.5 VICTIM INFORMATION

The Administration Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (42 USC § 3796gg-4; 42 USC § 10603f).

(c) 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.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime (Tex. Code of Crim. Pro. art. 56.31 et seq.).

(f) 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.

(g) Notice regarding U visa and T visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number and any applicable case or incident number.

(j) 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).

(k) The Notice to Adult Victims of Family Violence required by Tex. Code Crim. Pro. art. 5.04.

(l) 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

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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).

(m) 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).

(n) A clear explanation of relevant court orders and how they can be obtained (Tex. Fam. Code § 82.002; Tex. Code of Crim. Pro. art. 7A.01).

(o) 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).

(p) 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).

(q) The following statement, "You may call the Aransas Pass Police Department for the status of the case and information about victims’ rights" (Tex. Code of Crim. Pro. art. 56.07).

317.6 WITNESSES

Officersshould 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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Hate Crimes

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, age, gender identity or disability of the victim (Tex. Code of Crim. Pro. art. 42.014).

318.2 POLICY

The Aransas Pass Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

318.3 PREVENTION AND PREPARATION

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:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

318.4 INVESTIGATIONS

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) Assigned officers should promptly 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 the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

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(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

(f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked “Hate Crime.”

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (Temporary Protective Order) through the courts or City Attorney.

318.4.1 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES

If a hate crime case is assigned to the Criminal Investigations Division, the assigned investigator will be responsible for:

(a) Coordinating further investigation with the Prosecuting Attorney's Office and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

318.4.2 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 Texas Department of Public Safety (DPS). This shall be conducted by the Records Manager or assigned to the Criminal Investigations Division (Tex. Gov’t. Code § 411.046).

The Department may request hate crime-related information or statistics from the Texas DPS to carry out investigations or other lawful business (Tex. Gov’t. Code § 411.046).

318.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

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Standards of Conduct

319.1 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.

319.2 POLICY

The continued employment or appointment of every member of this 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.

319.3 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.

319.3.1 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 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.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 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, acquiescing to such a violation or exhibiting indifference to such a violation.

(d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

319.4 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.

319.5 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.

319.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or 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.

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319.5.2 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 work permits 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.

319.5.3 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.

319.5.4 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.

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319.5.5 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.

319.5.6 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.

(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.

319.5.7 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 or contact telephone numbers.

(f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.8 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 investigations, 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.

(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, memorandum of understanding or contract, 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, memorandum of understanding or contract, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

319.5.9 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

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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.

(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, memorandum of understanding or contract, including 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.

319.5.10 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 including loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 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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Information Technology Use

320.1 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.

320.1.1 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.

320.2 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.

320.3 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 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 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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320.4 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 Supervisors.

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.

320.4.1 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 on 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 a 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.

320.4.2 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.

320.4.3 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 from the Internet shall be limited to messages, mail and data files.

320.4.4 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.

320.5 PROTECTION OF 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.

320.6 INSPECTION AND 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 Use of Social Media

321.1 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 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).

321.1.1 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.

321.2 POLICY

The Aransas Pass Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment 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 people.

321.3 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.

321.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

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Examples of appropriate content include:

(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) Media releases.

(h) Recruitment of personnel.

321.4.1 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 Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

321.5 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.

321.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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The Department may provide a method for members of the public to contact department members directly.

321.6 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.

321.7 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.

321.8 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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Report Preparation

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

322.2 POLICY

It is the policy of the Aransas Pass Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

322.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

322.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member 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.

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. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

322.4.1 HANDWRITTEN OR TYPED REPORTS

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for department consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

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322.4.2 ELECTRONIC SIGNATURES

The Aransas Pass Police Department has established an electronic signature procedure for use by all members of the Aransas Pass Police Department. The Patrol Division Commander shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law (Tex. Code of Crim. Pro. art. 2.26).

(a) Members may only use their electronic signatures for official reports or other official communications.

(b) Each member 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.

322.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

322.5.1 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, paraphernalia arrests, and public intoxication 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.
2. Family Violence Policy.
3. Child Abuse Policy.
4. Adult Abuse Policy.
5. Hate Crimes Policy.
6. Suspicious Activity Reporting 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., a dispatch log).

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Certain class C misdemeanor arrests do not require an arrest report unless otherwise instructed or categorized by policy.

322.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

(a) Any found property or found evidence.

(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

(d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of force by members of this department against any person (see the Use of Force Policy).

(g) Any firearm discharge (see the Firearms Policy).

(h) Any time a member points a firearm at any person.

(i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

322.5.3 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) There is an attempted suicide.

(c) The injury is major or serious, and potentially fatal.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

322.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

(a) Unattended deaths (no physician or qualified hospice care during the period preceding death)

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(b) Sudden, accidental or suspicious deaths

(c) Suicides

(d) Homicide or suspected homicide

(e) Found dead bodies or body parts

322.5.5 CITY PERSONNEL OR PROPERTY
Incidents involving City personnel or property shall require a report when:

(a) An injury or substantial damage occurs as the result of an act of a City employee or on City property.

(b) There is substantial damage to City property or equipment.

322.6 ALTERNATIVE 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 threatening to public safety, when there is no suspect information or serial number or ability to trace the item.

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 accidents with no suspect or suspect vehicle.

(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., the Federal Communications Commission (FCC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

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322.7 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

The original report and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

322.7.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division 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 Division may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

323.1 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.

323.2 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.

323.3 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 Supervisors and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

323.4 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.

323.5 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) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized

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representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment 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.

323.6 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 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.

323.6.1 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.

323.6.2 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 Supervisor. 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.

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If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

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

323.7.1 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 filed.

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 Supervisor 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).

323.8 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.

323.8.1 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 Supervisor.

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).

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(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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Subpoenas and Court Appearances

324.1 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.

324.2 POLICY

Aransas Pass Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 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 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).

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf 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.

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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.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

324.3.3 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.

324.4 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.

324.5 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.

324.6 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.

324.6.1 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.

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324.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence, that member should:

(a) Notify the Property and Evidence Section promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.

(b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.

(c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.

(d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen or misplaced, or if previously undisclosed information about the evidence has become available.

(e) Comply with provisions of the Property and Evidence Section Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in overtime or comp time.

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Part-Time & Reserve Officers

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Aransas Pass Police Department part-time officers, which includes paid and unpaid reserve officers, to supplement and assist regular full-time police officers in their duties. These officers provide professional and special functions and part-time services that can augment regular staffing levels.

325.1.1 DEFINITIONS

Definitions related to this policy include:

Part-time officer- A person who has been elected, employed or appointed as peace officer, as defined by Tex. Code of Crim. Pro. art. 2.12, and who is assigned to work less than 32 hours per week, is compensated at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer of this state (Tex. Gov't Code § 614.121). The term also includes both paid and unpaid reserve officers.

325.2 POLICY

The Aransas Pass Police Department shall ensure that part-time officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

325.3 RECRUITMENT AND SELECTION

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 regular full-time police officers before appointment.

325.3.1 APPOINTMENT

Applicants who are selected for appointment as part-time officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Part-time officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Part-time officers shall have no property interest in continued appointment. However, if a part-time officer is removed for alleged misconduct, the part-time officer 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.

325.4 IDENTIFICATION AND UNIFORMS

Part-time officers will be issued Aransas Pass Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-

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time police officers. The identification cards will be the standard Aransas Pass Police Department identification cards, with the exception that "Part-time" will be indicated on the cards (see the Badges, Patches and Identification Policy).

325.5 AUTHORITY

Part-time officers shall perform law enforcement officer duties within the scope of their approved training. Part-time officers:

(a) Perform law enforcement functions and have the authority to arrest on behalf of this department (see the Law Enforcement Authority Policy).

(b) Shall not exercise law enforcement officer duties when off-duty.

325.6 COMPENSATION

Compensation for part-time officers is provided as follows:

(a) Part-time officers shall work as per agreement with the City of Aransas Pass or the Chief of Police.

(b) Part-time officers may be issued uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to part-time officers shall be returned to this department upon termination or resignation.

325.7 PERSONNEL WORKING AS PART-TIME

Qualified regular department personnel, when authorized, may also serve as part-time officers. However, this department shall not utilize the services of part-time officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a part-time officer for reduced pay or no pay). Therefore, the part-time officer coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a part-time officer capacity (29 CFR 553.30).

325.8 COMPLIANCE

Part-time officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each part-time officer upon appointment. The officers shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a part-time officer, unless by its nature it is inapplicable.

Part-time officers are required by this department to meet department-approved training requirements.

All part-time officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the part-time officer coordinator.

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325.9 FIREARMS

Part-time officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as part-time officers on behalf of the Aransas Pass Police Department.

Part-time officers may be issued duty firearms as specified in the Firearms Policy. Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Part-time officers are required to maintain proficiency with firearms used during their assignments. Part-time officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

325.9.1 FIREARMS OFF DUTY

A part-time officer shall not carry a firearm while in an off-duty capacity, other than to and from work, unless he/she possesses a valid license to carry issued by the Texas Department of Public Safety.

An instance may arise where a part-time officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the part-time officer may be permitted to carry a weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon shall comply with all the requirements set forth in the Firearms Policy.

Before being allowed to carry any optional firearm during an assigned tour of duty, the part-time officer shall demonstrate his/her proficiency with the weapon.

325.10 PART-TIME OFFICER COORDINATOR

The Chief of Police shall delegate certain responsibilities to a part-time officer coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The part-time officer coordinator may appoint a senior part-time member or other designee to assist in the coordination of part-time officers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Assigning part-time officers.

(b) Conducting part-time officer meetings.

(c) Establishing and maintaining a part-time officer callout roster.

(d) Maintaining and ensuring performance evaluations are completed.

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(e) Monitoring the field training progress of part-time officers.

(f) Monitoring individual part-time officer performance.

(g) Monitoring overall part-time officer activities.

(h) Maintaining a liaison with other agency part-time officer coordinators.

325.11 FIELD TRAINING

All part-time officers shall complete the same department-specified field training as regular full-time police officers, as described in the Field Training Policy.

325.12 SUPERVISION

Part-time officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Part-time officers should not supervise a regular full-time officer.

325.12.1 EVALUATIONS

While in training, part-time officers should be continuously evaluated using standardized daily and weekly observation reports. The part-time officer will be considered a trainee until he/she has satisfactorily completed training. Part-time officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that part-time officer.

325.12.2 INVESTIGATIONS AND COMPLAINTS

If a part-time officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

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Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

326.2 POLICY

It is the policy of the Aransas Pass Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

326.3.1 AGREEMENTS

The Shift Supervisor should remain familiar with the existence of any interlocal contracts or agreements entered into between the Aransas Pass Police Department and surrounding agencies when considering requests for assistance (Tex. Local Gov't Code § 362.002; Tex. Gov't Code § 418.109; Tex. Gov't Code § 791.027).

326.3.2 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Aransas Pass Police Department shall notify his/her supervisor or the Shift Supervisor and Dispatch as soon as practicable. This

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requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

326.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the equipment and supplies.
2. The members trained in the use of the equipment and supplies.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Coordinator should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

327.1 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.

327.2 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.

327.3 REGISTRATION

The Criminal Investigations Division supervisor shall establish a process to reasonably accommodate registration of 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. Those 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 Chapter 62 of the Texas Code of Criminal Procedure.

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.

No offender shall be registered wihtin the City limits if the offender's registration address violates Chapter 18, Article VII of the Aransas Pass Code of Ordinances.

327.3.1 CONTENTS OF REGISTRATION

Members of the Aransas Pass Police Department who are responsible for registering offenders shall obtain and report the information required by DPS on the applicable form (Tex. Code of Crim. Pro. art. 62.051). Registration forms provided to an offender should comply with Tex. Code of Crim. Pro. art. 62.058.

327.3.2 PROOF OF IDENTITY

A person who is required to register as an offender is required to provide proof of his/her identity and residence before a member of the Aransas Pass Police Department may verify the individual’s registration form (Tex. Code of Crim. Pro. art. 62.051).

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327.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the DPS Sex Offender Registration 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 members, including timely updates regarding new or relocated registrants.

327.5 DISSEMINATION OF PUBLIC INFORMATION

The registration detective 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.

327.5.1 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.

327.5.2 MANDATORY DISSEMINATION

The Criminal Investigations Division Supervisor shall make the following notifications:

(a) Within eight days of receiving notice from a court, penal institution or parole/community supervision department that a person will be required to register with the Aransas Pass Police Department, notice shall be sent to each superintendent of a public school district and each administrator of a private primary or secondary school in the Aransas

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Pass Police Department's jurisdiction if one of 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 (Possession or Promotion of Child Pornography), 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 (Tex. Code of Crim. Pro. art. 62.152; Tex. Code of Crim. Pro. art. 62.153):

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.

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.

327.5.3 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 information that is available to the public under Chapter 62 of the Texas Code of Criminal Procedure through use of any of the following methods:

(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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Major Incident Notification

328.1 PURPOSE AND SCOPE

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

328.2 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.

328.3 CRITERIA FOR NOTIFICATION

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

- Shootings with injuries
- Shootings with property damage
- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- High-risk missing persons
- Death of a prominent Aransas Pass official or resident
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Activation of any emergency management event
- Significant weather event
- Heroic actions injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Aransas Pass official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Vehicle pursuits that begin, end or travel through the City Limits of Aransas Pass
- Any other incident that has attracted or is likely to attract significant media attention

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328.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Dispatch.

328.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the affected Division Commander and the Criminal Investigations Division Division Commander if that division is affected.

328.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator 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 investigator. All matters requiring an investigator shall be cause for notification to all police department command staff.

CID will respond to the following incidents:

- Any incident in which a weapon was used in the commission of the offense and the offense is aggravated or felonious.
- Any felony incident in which there is the potential of recovering evidence of a crime.
- Any incident in which there is a large crime scene or in which scene process would take some time to accomplish.
- Any crime in which time is of the essence such as: Any suspicious, in custody, or felonious death, or sexual assault that occurred recently.

This is not an all-inclusive list. It is intended to be used as a guide. The investigator should use reasonable judgment when responding to a call out request. Likewise, remain familiar with what has been happening in the city. If there is a continuous string of incidents that appear to be linked or related, a response should be made to try and obtain evidence or information that could lead to an arrest and end the crime spree. If you find yourself thinking about it, that is a tell- tell sign that you should respond. It is better to respond and not be needed than to not respond when needed.

328.4.3 PATROL DIVISION NOTIFICATION

In the event of a major injury or traffic fatality, the Patrol Division supervisor shall be notified, who will then contact the appropriate investigator. The Patrol Division supervisor will notify the Patrol Commander.

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328.4.4 PUBLIC INFORMATION 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 policy or the Chief of Police.

After members of the command staff have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

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Death Investigation

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

329.2 POLICY

It is the policy of the Aransas Pass Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, conducted and properly documented.

329.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Criminal Investigations Division Division Commander as necessary. The Shift Supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

329.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

329.3.2 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. The Medical Examiner may also be called anytime officers reasonably believe the Medical Examiner should investigate the death. State law requires that the Medical Examiner be notified when a person dies (Tex. Code of Crim. Pro. art. 49.04; Tex. Code of Crim. Pro. art. 49.05; Tex. Code of Crim. Pro. art. 49.18; Tex. Code of Crim. Pro. art. 49.25):

(a) While in jail.

(b) From unnatural or unknown causes.

(c) Under circumstances that reasonably indicate that the death may have been caused by unlawful means.

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(d) By suicide or when it reasonably appears that the death may have been caused by suicide.

(e) Without having been attended by a physician.

(f) Having been attended by a physician but when the physician is unable to certify the cause of death.

(g) Who is a child younger than 6 years of age.

Except in emergency circumstances, the body shall not be moved from the position or place of death without permission from the Medical Examiner (Tex. Code of Crim. Pro. art. 49.05).

329.3.3 SEARCHING DEAD BODIES

(a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.

(c) The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

329.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Criminal Investigations Division shall be notified to determine the possible need for an investigator to respond to the scene.

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If the on-scene supervisor, through consultation with the Shift Supervisor or Criminal Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

329.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES
Any member of this department 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 should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

329.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

329.4.1 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 Texas Department of Public Safety’s Missing Children and Missing Persons Clearinghouse and the National Crime Information Center file (Tex. Code of Crim. Pro. art. 63.009).

329.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner’s Office, 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 a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

329.6 CHILD DEATHS

Members investigating a child death shall permit the parents to view the child before the Medical Examiner assumes control over the body, when practicable. If the Medical Examiner has already assumed control over the body before the parent has requested to see the child’s body, the investigating member should facilitate obtaining the Medical Examiner’s consent for the parent to view the body (Tex. Code of Crim. Pro. art. 49.52).

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If the child's death is subject to an inquest pursuant to Tex. Code of Crim. Pro. art. 49.04 or Tex. Code of Crim. Pro. art. 49.25, the viewing of the child's body is subject to the following conditions (Tex. Code of Crim. Pro. art. 49.52):

(a) The viewing shall be supervised by an officer or, with the officer's consent, a physician, nurse, Medical Examiner or a person acting on behalf of the Medical Examiner.

(b) The parent may not have contact with the body without the prior consent of the Medical Examiner or a person acting on behalf of the Medical Examiner.

(c) No medical device shall be removed from the body and the body shall not be altered in any way for the purpose of conducting the viewing without the prior consent of the Medical Examiner or a person acting on behalf of the Medical Examiner.

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Identity Theft

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

330.2 POLICY

It is the policy of the Aransas Pass Police Department to effectively investigate cases of identity theft.

330.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person living within the jurisdiction of the Aransas Pass Police Department reports that he/she has been a victim of identity theft. This includes:

(a) Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.

(b) Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy. Encourage the individual to review the material, and assist with any questions.

A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Aransas Pass to facilitate the crime).

330.3.1 CONTENT OF REPORT

Officers investigating an incident of identity theft shall include in their report (Tex. Code of Crim. Pro. art. 2.29; Tex. Code of Crim. Pro. art 2.295):

(a) The name of the victim.

(b) The name of the suspects, if known.

(c) The type of identifying or financial information obtained, possessed, transferred or used.

(d) The results of any investigation.

Upon request, a copy of the report shall be provided to the victim (Tex. Code of Crim. Pro. art. 2.29; Tex. Code of Crim. Pro. art 2.295).

330.3.2 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).

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330.4 FOLLOW-UP INVESTIGATION

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for department use.

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Private Person's Arrest

331.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

331.2 POLICY

It is the policy of the Aransas Pass Police Department to accept a private person's arrest only when legal and appropriate.

331.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

(a) When an 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) When the person has reasonable grounds to believe property is stolen (Tex. Code of Crim. Pro. art. 18.16).

1. The person must bring the person suspected of committing the theft and the property before a magistrate or to a police officer for the purpose of examination.

(c) When the person reasonably believes that another has stolen or is attempting to steal property (Tex. Civ. Prac. & Rem. Code § 124.001).

1. The person may detain that person is a reasonable manner and for a reasonable time to investigate ownership of the property.

331.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

(a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.

(b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.

(c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

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331.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a private person's arrest form or provide a sworn statement. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

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Limited English Proficiency Services

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

332.1.1 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 proficiency (LEP) individual - 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 exhibit 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).

332.2 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.

332.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the 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 Supervisor and Communications Manager. The list should include information regarding:

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 data from 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 this department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of this department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing 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.

332.4 FOUR-FACTOR ANALYSIS

Because 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 the following 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 this 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.

332.5 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.

332.6 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.

332.7 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.

332.8 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.

332.9 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 that demonstrates their skills and abilities in the following areas:

(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.

332.9.1 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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332.9.2 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.

332.10 CONTACT AND REPORTING

Although 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 that involves a situation in which interpretation services were 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.

332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Aransas Pass Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

332.11.1 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.

Although 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.

332.12 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.

332.13 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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332.14 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.

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.

332.15 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, to protect 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.

332.16 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 a complaint 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.

332.17 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.

332.18 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

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how to access department-authorized telephonic and in-person interpreters and other available resources.

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 the established records retention schedule.

332.18.1 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 with Persons with Disabilities

333.1 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.

333.1.1 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 person with a disability uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

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 Department of Assistance and Rehabilitative Services (Tex. Hum. Res. Code § 82.001).

333.2 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.

333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107) or employ a service in lieu of a delegate. The coordinator or service shall be appointed by and directly responsible to the Executive Assistant of the Chief of Police or the authorized designee.

The responsibilities of the coordinator include, but are not 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 or 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 Supervisor and Communications Manager. The list should include information regarding:

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 individuals 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.

333.4 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 his/her 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.

333.5 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 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, is 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.

333.6 TYPES OF ASSISTANCE AVAILABLE

Aransas Pass Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it 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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333.7 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 (e.g., a personnel complaint form) or provide forms with enlarged print.

333.8 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).

333.9 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, are 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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333.10 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.

333.11 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.

333.12 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.

333.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and court 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.

333.13.1 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, is 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.

333.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are 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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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.

333.15 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, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. In the interest of the arrestee's health and welfare, to protect 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.

333.16 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 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 unless they are the investigator in charge of completing the internal investigation.

333.17 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.

333.18 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 those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals 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 the established records retention schedule.

333.18.1 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 provided to officers (Tex. Occ. Code § 1701.253).

333.18.2 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, are hard of hearing or 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 and 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, are hard of hearing or have impaired speech. Refresher training should occur every six months.

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Chaplains

334.1 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.

334.2 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.

334.3 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, free from addiction to alcohol or other drugs, and free from excessive debt.

(b) Managing his/her household, family 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's license.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

334.4 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.

334.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and non-discriminatory 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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334.4.2 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.

334.5 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. Chaplain uniforms shall 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.

334.6 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 Supervisor.

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The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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 a liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

334.7 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, but 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 and 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.

334.7.1 COMPLIANCE

Chaplains are volunteer members of this department and, except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

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334.7.2 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.

(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 Supervisor 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 unauthorized access to the data.

334.7.3 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 who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

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334.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in defusing a conflict or incident, when requested.

(b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the Shift Supervisor or supervisor believes the chaplain could assist 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.

(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) Training others to enhance the effectiveness of the Department.

334.7.5 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 a liaison with various civic, business and religious organizations.

(d) Assisting the community when they request 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.

334.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

334.8 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

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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.

334.9 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
- 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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Public Safety Video Surveillance System

335.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

335.2 POLICY

The Aransas Pass Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

335.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

335.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

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(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Supervisor or trained Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention of anything documented by public safety surveillance equipment is prohibited.

335.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, video enhancement or other analytical technology, requires additional safeguards.

335.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members follow department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

335.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.

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(b) Name and agency of the person being given access to the images.

(c) Name of person authorizing access.

(d) Identifiable portion of images viewed.

335.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

335.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

335.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be 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, digital masking of innocent or uninvolved individuals to preserve anonymity, 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.

335.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Aransas Pass Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Supervisor for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

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335.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

335.8 TRAINING

All department members authorized to operate or access public safety video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

336.1 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.

336.2 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, including call-out availability and follow-up responsibilities.

336.3 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 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 consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

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 nonproductive, 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.

336.3.1 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.

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Officers should allow the arrestee reasonable time to arrange for care of children and 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. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence that it would not be in the dependent person's best interest (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.

    1. 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.

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

(d) Notify Department of Family and Protective Services (DFPS) or the Department of Aging and Disability Services, if appropriate.

(e) Notify the field supervisor or Shift Supervisor 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.

336.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), 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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336.3.3 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. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(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 the person reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

336.3.4 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 response telephone number, the appropriate referral information may be provided.

336.4 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 contact the appropriate welfare service or other department-approved social service agency 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.

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336.5 TRAINING

The Training Coordinator is responsible for ensuring 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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Service Animals

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

337.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is 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 individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

337.2 POLICY

It is the policy of the Aransas Pass Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

337.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting 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.

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- 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 follow daily routines.

337.4 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 (28 CFR 35.136).

337.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally 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 member should ask the individual only the following questions (28 CFR 35.136(f)):

- 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 and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

337.4.2 CONTACT

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.

337.4.3 REMOVAL

If a service animal is not housebroken or 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 handler 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 service animal (28 CFR 35.136(b)).

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 that are reasonably available to an individual with a disability, with or without a service animal.

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337.4.4 COMPLAINTS

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 handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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 (DOJ).

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Volunteers

338.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Aransas Pass Police Department volunteers to supplement and assist department personnel in their duties. Trained volunteers are members who can augment department personnel and help complete various tasks.

338.1.1 DEFINITIONS

Definitions related to this policy include:

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.

338.2 POLICY

The Aransas Pass Police Department shall ensure that volunteers are properly appointed, trained and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

338.3 ELIGIBILITY

Requirements for participation as a volunteer for the Department may include, but are not limited to:

(a) Residency in the City of Aransas Pass.

(b) Being at least 18 years of age for all positions other than Explorer.

(c) Being at least 14 years of age for Explorer.

(d) Possession of a valid driver’s license if the position requires vehicle operation.

(e) Possession of liability insurance for any personally owned equipment, vehicles or animals utilized during volunteer work.

(f) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.

(g) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.

(h) No mental illness or chemical dependency condition that may adversely affect the person’s ability to serve in the position.

(i) Ability to meet physical requirements reasonably appropriate to the assignment.

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(j) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

338.4 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.

338.4.1 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 by interested department members to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All department members 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 requester is prepared to make effective use of volunteer resources.

338.4.2 SELECTION

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

(a) Submit the appropriate written application.

(b) Interview with the volunteer coordinator.

(c) Successfully complete an appropriate-level background investigation.

338.4.3 APPOINTMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment by the Chief of Police or the authorized designee. 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 he/she has been officially accepted for that position and has 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 the position description and agreement of service with the Department.

All volunteers shall receive materials and shall be required to agree to the volunteer job duties. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

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Volunteers serve at the discretion of the Chief of Police.

338.5 IDENTIFICATION AND UNIFORMS

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. Uniforms and necessary safety equipment will be provided for each volunteer. Identification symbols worn by volunteers shall be different and distinct from those worn by officers or other members of this department through the inclusion of "Volunteer" on the uniform.

Volunteers 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, except that “Volunteer” will be indicated on the cards.

338.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular department personnel, when authorized, may also serve as volunteers. However, this department shall not utilize the services of volunteers in such a way that it would violate employment laws, collective bargaining agreements or memorandums of understanding (e.g., a detention officer participating as a volunteer for reduced or no pay). Therefore, the volunteer coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a volunteer capacity (29 CFR 553.30).

338.7 VOLUNTEER COORDINATOR

The volunteer coordinator shall be appointed by and directly responsible to the Administration Division Commander or the authorized designee.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist efforts to jointly provide more productive volunteer services. Under the general direction of the Chief of Police or the authorized designee, volunteers shall report to the volunteer coordinator and/or Shift Supervisor.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified volunteers.

(b) Conducting volunteer meetings.

(c) Establishing and maintaining a volunteer callout roster.

(d) Maintaining records for each volunteer.

(e) Tracking and evaluating the contribution of volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

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(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.

(j) Maintaining volunteer orientation and training materials and outlining expectations, policies and responsibilities for all volunteers.

An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

338.8 DUTIES AND RESPONSIBILITIES

Volunteers assist department personnel as needed. Assignments of volunteers may be to areas within the Department as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All volunteers will be assigned to duties by the volunteer coordinator or the authorized designee.

338.8.1 COMPLIANCE

Volunteers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular department personnel, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required by this department to meet department-approved training requirements as applicable to their assignments.

338.8.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

338.9 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assigned duties. A volunteer's training should correspond to his/her assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the Department and law enforcement procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

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Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission infer that they are, 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 applicable orders and directives, either oral or written, issued by the Department.

338.9.1 VOLUNTEER TRAINING MATERIALS

Each new volunteer will be issued volunteer training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer with the Aransas Pass Police Department. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

338.10 SUPERVISION

Each volunteer 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.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to members 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 volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee of the Aransas Pass Police Department.

338.10.1 EVALUATIONS

While in training, volunteers should be continuously evaluated using standardized daily and weekly observation reports. A volunteer will be considered a trainee until he/she has satisfactorily completed training. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that volunteer.

338.10.2 FITNESS FOR DUTY

No volunteer shall report for work or be at work when his/her judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes, but is not limited to:

(a) Driver's license.

(b) Medical condition.

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(c) Arrests.

(d) Criminal investigations.

(e) All law enforcement contacts.

338.11 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of criminal histories, investigative files or information portals. Unless otherwise directed by a supervisor, the duties of the position or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members 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.

A volunteer whose assignment requires the use of, or access to, confidential information will be required to have his/her fingerprints submitted to the Department of Public Safety to obtain clearance. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. 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 newspapers or other periodicals, 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.

338.11.1 RADIO AND MOBILE DATA TERMINAL USAGE

If necessary for the appointed position, volunteers shall successfully complete state and federal database access training and radio procedures training prior to using police radios or Mobile Data Terminals and shall comply with all related provisions. The volunteer coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

338.12 EQUIPMENT

Any property or 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.

338.12.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the volunteer coordinator.

Volunteers assigned to duties that require the use of a vehicle must first complete:

(a) A driving safety briefing and department-approved driver safety course.

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(b) Verification that the volunteer possesses a valid driver's license.

(c) Verification that the volunteer carries current vehicle insurance.

The coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating department vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked law enforcement vehicle unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate department vehicles while using the vehicle's emergency equipment (e.g., emergency lights siren).

338.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers are considered at-will and may be removed from service at the discretion of the Chief of Police, with or without cause. Volunteers shall have no property interest in their continued appointments. 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 the 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 and a reason for their decision.

338.13.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

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Native American Graves Protection and Repatriation

339.1 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.).

339.1.1 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.

339.2 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.

339.3 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 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

339.4 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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Off-Duty Law Enforcement Actions

340.1 PURPOSE AND SCOPE

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.

340.2 POLICY

It is the policy of the Aransas Pass Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer 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 or loss, may take reasonable action to minimize or eliminate the threat.

340.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed peace officers to arrive instead of immediately intervening and, while waiting, gather as much accurate intelligence as possible. However, if an officer decides to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

(a) The potential to be misidentified by other peace officers.

(b) The potential to be misidentified by members of the public, who may be armed or who may take action.

(c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.

(d) Limited off-duty firearms capabilities and ammunition.

(e) The inability to communicate with responding peace officers.

(f) The lack of equipment, such as body armor, handcuffs or control devices.

(g) Unfamiliarity with the surroundings, including escape routes.

(h) The potential for increased risk to bystanders by confronting a suspect or taking action.

340.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

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Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Aransas Pass Police Department until acknowledged. Official identification should also be displayed when possible.

340.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

340.4.1 CIVILIAN RESPONSIBILITIES

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

340.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

340.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Shift Supervisor regarding any law enforcement action taken while off-duty. The Shift Supervisor may send a supervisor to the location. The supervisor may request assistance from the Administration Division, if deemed appropriate.

The Shift Supervisor shall determine whether a crime report or an administrative report should be completed by the involved officer.

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Chapter 4 - Patrol Operations

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Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Aransas Pass Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Aransas Pass. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of both criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Directing and controlling traffic.

(h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.

(i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with

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opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 CROWDS, EVENTS AND GATHERINGS

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

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Aransas Pass Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 3.05).

401.2 POLICY

The Aransas Pass Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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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 contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING MOTOR VEHICLE STOPS

The Patrol Division Commander should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws (Tex. Code of Crim. Pro. art. 2.132 (Tier One); Tex. Code of Crim. Pro. art. 2.133 (Tier Two)).

Each time an officer makes a motor vehicle stop, the officer shall gather the required information using the system in place for racial profiling reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

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

    1. Supervisors should document these discussions, in the through our Guardian Tracking system.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews by tagging videos they review with the "Racial Profiling & Policy Review" tag in evidence.com.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy and refer their findings for an internal affairs investigation.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Chief of Police shall annually submit a report of the information required in Tex. Code of Crim. Pro. art. 2.132 to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department.

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The Chief of Police shall also provide to TCOLE and each governing body served by the Department a report containing an analysis of the information required by Tex. Code of Crim. Pro. art. 2.133. The report must be submitted by March 1 of each year (Tex. Code of Crim. Pro. art. 2.134).

The reports may not include identifying information about any officer who made the motor vehicle stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art. 2.134).

401.7 ADMINISTRATION

The Patrol Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2.132).

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

401.8 COMPLIMENTS AND COMPLAINTS

The Patrol Division Commander is responsible for educating the public on the Department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the Departmentwebsite and via the Patrol Department's Homepage. This information shall include the telephone number (361-758-5224), mailing address (600 Cleveland Blvd., Aransas Pass, Texas 78336) and e-mail (InformTheChief@aransaspasstx.gov) address to make a compliment or complaint regarding a ticket, citation,warning issued or other staff interaction.

In the event that an investigation is initiated against an officer or staff member for a violation of this policy, the Patrol Division Commander should ensure that a copy of any related recording is provided as soon as practicable to the employeeupon written request (Tex. Code of Crim. Pro. art. 2.132).

401.9 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 onracial 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

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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.

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Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 BRIEFING

All divisions and specialized units will conduct regular briefing to discuss, disseminate and exchange information among department members, work groups and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Briefing should include, but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
    1. Wanted persons.
    2. Crime patterns.
    3. Suspect descriptions.
    4. Intelligence reports and photographs.
    5. Community issues affecting law enforcement.
    6. Major investigations.

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

(c) Reviewing recent incidents for situational awareness and training purposes.

(d) Providing training on a variety of subjects.

(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Departmental Directives and any recent policy changes.

402.3.1 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Coordinator for inclusion in training records, as appropriate.

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402.4 PREPARATION OF MATERIALS

The member conducting briefing is responsible for preparation of the materials necessary for a constructive briefing.

402.5 TRAINING

Briefingtraining should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 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.

403.3 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, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

403.4 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:

(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.

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403.5 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.

403.5.1 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.

403.6 ENFORCING HEALTH ORDERS

When the Department of Health or a health authority has ordered a group of five or more individuals who have been exposed to or infected with a communicable disease to implement control measures to prevent the spread of the disease, officers have authority to secure the members of the group and to prevent the members from leaving the group or others from joining the group (Tex. Health & Safety Code § 81.083). In addition, when an area quarantine has been imposed by the Department of Health or a health authority, officers have authority to secure the area and to prevent individuals from entering or leaving the quarantine area (Tex. Health & Safety Code § 81.085).

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Ride-Alongs

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Aransas Pass Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

404.2 POLICY

Ride-along opportunities will be provided to the members of the public, City employees and members of this department to observe and experience, first-hand, various functions of the Aransas Pass Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as Dispatch.

404.3 ELIGIBILITY

A ride-along is available to Aransas Pass residents and business owners, students currently attending class in Aransas Pass and those employed within the City of Aransas Pass. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the city.
- Denial by any supervisor.

404.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 0000 hours to 2359 hours. Exceptions to this schedule may be made as approved by the Chief of Police or Shift Supervisor.

404.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Shift Supervisor. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver’s license number, birthdate, address and telephone number.

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The Shift Supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

404.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Volunteers
- Chaplains
- Reserves
- Aransas Pass Police Department applicants
- Any others with approval of the Shift Supervisor
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Explorers are covered in the Explorers Policy.

404.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Shift Supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this department or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

404.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check via the Texas Law Enforcement Telecommunication System (TLETS). The criminal history check may include a local records check and a check of records in the NCIC and TCIC systems prior to approval of the ride-along.

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404.6.3 SUITABLE ATTIRE

Any person approved to participate in a 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 pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift Supervisor. The Shift Supervisor or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

404.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the department member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.

(c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.

1. If the ride-along is in progress, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the telecommunications operator that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The telecommunications operator will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Shift Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

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Upon completion of the ride-along, the member shall return the waiver form to the Shift Supervisor.

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Hazardous Material Response

405.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 POLICY

It is the policy of the Aransas Pass Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

405.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

The Texas Department of Public Safety (DPS) 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).

405.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.

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1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.

2. Driver's statements or shipping documents from the person transporting the material.

3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:

(a) The type of material.

(b) How to secure and contain the material.

(c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(i) Establish a decontamination area when needed.

(j) Activate automated community notification systems, if applicable.

(k) Notify the Texas DPS, as necessary (37 Tex. Admin. Code § 4.2).

405.5 REPORTING EXPOSURE

Departmentmembers 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 member in an incident report that shall be forwarded via chain of command to the Shift Supervisor as soon as practicable. Should the affected member be unable to document the

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exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by 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 as applicable.

405.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this department may be available through the appropriate fire department or emergency response team.

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Hostage and Barricade Incidents

406.1 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 recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 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.
- Unlawfully held against his/her will under threat or actual use of force.

406.2 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.

406.3 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.

406.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to disconnect or control telephone lines in order to prevent an armed and barricaded suspect or person holding a hostage from communicating

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with anyone other than designated personnel when the supervisor has probable cause to believe that the suspect is committing a crime (Tex. Utilities Code § 186.021).

406.4 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.

406.4.1 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. In 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 uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt to 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.

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(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 Public Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

406.4.2 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 uninjured 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 to 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.

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(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 PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 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 Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT 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 assignment members, additional department members, 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., electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential 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 PIO 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.

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406.6 SWAT RESPONSIBILITIES

It will be the SWAT Commander's decision, with input from the Incident Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the SWAT Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access, and will support the SWAT. The Incident Commander and the SWAT Commander or the authorized designees shall maintain direct communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

407.1 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 or 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.

407.2 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.

407.3 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 Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 ARANSAS PASS POLICE DEPARTMENT FACILITY

If the bomb threat is against the Aransas Pass Police Department facility, the Shift Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 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 Supervisor deems appropriate.

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407.4.3 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.

407.5 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 Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Shift Supervisor should be notified when police assistance is requested. The Shift Supervisor 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 Supervisor determine that the Department will assist or control such an incident, he/she will determine:

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(a) The appropriate level of assistance.

(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.

407.6 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:

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.

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(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 Supervisor 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).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 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, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

407.7.1 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.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Fire marshal
- Bomb squad

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- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Supervisor
- 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

407.8 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.

407.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Supervisor 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 embedded in nearby structures or hanging in trees and bushes.

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Crisis Intervention Incidents

408.1 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.

408.1.1 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; noncompliance 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.

408.2 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.

408.3 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 or lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

408.4 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.

408.5 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 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.

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408.5.1 TRANSFER TO TREATMENT CENTER

An officer should transfer a person to an available treatment center, in lieu of making an arrest, when it is reasonable and it appears that a mental health crisis or substance abuse issue led the person to commit the offense. Transfer to a treatment center is not an option when the offense was any of the following (Tex. Code of Crim. Pro. art. 16.23):

(a) A felony

(b) A misdemeanor involving violence

(c) Any of the following:

1. Driving while intoxicated (Tex. Penal Code § 49.04)
2. Driving while intoxicated with a child passenger (Tex. Penal Code § 49.045)
3. Flying while intoxicated (Tex. Penal Code § 49.05)
4. Boating while intoxicated (Tex. Penal Code § 49.06)
5. Assembling or operating an amusement park ride while intoxicated (Tex. Penal Code § 49.065)

408.6 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.

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 and 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 (i.e., 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.

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- Argue, speak with a raised voice or use threats to obtain compliance.

408.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the telecommunications operator 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 or 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.

408.8 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).

(c) Absent an imminent threat to the public, consider strategic disengagement. 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.

408.9 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.

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408.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical 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.

408.11 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 to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

408.12 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 § 1701.352; Tex. Occ. Code § 1701.402; Tex. Educ. Code § 96.641).

408.12.1 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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Emergency Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under an emergency detention.

409.2 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.

409.3 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. Officers may also request that emergency medical services (EMS) personnel transfer the person to an appropriate facility if the Aransas Pass Police Department has a memorandum of understanding with the EMS provider under Tex. Health & Safety Code § 573.005 (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.

409.3.1 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).

Officers shall also give these notices to the individual when EMS personnel will be transporting the individual for evaluation (Tex. Health & Safety Code § 573.005).

409.3.2 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.

(b) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

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If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with the Peace Officer's Notification of Emergency Detention, if appropriate.

409.3.3 NOTIFICATIONS

If an officer determines that a person taken into custody for an emergency detention is a person for whom a guardian has been appointed (i.e., ward of the state), the officer shall notify the appropriate probate court with jurisdiction over the person's guardianship of the person's detention or transportation to a facility as soon as practicable but no later than one business day after the detention (Tex. Health & Safety Code § 573.0021).

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources that may be readily available to assist 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.

409.5 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 the patrol unit 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 Supervisor approval is required before transport commences.

409.5.1 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 prescribed by Tex. Health & Safety Code § 574.045.

409.6 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

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provide the staff member with the Notification of Emergency Detention and remain present to provide clarification of the grounds for detention, upon request.

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.

409.7 DOCUMENTATION

The officer shall complete a Notification of Emergency Detention, provide it to the facility staff member assigned to the individual or to the EMS personnel transporting 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.

409.8 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 detention.

(c) Facilitate the individual's transfer to jail.

(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 instead be 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.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency detention, the handling officers should seek to determine if the person 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 officer 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).

409.10 TRAINING

This department will provide training approved by the Texas Commission on Law Enforcement (TCOLE) on interacting with persons with mental disabilities, emergency detentions and crisis intervention (Tex. Occ. Code § 1701.352).

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Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Aransas Pass Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Family Violence Policy.

410.2 POLICY

The Aransas Pass Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a citation as follows (Tex. Code of Crim. Pro. art. 14.06):

(a) For class C misdemeanors, other than public intoxication unless approved by a supervisor, by issuing a citation that contains a written notice with the following information:

1. The name and address of the person.
2. The offense with which the person is charged.
3. The time and place the person must appear before a magistrate.
4. The admonishment required by Tex. Code of Crim. Pro. art. 14.06 regarding possession of a firearm.
5. Information regarding alternatives to the full payment of any fine and costs that the person would incur if the person was convicted of the offense and could not pay the amount.

(b) For certain Class A and B misdemeanors, as specified by Tex. Code of Crim. Pro. art. 14.06(d), by issuing a citation that contains a written notice with the following information consistent with procedures established by the appropriate local prosecutor’s office:

1. The name and address of the person.
2. The offense with which the person is charged.
3. The time and place the person must appear before a magistrate.

410.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted for public intoxication unless it is in accordance with Tex. Code of Crim. Pro. art. 14.031 and approved by a supervisor.

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See the Family Violence Policy for release restrictions related to those investigations.

410.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual's ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

410.6 STATE MILITARY PERSONNEL

A person en route to or from active state military duty may not be arrested except for treason, a felony or an offense involving a breach of the peace (Tex. Gov't. Code § 437.223). For all other offenses, these persons may be issued a citation as specified within this policy.

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Foreign Diplomatic and Consular Representatives

411.1 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.

411.2 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.

411.3 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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411.4 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

411.5 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.

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411.5.1 DOCUMENTATION PROCEDURES

An officer shall document all of the relevant information required by Tex. Transp. Code § 543.011 when, a person holding a driver's license issued by the DOS or otherwise claiming privileges or immunities is stopped or issued a citation by the officer for any of the following offenses:

(a) A traffic violation

(b) Driving While Intoxicated (DWI)

(c) Intoxication assault

(d) Intoxication manslaughter

The Records Division 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).

411.6 DIPLOMATIC IMMUNITY

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	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability

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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))
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 and 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 represents 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 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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Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

412.2 POLICY

The Aransas Pass Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.4 FIRST RESPONSE

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 reduce, prevent or 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.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

412.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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412.6 TRAINING

The Training Coordinator should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Aransas Pass Police Department relating to immigration and interacting with federal immigration officials.

413.2 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 national origin or immigration status.

413.3 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, ethnicity, or national origin in any way that would violate the United States or Texas constitutions.

413.3.1 INQUIRY INTO IMMIGRATION STATUS

Members should not inquire into the nationality or immigration status of a victim or witness unless doing so is relevant to the investigation or to provide the victim or witness with information about visas for individuals providing assistance to law enforcement (i.e., T visa or U visa) (Tex. Code of Crim. Pro. art. 2.13).

413.4 DETENTIONS

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.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

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

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may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify federal immigration officials when booking arrestees at the City jail. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUEST FOR ASSISTANCE

Requests by federal immigration officials 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.

413.7 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; Tex. Gov't Code § 752.053):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

(d) Permitting federal immigration officials to enter a jail and conduct enforcement activities

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413.7.1 IMMIGRATION DETAINERS

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.

413.7.2 COMPLYING WITH IMMIGRATION DETAINERS

The Aransas Pass Police Department will comply with lawful immigration detainer requests related to a person already in custody unless there is reason to believe the person is a citizen of the United States or has lawful immigration status in the United States based on proof such as a Texas driver's license or similar government-issued identification.

An individual who is being held in custody and who is the subject of a federal immigration detainer shall be informed he/she is being held pursuant to an immigration detainer request issued by federal immigration officials (Tex. Code of Crim. Pro. art. 2.251).

413.8 U VISA AND T VISA NONIMMIGRANT 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)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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.

    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.

413.9 TRAINING

The Training Coordinator should ensure officers receive immigration training on this policy. Training should include:

(a) Identifying civil versus criminal immigration violations.

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(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Utility Service Emergencies

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

414.2 POLICY

It is the policy of the Aransas Pass Police Department to appropriately respond to City emergency utility service requests received by this department.

414.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Dispatch.

414.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable.

414.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

414.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

414.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

414.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Dispatch of the problem with the traffic signal. The telecommunications operator should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

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Utility Service Emergencies

A decision to place a signal on flash should include a consultation with the appropriate traffic signal maintenance agency, unless exigent circumstances exist.

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Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY

It is the policy of the Aransas Pass Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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415.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made 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. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

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- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the City of Aransas Pass shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of APPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

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415.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training

416.1 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, or prior Law Enforcement experience, to the actual performance of general law enforcement duties of the Aransas Pass Police Department.

416.2 POLICY

It is the policy of the Aransas Pass Police Department that all newly hired or appointed officer/ telecommunicator trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

416.3 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Possession of a Basic TCOLE Peace Officer Certificate.

(c) Demonstrated ability to be a positive role model.

(d) Evaluation by Field Training Program Coordinator(s).

416.4 TRAINING

An officer selected as an FTO should successfully complete a TCOLE-certified, Field Training Officer’s Course prior to being assigned as a FTO, or as soon as possible after being assigned to that position.

All Field Training Officers should receive continuing education in Field Training Updates, Management, Leadership, or other Supervision related training at least every 3 years while assigned to the position.

416.5 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Coordinator will be selected from the rank of Corporal or above by the Patrol Division Commander or authorized designee and shall possess a Field Training Officer Certificate and at minimal, a TCOLE Intermediate Proficiency Certificate.

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The responsibilities of the FTO Program Coordinator include the following:

(a) Assignment of Officers in Training to Field Training Officers.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/Officer in Training performance evaluations are completed.

(d) Maintain, update, and issue the Field Training Officer Program Policies and Procedures, Field Training documentation program(s), and Recruit Training Guides.

(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.

(j) Review the Officer in Training Daily Observation Reports, End of Phase Evaluation Reports, and End of Program Evaluation Reports submitted by the FTO's.

(k) Hold periodic meetings with all FTO's to ensure understanding and compliance with the requirements of the Field Training Program.

(l) At least annually, the Field Training Officer Program Coordinator will hold a process review meeting with all FTO's 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.

416.6 OFFICER IN TRAINING DEFINED

Officer in Training - (May also be referred to as Trainee or telecommunicator)- Any entry level or lateral police officer newly appointed to the Aransas Pass Police Department who has successfully completed a TCOLE-approved basic academy and possesses a Texas Peace Officer license or Telecommunicator's license.

416.7 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 Field Training Officer Program Coordinator or Chief of Police.

To the extent practicable, entry level and lateral officers should be assigned to a variety of FTO's and Shifts, during their Field Training Program.

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416.8 RECRUIT TRAINING GUIDE

Each new officer in training will be provided access to the Agency360 program, or current FTO documentation program at the beginning of his/her First Training Phase. This guide will outline 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 this program.

416.9 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.10 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written observation on the performance of his/her assigned Officer in Training to the FTO Program Supervisors at the completion of every work day.

(b) Review the Daily Observation Report with the Officer in Training at the end of each training day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned Officer in Training at the end of each phase of training.

(d) Sign off all completed topics contained in the Recruit Training Guide, noting the method(s) of learning and evaluating proficiency for each topic.

(e) Ensure that Officers in Training complete all the required Calls and Objectives outlined in the program, before Phase 5 of their training.

416.11 FIELD TRAINING PROGRAM PHASES

The Field Training Program will be divided into phases and individual requirements will be defined for each phase. The Officer in Training will be required to show proficiency in each category before moving to the next phase of training. Each phase of training will have a set time period, then an end of phase evaluation will be completed by the Field Training Officer. If the Officer in Training does not show proficiency in each category, the Officer in Training will be placed on a 1 week remedial training period, focusing specifically on the area(s) the Officer in Training is not proficient in. After

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the 1 week remedial training, another End of Phase Review will be completed. If the Officer in Training still does not show proficiency in all categories, the Officer in Training will be placed on an additional 1 week remedial training period with a different Field Training Officer. At the end of the second remedial training period, the Field Training Officer will complete an additional End of Phase Review. If the Officer in Training still does not show proficiency in all categories, a report will be submitted to the Field Training Program Coordinator and he/she will determine if additional training time is beneficial for the department, or he/she will submit a report to the Chief of Police for review and possible termination from the Field Training Program.

- Phase 1 Communications and IT & Patrol
    - 1 Week (or equivalent to 40hrs spent with a Communications Training Officer (Peace Officer Trainees) or on patrol (TCO trainees))
- Phase 2 Patrol FTO #1
    - 6 Weeks
- Phase 3 Patrol FTO #2
    - 6 Weeks
- Phase 4 Patrol FTO #3
    - 4 Weeks
- Phase 5 Supervisor Review including a shadow phase
    - 2 Weeks

If the Officer in Training shows proficiency in all categories prior to the set time period, the Field Training Officer may submit an end of phase review to the FTO Supervisors. If proficiency is shown in all categories the Officer in Training may be advance to the next phase at the FTO Supervisors discretion.

Set time periods for each phase may be modified by the Field Training Officer Program Coordinator or Chief of Police if he/she determines it to be necessary.

416.12 OFFICER IN TRAINING

At the completion of the Field Training Program, the Officer in Training shall submit a FTO Critique of each of their FTOs and on the Field Training Program.

416.13 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

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1. Officer in Training Daily Observation Reports.
2. End of Phase Reviews.
3. End of Program Training Evaluation Report
4. Report of TCOLE Peace Officer Field Training (3722)

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Air Support

417.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

417.2 POLICY

It is the policy of the Aransas Pass Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

417.3 REQUEST FOR AIR SUPPORT

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 may be made.

417.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

(a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.

(b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.

(c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

(d) Vehicle pursuits.

(e) Pre-planned events or actions that require air support.

(f) Due to a request under an existing mutual aid agreement.

(g) When the Shift Supervisor or equivalent authority determines a reasonable need exists.

417.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Shift Supervisor or the authorized designee will call the closest agency having available air support and will apprise that agency of the specific details of the incident prompting the request.

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Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

The taking of photographs of a juvenile is handled by the Temporary Custody of Juveniles Policy.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - 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 purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary 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, body-worn camera or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous 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 - 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.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

418.2 POLICY

The Aransas Pass Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

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418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Aransas Pass Police Department to strengthen community involvement, community awareness and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of 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 area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

418.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. 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. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

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.

418.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor with either an associated FI card or other documentation 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 Supervisor should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Division.

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When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

418.5.4 SUPERVISOR RESPONSIBILITIES

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 is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable 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 investigator to utilize available members for the following:

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

1. When feasible, a recorded statement should be obtained from those 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 members.

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 transport.

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Criminal Organizations

419.1 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.

419.1.1 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.

419.2 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.

419.3 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.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (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 Division. Any

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supporting documentation for an entry shall be retained by the Records Division 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 Division are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

419.3.2 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. 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.

419.4 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.

419.4.1 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 Division or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, 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 to a source should be retained with the information.

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419.4.2 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.

419.4.3 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.

419.5 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.

419.6 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).

419.6.1 RIGHT TO REQUEST EXISTENCE OR REVIEW OF CRIMINAL INFORMATION
When an inquiry is made by a person or the parent or guardian of a juvenile as to whether information about that person or the juvenile is in a temporary information file created by the Department pursuant to Tex. Code of Crim. Pro. art. 61.02, the supervisor responsible for the temporary information file should respond as required by Tex. Code of Crim. Pro. art. 61.075.

Upon receipt of a written request challenging the information contained in the temporary information file from the person or the parent or guardian of a juvenile, the supervisor responsible

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for the file should conduct a review and make a determination and proper notification in accordance with Tex. Code of Crim. Pro. art. 61.08.

419.7 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-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

419.8 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 multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency 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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Shift Supervisors

420.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Shift Supervisor and, as needed, an acting Shift Supervisor for each shift.

420.2 POLICY

Each shift will be directed by a Shift Supervisor capable of making decisions and managing in a manner consistent with the mission of the Aransas Pass Police Department. To accomplish this, a Supervisor shall be designated as the Shift Supervisor for each shift.

420.3 DESIGNATION AS ACTING SHIFT SUPERVISOR

With prior authorization from the Patrol Division Commander, generally when a Supervisor is unavailable for duty as Shift Supervisor, a qualified lower-ranking member shall be designated as acting Shift Supervisor in accordance with the terms of applicable collective bargaining agreements or memorandum of understanding and the Temporary Supervisors subsection of the Supervision Staffing Levels Policy.

420.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall have overall responsibility and accountability for the operation of this department on an assigned shift. Duties may include, but are not limited to:

(a) Ensuring at least one uniformed patrol supervisor is deployed during each shift, in addition to the Shift Supervisor.

(b) Ensuring sufficient members are on-duty to accomplish the mission of the Aransas Pass Police Department.

(c) Providing command-level oversight of major crime scenes, tactical situations or disasters.

(d) Establishing service-level priorities.

(e) Providing job-related training and guidance to subordinates.

(f) Acquiring outside resources or providing assistance to other agencies, when applicable.

(g) Handling service inquiries or complaints from the public.

(h) Acting as the Public Information Officer when appropriate.

(i) Managing risk exposure.

(j) Ensuring the security of all department facilities.

(k) Ensuring the proper equipment and vehicles are available for member use.

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(l) Representing the Department at community functions.

(m) Serving as a temporary Division Commander when so designated.

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Mobile Audio/Video

421.1 PURPOSE AND SCOPE

The Aransas Pass Police Department may equip marked law enforcement vehicles with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

421.1.1 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 MAV system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods and storage and retrieval methods 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.

421.2 POLICY

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

421.3 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 personal identification number (PIN) 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.

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421.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle'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.

421.4.1 REQUIRED ACTIVATION OF THE 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 it would be appropriate or valuable to document an incident.

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 (including, 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. Driving while intoxicated (DWI) 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, including:

1. Family violence
2. Disturbance of the peace

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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

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

421.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose 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. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

421.4.3 SURREPTITIOUS RECORDING

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.

421.4.4 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 the IT manager.

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 the media was issued.
3. The name of the department member or the vehicle to which the media was issued.
4. The date the media was submitted for retention.
5. The name of the department member submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new members 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 traffic accidents), a supervisor shall

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respond to the scene and ensure that the appropriate person 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.

421.5 REVIEW OF MAV RECORDINGS

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

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) By officers 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 department investigators who are 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 the permission of the Chief of Police or the authorized designee

(i) By the media through proper process

(j) To assess possible training value

(k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to 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)

(m) As may be directed by the Chief of Police or the authorized designee

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Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. 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 ridiculing or embarrassing any member.

421.6 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.

421.7 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 for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

421.7.1 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.

421.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a 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.

421.8 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 MAVs 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 or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff.

421.9 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 the established records retention schedule, 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 established records retention schedule.

421.10 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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Mobile Data Terminal Use

422.1 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 proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

422.2 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.

422.2.1 VIOLATION 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.

422.3 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).

422.4 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 Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or 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

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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.

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a telecommunications operator 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 telecommunications operator.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

422.5.1 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 when the vehicle is not in motion.

422.5.2 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 Supervisor are notified of the incident without delay.

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 handling a different emergency.

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422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MALFUNCTIONING MDT

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 telecommunications operator to document all information that will then be transmitted verbally over the police radio.

422.6.2 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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Portable Audio/Video Recorders

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Aransas Pass Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

Additional related provisions are in the Records Maintenance and Release and Protected Information policies.

423.2 POLICY

The Aransas Pass Police Department provides members with access to portable video/audio recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public. The recorders shall be used in accordance with the MAV policy, unless otherwise indicated herein.

423.3 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.

(e) Preparing the annual report required by Tex. Occ. Code § 1701.653.

(f) Ensuring that Texas Commission on Law Enforcement (TCOLE) training is provided to members who are assigned to wear body-worn recording devices and any other personnel who may come into contact with data obtained from the devices (Tex. Occ. Code § 1701.656).

(g) Establishing procedures for making backup copies of recordings (Tex. Occ. Code § 1701.655).

423.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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423.5 MEMBER RESPONSIBILITIES

Prior to going into service, each portable video assigned member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and the IT director and obtain a functioning device as soon as reasonably practicable.Members assigned a portable video deviceshould wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position shall carry an approved portable recorder at any time the member anticipates official contact with the public. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable. Members assigned as TFO's attached to a federal agency must follow federal guidelines related to audio/video recordings of encounters, while acting in their federal authorty.

When using a recorder, the assigned member shall record his/her name, APPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation. In addition, members should document instances where the member did not activate the device at all and the reason for such decision (Tex. Occ. Code § 1701.657).

423.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder shall be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview situations, including during their responses to calls/events

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which an officer would normally notify Dispatch

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

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

423.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

423.6.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO 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 may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

423.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

423.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

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Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor, and then only if allowed under Tex. Occ. Code § 1701.658. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

423.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

(g) The recording or portions of the recording may be protected under Tex. Occ. Code § 1701.660 et seq. or the Texas Public Information Act.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

423.8 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 180 days.

423.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy and State Law.

423.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases.) However, members

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shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

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

All recordings should be reviewed by the Custodian of Records prior to public release (See the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

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Public Recording of Law Enforcement Activity

424.1 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.

424.2 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.

424.3 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 officer, him/herself or others.

424.4 OFFICER RESPONSE

Officers should promptly request that 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.

424.5 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.

424.6 SEIZING RECORDINGS AS EVIDENCE

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. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Section Policy.

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Medical Marijuana

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marihuana under Texas's medical marihuana laws.

425.1.1 DEFINITIONS

Definitions related to this policy include (Tex. Occ. Code § 169.001; Tex. Health & Safety Code § 487.001):

Dispensing organization - An organization licensed by the Texas Department of Public Safety (DPS) to cultivate, process and dispense low-tetrahydrocannabinol (THC) cannabis to a patient under a prescription.

Low–THC cannabis - Marihuana and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin or oil of that plant that contains not more than 0.5 percent by weight of THCs and not less than 10 percent by weight of cannabidiol.

425.2 POLICY

It is the policy of the Aransas Pass Police Department to prioritize resources to avoid making arrests related to marihuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Texas medical marihuana laws are intended to provide protection from prosecution to those who use or possess marihuana in the form of low-THC cannabis by prescription. However, Texas medical marihuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marihuana. The Aransas Pass Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Texas law and the resources of the Department.

425.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marihuana generally fall into one of two categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a person with a prescription.

425.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production or use of marihuana or drug paraphernalia where no person claims that the marihuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marihuana was possessed or produced for medicinal purposes.

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425.3.2 INVESTIGATIONS INVOLVING A PERSON WITH A PRESCRIPTION

A patient for whom low-THC cannabis is prescribed or the patient's legal guardian shall not be arrested for possession of low-THC cannabis obtained under a valid prescription from a dispensing organization (Tex. Health & Safety Code § 481.111).

Reasonable effort should be taken to confirm a person has a prescription for low-THC cannabis if it is not in the person's possession.

425.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marihuana possession, delivery, production or use:

(a) Officers may obtain information from the Compassionate-Use Registry for the purpose of verifying whether a patient has a prescription for low-THC cannabis and whether it has been filled (37 Tex. Admin. Code § 12.41).

(b) Before proceeding with enforcement related to a licensed dispensing organization, officers should consider conferring with appropriate legal counsel (Tex. Health & Safety Code § 487.101).

425.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marihuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

425.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marihuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marihuana is not destroyed. The Property and Evidence Section supervisor is not responsible for caring for live marihuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should as soon as practicable return to the person from whom it was seized any useable marihuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor should not destroy marihuana that was alleged to be for medical purposes except upon receipt of a court order.

The Property and Evidence Section supervisor may release marihuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Division supervisor.

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Medical Aid and Response

426.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

426.2 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.

426.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, 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.

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Members should not direct EMS personnel whether to transport the person for treatment.

426.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional 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.

426.5 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 medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the 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 or an emergency detention 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.

426.5.1 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.

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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.

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.

426.6 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 Conducted Energy Device policies.

426.7 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 shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.

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- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the 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.

426.8 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.

The AED supplied by the police department provides an instructional video. All members shall review the video and have a basic understanding of its functionality prior to use.

Instructional video: https://youtu.be/z1cyRNgzyrQ

426.8.1 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 should contact Dispatch as soon as possible and request response by EMS (Tex. Health & Safety Code § 779.004).

426.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

426.8.3 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).

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First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 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.

427.3 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, 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 to 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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427.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, 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, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 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:

- 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.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 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).

427.5.2 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:

(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 (helmets, shields, etc.).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) An established liaison with demonstration leaders and external agencies.

(h) An established 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.

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(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

427.5.3 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 Outside Agency Assistance Policy).

427.6 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.

427.7 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 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 (TM)s 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 the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsicum (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.

427.8 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).

427.9 MEDIA RELATIONS

The Public Information 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).

427.10 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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427.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include:

(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).

427.11.1 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, to include:

(a) Date, time and description of the event.

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).

(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.

427.12 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

428.1 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.

428.2 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.

428.3 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 the following is not intended to be an exhaustive list, members should give consideration 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.

(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.

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428.4 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 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:

(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.

428.4.1 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.

428.4.2 JUSTICE COURT WRITS

Officers shall accompany and assist a person who has been issued a writ 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 writ.

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 Division receives the original inventory list so that it may be filed with the court that issued the writ (Tex. Prop. Code § 24A.003).

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428.5 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 (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.

428.6 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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Chapter 5 - Traffic Operations

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Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Aransas Pass Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents, citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

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500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance (Tex. Transp. Code § 720.002).

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with:

(a) An explanation of the violation or charge.

(b) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

An officer shall issue a citation and give the person an opportunity to sign the citation for the offense of speeding, using a wireless communication device under Tex. Transp. Code § 545.4251 or a violation of the open container law. If the person refuses to sign the citation, an arrest may be made in accordance with this policy (Tex. Transp. Code § 543.004).

500.4.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with but are not limited to:

(a) Vehicular manslaughter.

(b) Felony and misdemeanor driving under the influence (DUI or DWI) of alcohol or drugs.

(c) Felony or misdemeanor hit-and-run.

(d) Refusal to sign a notice to appear.

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

While state law permits officers to make an arrest for most class C traffic offenses, prior to doing so, officers should obtain supervisor approval.

500.5 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

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500.6 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 or by maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members 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.

500.6.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, in the side box of each police motorcycle and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Training Coordinator should be promptly notified whenever the supply of vests needs replenishing.

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Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Aransas Pass Police Department to respond to traffic accidents and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, traffic accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:
    1. A life-threatening injury.
    2. A fatality.
    3. A City vehicle involved.
    4. A City official or employee involved.
    5. Involvement of an on- or off-duty member of this department.

(b) Is within another jurisdiction and there is:
    1. A City of Aransas Pass vehicle involved.
    2. A City of Aransas Pass official involved.
    3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

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(d) The potential for involvement of hazardous materials.

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Shift Supervisor. The Shift Supervisor or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Supervisor will ensure notification is made to the Patrol Commander, department command staff and City Manager in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when:

(a) A fatality, any injury (including complaint of pain), driving under the influence or hit-and-run is involved.

(b) An on-duty member of the City of Aransas Pass is involved.

(c) The accident results in any damage to any City-owned or leased vehicle.

(d) The accident involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Reports may be taken for accidents occurring on private property when the accident results in injury to or death of any person or total apparent property damage 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).

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501.5.2 TRAFFIC ACCIDENTS DAMAGING FENCES

An officer who responds to, or investigates, an incident involving a fence that the officer reasonably believes is intended to enclose livestock or other animals is required to immediately notify a land owner who has registered to receive notifications pursuant to Tex. Local Gov't Code § 370.004.

501.5.3 CITY VEHICLE INVOLVED

A traffic accident report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely 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 appropriate Division Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.4 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves the disposition of an injured animal.

501.6 INVESTIGATION

When a traffic accident meets minimum reporting requirements, the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol Commander or on-duty Shift Supervisor should request that the Texas Department of Public Safety or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident occurs within the jurisdiction of the Aransas Pass Police Department and involves:

(a) An on- or off-duty member of the Department.

1. The involved member shall complete the department traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.

(b) An on- or off-duty official or employee of the City of Aransas Pass.

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Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The accident investigation and report shall be completed by the agency having jurisdiction.

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members may issue a citation as appropriate (Tex. Transp. Code § 550.041).

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize forms provided by the Texas Department of Transportation (TXDOT) for the reporting of traffic accidents. All such reports shall be forwarded to the Patrol Division for approval and filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member (Tex. Transp. Code § 550.068).

501.8.2 PATROL COMMANDER RESPONSIBILITIES

The responsibilities of the Patrol Commander include but are not limited to:

(a) Ensuring the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Patrol Division Commander or other persons as required.

(b) All accident 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 accident (Tex. Transp. Code § 550.062).

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Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

502.2 POLICY

The Aransas Pass Police Department will tow vehicles when appropriate and in accordance with the law.

502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (Tex. Transp. Code § 545.305).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

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- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

502.6 RECORDS

Records Division members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Division as soon as practicable after the vehicle is towed.

502.6.2 NOTICE OF TOW

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 Records Division Manager should refer the owner or operator 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, the Records Division Manager may advise the owner or operator of their right to submit a written request for a hearing to the justice court in accordance with Tex. Occ. Code § 2308.456.

If the impounded vehicle was abandoned as defined by Tex. Transp. Code § 683.002, the Records Division Manager should attempt to determine the names and addresses of any individuals having an interest in the vehicle as soon as practicable. The Records Division Manager shall send notice to all such individuals by certified mail within 10 days of the impound (Tex. Transp. Code § 683.012).

502.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

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502.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs or body camera footage may be taken to assist in the inventory.

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.

(c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Section Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

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502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving while intoxicated (DWI).

503.2 POLICY

The Aransas Pass Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Texas's impaired driving laws.

503.3 INVESTIGATIONS

Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Texas or another jurisdiction.

503.4 FIELD TESTS

The Patrol Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DWI laws.

503.5 CHEMICAL TESTS

A person implies consent under Texas law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Tex. Transp. Code § 724.011):

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(a) The person is arrested by an officer having reasonable grounds to believe the person is DWI.

(b) The person is under 21 years of age and is arrested by an officer for operating a motor vehicle in a public place while having any detectable amount of alcohol in the person's system.

If a person withdraws this implied consent, or is unable to withdraw consent *(e.g.,* the person is unconscious*),* the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

503.5.1 STATUTORY NOTIFICATIONS

Before requesting that a person submit to the taking of a breath or blood sample, whether or not consent has been given, the officer shall inform the person orally and in writing of the required information contained in Tex. Transp. Code § 724.015.

503.5.2 BREATH SAMPLES

The Patrol Commander should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Commander.

503.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Tex. Transp. Code § 724.017). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

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Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.5.5 ADDITIONAL TESTING

A person who submits to a chemical test at the request of An officer may, on request and within a reasonable time (not to exceed two hours after arrest), have a qualified medical professional of his/her own choosing take an additional specimen of the person's blood for analysis. While the person must be provided with a reasonable opportunity to contact a professional to respond and administer an additional sample, officers are not required to transport the person for testing (Tex. Transp. Code § 724.019).

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Tex. Transp. Code § 724.011).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of license suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person. If prior to the arrest the person held a valid driver's license, the arresting officer shall issue a temporary driving permit to the person (Tex. Transp. Code § 724.032).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

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The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.7 ARREST AND INVESTIGATION

503.7.1 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, the officer shall request that the person sign a statement of refusal (Tex. Transp. Code § 724.031). In addition, the officer shall make a written report of the refusal (Tex. Transp. Code § 724.032).

The officer shall forward a copy of the refusal report along with the following to the Department of Public Safety (DPS) on the prescribed forms within five business days (Tex. Transp. Code § 724.032):

(a) A copy of the notice of suspension or denial.

(b) Any license taken by the officer pursuant to this policy.

(c) A copy of any temporary driving permit issued to the person.

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503.7.2 REPORTING

The Patrol Commander shall ensure that this department complies with all state reporting requirements pursuant to (Tex. Gov't. Code § 411.049).

503.8 RECORDS DIVISION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

503.8.1 VIDEO RECORDINGS OF ARRESTS FOR INTOXICATION

Upon request of a person stopped or arrested for DWI, the Records Manager shall supply a copy of any video recordings related to the stop or arrest as required by Tex. Code of Crim. Pro. art. 2.1396.

503.9 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DPS.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DPS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

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Traffic and Parking Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking citations.

504.2 POLICY

It is the policy of the Aransas Pass Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

504.3 RESPONSIBILITIES

The Records Division shall be responsible for the supply and accounting of all traffic and parking citations issued to members of this department. Citations will be kept in a secure location and issued to members by the Records Division staff. Members will sign for the citation books when issued or upon return of unused citations.

Members of the Aransas Pass Police Department shall only use department-approved traffic and parking citation forms.

504.3.1 WRITTEN WARNINGS

Written warnings may be issued when the department member believes it is appropriate. The Records Division should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule. Officers are required to issue either a written citation or warning for all motor vehicle stops made.

504.4 TRAFFIC CITATIONS

504.4.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Division. The Records Manager or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the citation recipient in writing.

504.4.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Division.

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504.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued and forwarded to the courts. Only the court has that authority. Any request from a recipient to dismiss a citation shall be referred to the Patrol Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Commander may request the Patrol Division Commander to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Patrol Division Commander to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Division Commander for review.

504.4.4 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member’s immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Division.

Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Records Division.

504.4.5 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 a juvenile a citation.

504.4.6 DATA COLLECTION

For data collection requirements related to racial profiling laws, see the Bias-Based Policing policy.

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Aransas Pass Police Department.

505.2 POLICY

It is the policy of the Aransas Pass Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

505.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the telecommunications operator should be advised of the location of the disabled vehicle and the need for assistance. The telecommunications operator should then assign another department member to respond as soon as practicable.

505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle. The use of push bumpers, with consent of the owner, to relocate vehicles to a position of safety is not considered a mechanical repair.

505.4.2 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.

505.4.3 RELOCATION OF MOTORISTS

The relocation of a motorist with a disabled vehicle 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 motorist or transport him/her to a safe area to await pickup.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 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.

600.3 INITIAL INVESTIGATION

600.3.1 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 whether 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 Supervisor.
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 and what other resources may be available, and advise the informant or complainant of this information.

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600.3.2 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 any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 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.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any felony offense listed in Tex. Code of Crim. Pro. art. 2.32 shall be recorded (audio or video with audio as available) in its entirety when conducted at the Aransas Pass Police Department, jail, or any other law enforcement facility unless (Tex. Code of Crim. Pro. art. 2.32):

(a) The suspect refuses to respond or cooperate while being recorded.
    1. A refusal by a suspect to provide a recorded statement should be recorded when possible.
    2. The refusal should be documented in the associated report.
(b) There is an equipment malfunction.
(c) Exigent circumstances exist.
(d) The person was not suspected of one of the listed offenses when the interrogation began.

Any custodial interrogation of any other violent felony offense should also be recorded in its entirety. 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 by law (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.

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Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 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, there is 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.

(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; 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.

(f) Investigation has proved 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.

600.6 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.

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600.7 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).

600.7.1 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 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.

600.7.2 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.

600.8 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

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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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Sexual Assault Investigations

601.1 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.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 5, Chapter 21 (Sexual Offenses) and Chapter 22 (Assaultive Offenses) of the Texas Penal Code and in 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.

601.2 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.

601.3 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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601.4 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.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the 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 the 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.

No opinion of whether the case is unfounded should be included in a report.

601.5.1 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 (34 USC § 10451; 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).

601.5.2 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).

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.

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(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.

601.5.3 VICTIM'S RIGHTS

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

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. The Criminal Investigations Division supervisor is responsible for forwarding any necessary documentation to obtain reimbursement (Tex. Code of Crim. Pro. art 56.06).

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (Tex. Gov't Code § 420.031; Tex. Gov't Code § 420.041; Tex. Gov't Code § 420.042):

(a) Use an evidence collection kit provided by the Attorney General.

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(b) Submit the evidence to an accredited crime laboratory for analysis within 30 days from the date the evidence was received.

(c) Include a signed, written certification with the evidence submission, stating “This evidence is being submitted by (name of the person making the submission) in connection with a criminal investigation."

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Section policy.

601.6.2 DNA TEST RESULTS

Upon request, members investigating sexual assault cases shall notify victims of any DNA test results as soon as reasonably practicable, unless the results would interfere with the investigation or prosecution of the offense (Tex. Code of Crim. Pro. art. 56.021).

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in by the Victim and Witness Assistance policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.7 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 sexual assault 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 that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Criminal Investigations Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

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The SART or multidisciplinary response team and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

601.9 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.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

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. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART or multidisciplinary response team.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 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 assets 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 an asset 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 acting as the liaison between the Department and the assigned forfeiture 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.

602.2 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 of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations 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 forfeitures.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following property 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.

602.3.2 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

(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).

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.

602.3.3 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

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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).

602.4 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 the 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.

602.4.1 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).

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.

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602.4.2 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).

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine whether the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

(e) Forfeitable property is retained until such time as its use as evidence is no longer required.

602.6 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 asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly the Tex. Code of Crim. Pro. art. 59.01 et seq., and 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.

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(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:

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 asset 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 asset 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.

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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 personnel and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the 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).

602.7 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.

602.7.1 PROHIBITIONS

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.

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(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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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction or 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).

603.2 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.

603.3 USE OF INFORMANTS

603.3.1 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.

603.3.2 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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603.3.3 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.

603.4 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, Narcotics Unit 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 Narcotics Unit 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 Narcotics Unit 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.

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603.4.1 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 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.

603.5 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 Narcotics Unit. The Narcotics Unit 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, Narcotics Unit supervisor or their authorized designees.

The Criminal Investigations Division 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 Narcotics Unit 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

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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.

603.5.1 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

603.6 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

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The Narcotics Unit 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.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Narcotics Unit buy/expense fund.

1. The Narcotics Unit 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:
   (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.

603.6.2 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.

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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.

603.6.3 AUDIT OF PAYMENTS

The Narcotics Unit 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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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Aransas Pass Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers (Tex. Code of Crim. Pro. art. 38.20).

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications (Tex. Code of Crim. Pro. art. 38.20).

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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stand out (Tex. Code. of Crim. Pro. art. 38.20). In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding (Tex. Code of Crim. Pro. art. 38.20).

604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow-up, if necessary.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.9 TRAINING

The Training Coordinator shall ensure that an eyewitness identification education and training program established by the Texas Commission on Law Enforcement (TCOLE) is provided to officers (Tex. Code of Crim. Pro. art. 2.1386).

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Brady Information

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 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.

605.2 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.

605.3 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., 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, 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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605.4 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Division Commander or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

605.5 DISCLOSURE OF REQUESTED 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 whose file is related to the motion shall be notified of the potential presence of *Brady* information.

(b) The prosecuting attorney or City Attorney 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 Custodian of Records should work with the appropriate 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 and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information 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 a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

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605.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or 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.

605.7 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

605.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Unmanned Aerial System

606.1 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.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Image - Any capturing of sound waves, thermal, infrared, ultraviolet, visible light, or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property (Tex. Gov't Code § 423.001).

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.

606.2 POLICY

A UAS 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.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to Federal Aviation Administration (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.

606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be 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 (Tex. Gov't Code § 423.007):

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- 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 protocols 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.
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols 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.

606.5 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 should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

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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:

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.

(f) Of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities.

(g) To survey an area to determine if a state of emergency should be declared or to preserve public safety and protect property during a state of emergency.

(h) For the purpose of fire suppression or rescuing a person whose life is in imminent danger.

606.6 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.

606.7 RETENTION OF UAS DATA

Data collected by the UAS and used for official police business shall be retained as provided in the established records retention schedule.

606.8 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 Division 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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Unmanned Aerial System

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity or department-owned property is damaged or lost.

700.2 POLICY

The Aransas Pass Police Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

700.3 DEPARTMENT-ISSUED PROPERTY

The Administration supervisor should document all property and equipment issued to members by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.

(c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued 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-issued property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without prior approval.

(e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or appropriate Division Commander. The member should submit a request that includes a description of the property, and the reason and length of time it will be used. Personal

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property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by command 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 City department responsible for issuing payments.

700.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Division Commander. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

700.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any law enforcement function shall promptly report the damage through his/her chain of command.

700.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Aransas Pass or of another person while performing their duties within the jurisdiction of this department. The department member present or the member responsible for the property is responsible to report the damage as follows:

(a) A verbal report shall be made to the member’s immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

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Personal Communication Devices

701.1 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 (PCDs) 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.

701.2 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 used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

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.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded 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).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded 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, if any, 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 be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 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 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 department 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 or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) If a personally owned PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All 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.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, memorandum of understanding, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

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701.6 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 (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications 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) Members are prohibited from taking pictures, 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) 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.

701.7 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.

701.8 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.

701.9 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 not 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.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

702.2 POLICY

The Aransas Pass Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be promptly filed with the vehicle history.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

702.5.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 10 emergency road flares

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- 5 traffic cones
- 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 "Incident Ahead" road sign
- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 fire extinguisher
- prisoner spit masks
- 1 box of latex gloves
- 1 bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 Humane Restraint Strap (Anti-kicking strap)
- 1 camera (when unit not in use)
- Spare tire, jack and lug wrench
- Rain gear

702.5.2 UNMARKED VEHICLES

Members driving unmarked department vehicles (excludes administration) shall ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag

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- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 Command Post flag
- 1 camera (per detective)
- Spare tire, jack and lug wrench
- Rain gear

702.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.7 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Patrol officers shall obtain clearance from the telecommunications operator before going to the car wash. Only one patrol vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

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Vehicle Use

703.1 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.

703.2 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.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Supervisor 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.

703.3.2 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 Supervisor. 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.

703.3.3 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 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.

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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.

703.3.4 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.

703.3.5 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 the Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 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 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.

703.3.7 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.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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703.3.8 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-Alongs Policy.

703.3.9 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.

703.3.10 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 so they are ready for rapid deployment.

703.3.11 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.

703.3.12 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.

703.4 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.

703.4.1 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.

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703.4.2 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) The vehicle 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.

703.4.3 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.

(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.

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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.

703.4.4 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 and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 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.

703.5 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 Supervisor on the shift assignment roster.

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703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are exempt from incurring toll road charges (Tex. Transp. Code § 228.054; Tex. Transp. Code § 366.178; Tex. Transp. Code § 370.177). The Administration Division Commander should contact the proper toll road authority to confirm whether additional information, such as license plate numbers, is required by the toll road authority to facilitate the use of this exemption.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever a member is in public view or has contact with the public, his/her attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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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 Section and Informants policies.

704.2 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.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing petty cash funds.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any 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 that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction 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 an 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.

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704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., evidence management technicians, the Narcotics Unit supervisor, those who accept payment for department services) will discharge those duties in accordance with the procedures established for those tasks (see the Property and Evidence Section and Informants policies).

704.7 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or that 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 Section Policy.

Cash in excess of $1,000 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.

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Chapter 8 - Support Services

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Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Aransas Pass Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Shift Supervisor, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the Communications Manager include but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining telecommunications operator time records.

(c) Supervising, training and evaluating telecommunications operators.

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Dispatch information for release.

(f) Maintaining Dispatch database systems.

(g) Maintaining and updating Dispatch procedures manual.

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1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
2. Ensuring telecommunications operator compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

800.4.2 TELECOMMUNICATIONS OPERATORS

Telecommunications Operators report to the Communications Manager. The responsibilities of the telecommunications operator include but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:
1. Emergency 9-1-1 lines.
2. Business telephone lines.
3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (e.g., Texas Law Enforcement Telecommunication System (TLETS), Texas Crime Information Center (TCIC), NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Shift Supervisor or field supervisor of emergency activity, including but not limited to:
1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

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800.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the telecommunications operator will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the telecommunications operator determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the telecommunications operator determines that the caller is a limited English proficiency (LEP) individual, the telecommunications operator should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the telecommunications operator should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the telecommunications operator is unable to identify the caller's language, the telecommunications operator will contact the contracted telephonic interpretation service and establish a three-party call connecting the telecommunications operator, the LEP individual and the interpreter.

Telecommunications Operators should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the telecommunications operator has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

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800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the telecommunications operator to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the telecommunications operator returning to the telephone line or when there will be a delay in the response for service.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by telecommunications operators to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the telecommunications operator with their radio identification call signs and current location.

(b) Telecommunications Operators acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the telecommunications operator advised of their status and location.

(d) Member and telecommunications operator acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Aransas Pass Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Telecommunications Operators shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the telecommunications operator. The use of the call sign allows for a brief pause so that the telecommunications operator can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Telecommunications Operators shall attempt to elicit, document and relay

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as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

800.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.9 TRAINING AND CERTIFICATION

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). 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 telecommunicator license (Tex. Occ. Code § 1701.405).

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Property and Evidence Section

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property and Evidence Section, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

801.2 POLICY

It is the policy of the Aransas Pass Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

801.3 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property in the custody of this department. A evidence management technician shall be appointed by and will be directly responsible to the Criminal Investigations Division Commander or the authorized designee. The evidence management technician is responsible for the security of the Property and Evidence Section.

801.3.1 REFUSAL OF PROPERTY

The evidence management technician has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence management technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Property and Evidence Section.

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801.3.2 KEY CONTROL

Property and Evidence Section keys should be maintained by the evidence management technician and members assigned to the Property and Evidence Section. An additional set of keys should be kept in a sealed and initialed envelope in an after-hours key box. Property and Evidence Section keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property and Evidence Section key is lost, all access points shall be re-keyed and new keys issued as necessary. After-hours access to the Property and Evidence Section via the additional set of keys must be documented in a memorandum and submitted to the Criminal Investigations Division Commander as soon as practicable.

801.3.3 ACCESS

Only authorized members assigned to the Property and Evidence Section shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the Criminal Investigations Division Commander and accompanied by the evidence management technician. Each individual must sign the Property and Evidence Section access log and indicate:

(a) The date and time of entry and exit.

(b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department member.

801.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence management technician and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken.

801.4.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

(a) A property form shall be completed describing each item. List all known information, including:

1. The serial number.
2. The owner’s name.
3. The finder’s name.

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4. Other identifying information or markings.

(b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.

(c) Property shall be packaged in a container suitable for its size.

(d) A property tag shall be completed and attached to the property or container in which the property is stored.

(e) The case number shall be indicated on the property tag and the container.

(f) The property form, without the hard card portion (property control card), shall be submitted with the case report.

(g) The property control card shall be submitted with the property directly to the evidence management technician or placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the property control card placed in a temporary property locker.

801.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

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Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

The evidence management technician is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives.

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Department of Motor Vehicles. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

Sharps - Syringe tubes should be used to package syringes and needles.

Prescription Pills - Prescription drugs shall be both weighed and itemized. When entered into the property section of the report, the officer will document by dosage and add the weight into the description remarks section.

801.4.3 CONTROLLED SUBSTANCES

Controlled substances shall not be packaged with other property, but shall be processed separately using a separate property form.

(a) The member processing controlled substances shall retain such property in his/her possession until it is weighed, packaged, tagged and placed in the designated controlled substances locker, accompanied by the property control card and lab copy of the property form.

(b) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report.

1. The member shall package controlled substances as follows:

    (a) Individually and not inside any container.

    (b) Seal and initial the property envelope and cover the initials with cellophane tape.

    (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).

    (d) Write the GPW and then initial and date both the outside of the package and the property form.

(c) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the evidence management technician, the quantity shall be photographed and weighed.

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1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.
2. Excess quantities should be stored or disposed of as required by law or directed by court order.

(d) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The evidence management technician shall monitor stored marijuana for growth of mold.

(e) Drug paraphernalia as defined by the Texas Health and Safety Code shall also be packaged separately when the collection is necessary. In general, all drug paraphernalia should be photographed, documented, and then properly discarded.

801.5 RECORDING OF PROPERTY

The evidence management technician receiving custody of property shall ensure a property control card for each item or group of items is created. The property control card will be the permanent record of the property in the Property and Evidence Section. The evidence management technician will record on the property control card his/her signature, GPW if the package contains controlled substances, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property form, property tag and the property control card. The property log shall document the following:

(a) Property number

(b) Case number

(c) Property tag number

(d) Item description

(e) Item storage location

(f) Receipt, release and disposal dates

Any change in the location of property held by the Aransas Pass Police Department shall be noted in the property log.

801.6 PROPERTY CONTROL

The evidence management technician temporarily relinquishing custody of property to another person shall record on the property control card his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Property and Evidence Section or released to another authorized person or entity.

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The return of the property to the Property and Evidence Section should be recorded on the property control card, indicating the date, the time, the name and the signature of the person who returned the property and the name and signature of the person to whom the property was returned.

801.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry on the property control card shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the Criminal Investigations Division supervisor or investigator.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted on the property control card, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the evidence management technician at least one day prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the evidence management technician. This request may be submitted any time after the property has been processed.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The evidence management technician releasing items of evidence for laboratory analysis must complete the required information on the property control card. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the property control card. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item, the member will record the delivery time on the lab form and the property control card, and obtain the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned to the Records Division for filing with the case.

801.6.3 CONTROLLED SUBSTANCES

The Criminal Investigations Division will be responsible for the storage, control and destruction of all controlled substances coming into the custody of this department. The GPW will be verified every time controlled substances are 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 Commander.

801.6.4 UNCLAIMED MONEY

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 and the Texas Code of Criminal Procedure (Tex. Code of Crim. Pro. art. 18.17; Tex. Prop. Code § 72.101; Tex. Prop. Code § 74.001 et seq.; Tex. Prop. Code § 76.001 et seq.). The Property and Evidence Section Supervisor should consult applicable law before disposing of or utilizing money or property under this section.

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801.7 RELEASE OF PROPERTY

The Criminal Investigations Division shall authorize the release of all property coming into the care and custody of the Department.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator, and must conform to the items listed on the property control card or must specify the specific items to be released. Release of all property shall be documented on the property control card.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item. Weapons seized in connection with an offense shall only be released in compliance with Tex. Code of Crim. Pro. art. 18.19.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property and Evidence Section members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented on the property control card.

A evidence management technician shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the property control card.

If any item listed on a property control card has not been released, the property control card will remain with the Property and Evidence Section. When all property listed on the card has been released, the card shall be forwarded to the Records Division for filing with the case, and the release of all items shall be documented in the property log.

801.7.1 DISCREPANCIES

The Shift Supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor will interview the person claiming the shortage. The Shift Supervisor shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

801.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this 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 establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

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801.7.3 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).

801.8 DESTRUCTION OR DISPOSAL OF PROPERTY

An authorized Criminal Investigations Division investigator or supervisor shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the property control card and property log.

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:

- Weapons or devices declared by law to be illegal to possess
- Controlled substances declared by law to be illegal to possess without a legal prescription

801.8.1 BIOLOGICAL EVIDENCE
The evidence management technician shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant
(b) The defendant’s attorney
(c) The appropriate prosecutor and Attorney General
(d) Any sexual assault victim
(e) The Criminal Investigations Division Commander.

Biological evidence shall be retained for a minimum period established by Tex. Code of Crim. Pro. art. 38.43, 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 time frame 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 file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Division Commander.

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.

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Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Criminal Investigations Division Commander should be consulted and the sexual assault victim should be notified.

801.8.2 MARIJUANA
At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence management technician shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence management technician should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

801.8.3 MEDICAL MARIJUANA
The investigating member should advise the evidence management technician and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The evidence management technician shall store marijuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

801.8.4 RETENTION OF EVIDENCE FROM INTOXICATION OFFENSES
Blood or urine specimens collected as evidence in an intoxication offense investigation (including driving while intoxicated (DWI)) under Chapter 49 of the Texas Penal Code 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).

801.9 INSPECTION OF THE PROPERTY AND EVIDENCE SECTION
The Criminal Investigations Division Commander shall ensure that periodic, unannounced inspections of the Property and Evidence Section operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Criminal Investigations Division Division Commander also shall ensure that an audit is conducted annually, or as directed by the Chief of Police. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the Property and Evidence Section operations.

Whenever there is a change of assignment for any member with authorized access to the Property and Evidence Section, an inventory of all property shall be conducted by a person who is not associated with the Property and Evidence Section or its function. This is to ensure that all property is accounted for and the records are correct.

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Records Division

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Aransas Pass Police Department Records Division. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Aransas Pass Police Department to maintain department records securely, professionally and efficiently.

802.3 RESPONSIBILITIES

802.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administration Division Commander or the authorized designee.

The responsibilities of the Records Manager include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Division.

(b) Scheduling and maintaining Records Division time records.

(c) Supervising, training and evaluating Records Division staff.

(d) Maintaining and updating a Records Division procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:

1. Homicides
2. Cases involving department members or public officials
3. Any case where restricted access is prudent

(h) Ensuring that offenses listed under Tex. Gov't Code § 411.042 are reported on a monthly basis to the Texas Department of Public Safety (37 Tex. Admin. Code § 27.121).

(i) Ensuring that reports involving injuries or deaths to officers or others are submitted to the state attorney general as required by Tex. Code of Crim. Pro. art. 2.139 and Tex.

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Code of Crim. Pro. art. 2.1395 (see the Occupational Disease and Work-Related Injury and Death Reporting policy and the Officer-Involved Shootings and Deaths policy).

802.3.2 RECORDS DIVISION

The responsibilities of the Records Division include, but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Shift Supervisor.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

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802.5 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

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Records Maintenance and Release

803.1 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.

803.2 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.).

803.3 CUSTODIAN OF RECORDS

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 the availability of a current schedule of fees for public records as allowed by law.

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

(g) Ensuring a sign is prominently displayed at the Department, in a form prescribed by the Attorney General, which provides to the public a description of the basic rights of a person who requests public information, the responsibilities of the Department and the procedures, to include the cost of inspecting or obtaining copies of public information (Tex. Gov’t Code § 552.205).

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

(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.

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

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

803.4.1 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. If the record is audio or video, a copy of the redacted audio/ video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(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 § 552.222):

1. If the request is unclear, the person may be asked to clarify the request.

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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 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.

803.4.2 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).

803.5 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's license record, motor vehicle record or any department record, including traffic accident reports, are restricted except as authorized by the Department, and only when such use or disclosure is

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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 § 58.008; 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 and adult abuse (Tex. Fam. Code § 261.201; Tex. Hum. Res. Code § 48.101).

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

(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).

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

(k) Recordings from a body-worn recording device of an officer when the recording was made in a private space or when the recording involves the investigation of a misdemeanor punishable by fine only and does not result in arrest (Tex. Occ. Code § 1701.661).

1. Recordings may be released with the written authorization of the person who is the subject of the recording or that person's authorized representative

803.6 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 Prosecuting 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.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written 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.

Each audio/video recording released should include the department name and to whom the record was released.

803.8 SECURITY BREACHES

Members who become aware that any Aransas Pass Police Department system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Records Manager shall ensure the required notice is given to any individual whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 10,000 individuals, notice of the timing, distribution and content of the notices shall also be given to each consumer reporting agency (Tex. Local Gov't Code § 205.010; Tex. Bus. & Comm. Code § 521.053).

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Notice shall be given as quickly as possible consistent with the legitimate needs of the Aransas Pass Police Department and with any measures necessary to determine the scope of the breach or to restore the reasonable integrity of the agency data system. Notice may be delayed if notification will impede a criminal investigation (Tex. Local Gov't Code § 205.010; Tex. Bus. & Comm. Code § 521.053).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (Tex. Local Gov't Code § 205.010; Tex. Bus. & Comm. Code § 521.002):

(a) Social Security number

(b) Driver's license number or Texas identification card number

(c) Full account number, credit or debit card number or any required security code, access code or password that would permit access to an individual's financial account

(d) Information that identifies an individual and relates to the physical or mental health or condition of the individual, to the provision of health care to the individual or to the payment for the provision of health care to the individual

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

803.9 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.

803.10 TRAINING

All members authorized to manage, release or facilitate public access to department 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

804.1 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 records information covered in the Records Maintenance and Release Policy.

804.1.1 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.

804.2 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.

804.3 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 Vehicles (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.

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

804.4 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).

804.5 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 Manager 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. Any such information should be released through the Records Division 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.

804.6 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.

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(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.

804.6.1 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).

804.7 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.

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Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the Aransas Pass Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

(d) The responsibilities of rabies control as outlined in Chapter 826 of the Texas Health and Safety Code.

805.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

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1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to animal cruelty offenses under Chapter 42, Texas Penal Code.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care of protection from acts of cruelty (Tex. Health and Safety Code § 821.022).

805.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

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805.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately-owned structure for the purpose of removing a deceased animal.

805.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.11.1 INJURED WILDLIFE

Members who encounter injured wildlife should contact the Texas Parks and Wildlife Department to obtain information for the nearest wildlife rehabilitator.

805.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

805.13 TRAINING

This department's animal control officers (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 three-year period thereafter (Tex. Health and Safety Code § 829.002).

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 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 in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 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.

900.2 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.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 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 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, that 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.

900.3.2 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.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

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

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

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(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 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 of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, 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 Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

900.4.1 SCREENING AND PLACEMENT

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

(a) Advise the Shift Supervisor 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 an 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.

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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.

900.4.2 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 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.

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(b) Forward any communication from the individual to his/her consular officers without delay.

900.4.3 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).

900.4.4 NOTIFICATION TO PROBATE COURT
Officers should make a reasonable attempt to determine whether an individual who is detained or arrested is a person for whom a guardian has been appointed (i.e., a ward of the state) and notify the probate court with jurisdiction over the individual's guardianship of the arrest as soon as practicable but no later than one business day after the person is detained or arrested (Tex. Code of Crim. Pro. art 14.055; Tex. Code of Crim. Pro. art. 15.171).

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 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.

(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 Supervisor 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 Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 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.

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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.

900.5.3 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 assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the 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.

900.5.4 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.

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

900.5.5 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 made 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).

900.5.6 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.

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.

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900.5.7 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.

900.6 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 (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).

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

900.7 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 (e.g., 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.

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

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900.8 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/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.

900.9 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:

(a) Immediate request for emergency medical assistance if appropriate.

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

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

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

(h) Notifications are made as set forth in the Death Investigation policy.

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900.10 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.

(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) 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 reasonable.

900.11 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

(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

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(f) Evacuation plans

(g) Fire and life-safety

(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)

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures. Members should also be licensed by the Texas Commission on Law Enforcement (TCOLE) (37 Tex. Admin. Code § 275.2).

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Temporary Custody of Juveniles

901.1 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 (34 USC § 11133).

901.1.1 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. 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 department member 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.

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 juveniles in temporary custody.

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 a non-secure booking area is available.

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

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

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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 (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 term 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.

901.2 POLICY

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

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Aransas Pass Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Emergency Detentions Policy).

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

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

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

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situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.4 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 who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133).

Officers may issue a warning notice to a juvenile 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 disposition guidelines.

901.4.1 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 (34 USC § 11133).

901.4.2 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 (34 USC § 11133).

Officers who take a juvenile into temporary custody for violation of compulsory school attendance may return the juvenile to his/her school (Tex. Fam. Code § 52.01).

901.4.3 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.

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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 taken into custody, the officer may transport the juvenile to a juvenile processing office so that a determination can be made to do one of the following, as appropriate under the circumstances, without unnecessary 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 any vehicle owned by the school, a citation may not be issued but officers may proceed, according to Tex. Educ. Code § 37.145 or Tex. Code of Crim. Pro. art. 45.058, as applicable.

(b) Transport the juvenile to one of the following:

    1. An office, official or facility designated by the county juvenile board
    2. A secure detention facility as provided by Tex. Fam. Code § 51.12(j)
    3. A medical facility if the juvenile is believed to suffer from a serious physical condition or illness that requires prompt treatment
    4. The juvenile's school, if in session, if a designated authority at the location will assume responsibility for the juvenile for the remainder of the school day

(c) Release the juvenile without court referral under county juvenile board 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 county juvenile board guidelines, and the custody was properly documented (Tex. Fam. Code § 52.03).

901.4.4 JUVENILE OFFENDERS DRIVING UNDER THE INFLUENCE

Officers who take a juvenile 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 (Tex. Fam. Code § 52.02):

(a) Take the juvenile to a place to obtain a specimen of his/her breath or blood under the implied consent law of this state.

(b) Have breath alcohol testing and video recording of the juvenile done in an adult processing office (Tex. Fam. Code § 52.02). 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.

901.4.5 JUVENILE PROCESSING OFFICE

A juvenile processing office is restricted to facilitating (Tex. Fam. Code § 52.025):

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(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 juvenile to court as requested.

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

(c) Photographing and fingerprinting, when 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.

While in a juvenile processing office, the juvenile is entitled to be accompanied by a parent, has the right to communicate privately with his/her parent and should be kept separated depending on the status of the juvenile (i.e., non-offender, status offender, juvenile offender) (Tex. Fam. Code § 52.025; Tex. Fam. Code § 61.103; Tex. Code of Crim. Pro. art. 45.058).

901.4.6 NOTIFICATION TO PROBATE COURT

Officers should make a reasonable attempt to determine whether a juvenile who has been taken into custody pursuant to Tex. Fam. Code § 52.01(a)(2) or (3) is a juvenile for whom a guardian has been appointed (i.e., ward of the state) and notify the probate court with jurisdiction over the juvenile's guardianship as soon as practicable but no later than one business day after taking the juvenile into custody (Tex. Fam. Code § 52.011).

901.5 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).

901.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

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

(c) Shift Supervisor 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 (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

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

(h) Circumstances that justify any secure custody.

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

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

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Aransas Pass Police Department (34 USC § 11133). 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 Department shall maintain a constant, immediate, side-by-side 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.

901.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Department more than six hours.

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

(c) Juveniles 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 juvenile is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

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

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

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

(g) Food is 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.

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

(i) There is privacy during family, guardian and/or attorney visits.

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(j) Juveniles 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.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

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

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

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

(n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.10 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 Supervisor. 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 individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

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

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

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901.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.12.1 LOCKED ENCLOSURES

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

The following requirements shall apply:

(a) 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 juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

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

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

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

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being.
3. Juveniles who are sleeping or apparently sleeping should be awakened.
4. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

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

(h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.13 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 juvenile held 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 Supervisor, Chief of Police and Criminal Investigations Division Commander

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

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Medical Examiner

(g) Notification of the juvenile court

(h) Evidence preservation

(i) Notification to the Attorney General by written report of the cause of death no later than 30 days after a juvenile in custody has died (Tex. Code of Crim. Pro. art. 49.18).

901.14 INTERVIEWING OR INTERROGATING

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).

901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Juveniles in temporary custody may be fingerprinted or photographed as follows (Tex. Fam. Code § 58.002; Tex. Fam. Code § 58.0021; Tex. Fam. Code § 58.0022):

(a) For a felony offense or a Class B misdemeanor or above

(b) When an officer has probable cause to believe both that the juvenile has engaged in delinquent conduct and:

1. That fingerprints discovered during the investigation of that conduct will match those of the juvenile

2. That a photograph of the juvenile will be of material assistance in the investigation of that conduct

(c) When the juvenile is a runaway, when it is necessary to identify the juvenile

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Photographs and fingerprints obtained pursuant to Tex. Fam. Code § 58.0021 must be obtained at a juvenile processing office or at any other location that affords reasonable privacy to the juvenile and must be destroyed if they do not lead to a positive comparison or identification.

901.16 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 before the next school day, whichever is earliest.

Within seven days of the officer's initial notice to the school, the Records Division shall email 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.

901.17 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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Custodial Searches

902.1 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 evidence from an individual in custody.

902.1.1 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.

902.2 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.

902.3 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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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Aransas Pass Police Department facilities. 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.

902.4.1 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 Section 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.

902.4.2 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.

902.5 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).

902.5.1 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 Supervisor shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(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 those 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 also 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 Supervisor.

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4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
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 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 should be made available upon request to the individual or the individual’s authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Shift Supervisor 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 Supervisor authorization does not need to be in writing.

A search warrant is required if a strip search will include inspection of a person’s vaginal or anal cavity in any manner (Tex. Code of Crim. Pro. art. 18.24).

902.6 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 Supervisor and only upon a search warrant or approval of legal

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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).

(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 Supervisor’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 should be provided to the individual who was searched or other authorized representative upon request.

902.7 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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Prison Rape Elimination

903.1 PURPOSE AND SCOPE

This policy provides guidance for compliance 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 and sexual harassment (28 CFR 115.111).

903.1.1 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 individual in custody does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6):

- 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

Sexual abuse also includes abuse by a member of the Department or a contractor, with or without consent of the individual in custody, as follows (28 CFR 115.6):

- 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 department member or contractor 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 department member or contractor 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 member or contractor has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by the department member or contractor to engage in the activities described above
- Any display by the department member or contractor of his/her uncovered genitalia, buttocks or breast in the presence of an individual in custody
- Voyeurism by the department member or contractor

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 individual in custody that are directed toward another; or repeated verbal comments or gestures of a sexual nature to an individual in custody by a member of the Department or contractor, 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).

903.2 POLICY

The Aransas Pass Police Department has zero tolerance with regard to 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 those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

903.3 PREA COORDINATOR

The Chief of Police shall delegate certain responsibilities to a PREA coordinator. The coordinator shall be an upper-level manager appointed by and directly responsible to the Patrol Division Commander or the authorized designee. The coordinator must have sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards (28 CFR 115.111).

The responsibilities of the coordinator shall include, but are not limited to:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable provisions in PREA and the implementing regulations, 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 those in custody from sexual abuse (28 CFR 115.113).

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1. 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 department members to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

(e) Developing a written plan to coordinate response among department members, medical and mental health practitioners, investigators, command staff and other first responders to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse. 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 give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that individuals 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 access to appropriate interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills; intellectual, hearing, speech or vision disabilities) (see the Limited English Proficiency Services and Communications for Persons with Disabilities policies) (28 CFR 115.116).

1. The Department shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an appropriate interpreter could compromise the individual's safety, the

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performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department website:

1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).

2. A protocol describing the responsibilities of the Department and any other investigating agency 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 the direct control of this department (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 department facilities used to house individuals in custody overnight (28 CFR 115.193).

(k) Ensuring those who work in department facilities where individuals are held in custody are informed of the department zero-tolerance policy regarding sexual abuse and sexual harassment of individuals in custody (28 CFR 115.132).

903.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Individuals in custody 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 individuals in custody or department members for reporting sexual abuse or sexual harassment
- Department member neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department 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

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forward a report of sexual abuse or sexual harassment to department supervisors and command staff. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

903.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties, and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment.

(b) Retaliation against the individual 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.

903.4.2 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall report to Aransas Pass Police Department 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 dependent adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of that 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 Supervisor shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Department to a jail, prison or medical facility, the Shift Supervisor shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

903.5 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).

903.5.1 FIRST RESPONDER RESPONSIBILITIES

The responsibilities of the first officer to respond to a report of sexual abuse or sexual assault shall include, but are not limited to (28 CFR 115.164):

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(a) Separating the parties.

(b) Establishing a crime scene to preserve and protect any evidence.

(c) Identifying and securing witnesses until steps can be taken to collect any evidence.

(d) Requesting that the alleged victim and suspect not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating if the abuse occurred within a time period that still allows for the collection of physical evidence.

If the first responder is not an officer, he/she shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify an officer (28 CFR 115.164).

903.5.2 INVESTIGATOR RESPONSIBILITIES

The responsibilities of investigators shall include, but are not limited to (28 CFR 115.171):

(a) Gathering and preserving direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interviewing alleged victims, suspects and witnesses.

(c) Reviewing any prior complaints and reports of sexual abuse involving the suspect.

(d) Conducting compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assessing the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as an individual in custody or a member of the Aransas Pass Police Department.

(f) Documenting in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Referring allegations of conduct that may be criminal to the Prosecuting Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody at the department facility (28 CFR 115.178).

(h) Cooperating with outside investigators and remaining informed about the progress of any outside investigation.

903.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether department member 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).

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903.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody 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)).

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 of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

903.5.5 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 department members shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for 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 who engages in sexual abuse shall be prohibited from contact with individuals in custody 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 individuals in custody by a contractor.

903.6 RETALIATION PROHIBITED

All individuals in custody and department 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 person who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that person.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

A member of the Department shall be identified by the Shift Supervisor or the authorized designee to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse, and of those who were reported to have suffered sexual abuse. The member shall

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act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic safety checks.

903.7 REVIEWS AND AUDITS

903.7.1 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 command staff and seek input from 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 other group dynamics at the department 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 department members.

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).

903.7.2 DATA REVIEWS

The PREA coordinator 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.

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(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the 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. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from department facilities and private facilities with which it contracts shall be made readily available to the public at least annually. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

903.8 RECORDS

The Aransas Pass Police Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is in custody or is a member of 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).

903.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within the department facility.

(a) The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

1. The department zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment and from retaliation for reporting sexual abuse or harassment.
2. The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
3. The right of individuals in custody and department members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
4. Detecting and responding to signs of threatened and actual abuse.
5. Communicating effectively and professionally with all individuals in custody.
6. Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

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(b) Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

1. Techniques for interviewing sexual abuse victims.
2. Proper use of *Miranda* and *Garrity* warnings.
3. Sexual abuse evidence collection in confinement settings.
4. Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that department members, 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 department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The Department shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 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 Human Resources Department.

1000.2 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.

1000.3 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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1000.4 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) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(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)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.5 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.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 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.

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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:

(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.

1000.5.3 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.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 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).

1000.6 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

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- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. 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 Human Resources Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by Texas law, including those provided in (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

(c) Possess a high school diploma or 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
3. An offense involving family violence as defined under Chapter 71 of the Texas Family Code

(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

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3. An offense involving family violence as defined under Chapter 71 of the Texas Family Code

(h) Not prohibited by state or federal law from operating a motor vehicle, or possessing firearms or ammunition

(i) Submitted to a medical examination within 180 days of 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 shows no trace of drug dependency or illegal drug use

(j) Submitted to a psychological evaluation within 180 days of 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 currently on suspension by TCOLE

(n) Meets the minimum training standards established by TCOLE and passes the peace officer licensing examination

1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the following minimum standards established by (37 Tex. Admin. Code § 217.1):

(a) Citizen of the United States

(b) At least 18 years of age

(c) Possess a high school diploma or 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

3. An offense involving family violence as defined under Chapter 71 of the Texas Family Code

(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 of the Texas Family Code

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(h) Submitted to a medical examination within 180 days of 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

(i) Submitted to a psychological evaluation within 180 days of appointment to determine whether the candidate is in satisfactory psychological and emotional health to serve as a telecommunicator

(j) Not have received a dishonorable or other discharge based on misconduct which could bar future military service

(k) Has not had a license issued by TCOLE denied by final order or revoked

(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

1000.8 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the Aransas Pass Human Resources Department to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

1000.8 JOB DESCRIPTIONS

The Administration Division Commander should ensure that a current job description is maintained for each position in the Department.

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Performance Evaluations

1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Aransas Pass Police Department performance evaluation system.

1001.2 POLICY

The Aransas Pass Police Department shall use a performance evaluation system to measure, document and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

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.

1001.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Human Resources Department or, minimally, on the anniversary of the date of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Division Commander or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1001.3.1 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

1001.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee

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during that period. Evaluations should 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 evaluating supervisor for input.

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 and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

1001.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

Those employees who are required to successfully complete a probationary period should be evaluated monthly.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

1001.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the City harassment and discrimination policies and the Aransas Pass Police Department Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

(a) The employee understands the harassment and discrimination policies.

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(b) The employee has had all questions regarding the policies sufficiently addressed.

(c) The employee knows how to report alleged harassment and discrimination policy violations.

(d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

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. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1001.7 APPEAL

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor's Division Commander or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1001.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the evaluating supervisor's Division Commander or the authorized designee. The Division Commander or the authorized designee shall review the evaluation for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.

The Division Commander or the authorized designee should evaluate the supervisor on the quality of ratings given.

1001.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the Aransas Pass Human Resources Department.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Aransas Pass Police Department.

1002.2 POLICY

The Aransas Pass Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Investigator

(b) Supervisor

(c) Bicycle Patrol officer

(d) Marine Diver

(e) Accident investigator

(f) Field Training Officer

(g) Community Relations/Training Officer

(h) School Resource Officer

(i) DEA Task Force Officer

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Three years of relevant experience

(b) Off probation

(c) Possession of or ability to obtain any certification required by the Texas Commission on Law Enforcement (TCOLE) or law

(d) Exceptional skills, experience or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

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(c) Expressed an interest in the assignment.

(d) Demonstrates 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 skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

(a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.

1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.

(b) Division Commander interview - The Division Commander will schedule interviews with each candidate.

1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.

(c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training and at the discretion of the Chief of Police.

1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Aransas Pass Human Resources Department.

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Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Aransas Pass Police Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

1003.2 POLICY

The grievance process shall follow the policies defines in Division 8 of the City of Aransas pass Personnel Policy Manual.

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Anti-Retaliation

1004.1 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, state and local law, ordinance or collective bargaining agreement or memorandum of understanding.

1004.2 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.

1004.3 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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1004.4 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 Director of Human Resources.

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 or 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.

1004.5 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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1004.6 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.

1004.7 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 Administration Division for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

This 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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Reporting of Arrests, Convictions and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Aransas Pass Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1005.2 POLICY

The Aransas Pass Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Texas law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. 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).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms 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.

1005.4 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Supervisor or the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Supervisor or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Texas Commission on Law Enforcement (TCOLE) license.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined.

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This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.4.1 DEPARTMENT NOTIFICATION REQUIREMENTS

The Chief of Police or designee must notify TCOLE within 30 days in the following circumstances (37 Tex. Admin. Code § 211.28; 37 Tex. Admin. Code § 211.29):

(a) When a person who holds a license issued by TCOLE is arrested for or charged with a reportable offense by this department.

(b) When any person who is under appointment with this department is arrested for, charged with or convicted of a reportable offense.

1005.4.2 MEMBER NOTIFICATION REQUIREMENTS

Members licensed by TCOLE who are arrested for, charged with or indicted for a reportable offense must report it to TCOLE within 30 days (37 Tex. Admin. Code § 211.27).

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1006.2 POLICY

It is the policy of the Aransas Pass Police Department to provide a drug- and alcohol-free workplace for all members.

1006.3 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; Texas Labor Code § 21.120).

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 Supervisor 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 the Work Restrictions section in this policy).

1006.3.1 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.

1006.4 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 on-duty member is impaired 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).

1006.5 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 Human Resources 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.

1006.6 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.

1006.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any 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 in the performance of his/her duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death or substantial property damage.

(d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require 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.

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(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.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test.

(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.

1006.8 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).

1006.9 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 in the member's confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual, applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may 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 USC § 2601 et seq.).

1007.2 POLICY

It is the policy of the Aransas Pass Police Department to provide eligible employees with a sick-leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider’s statement for an absence of three or fewer days.

1007.4.1 DOCTOR'S NOTE REQUIRED
Any member of the department that calls in sick may be required to submit a doctor's excuse. If required, his or her supervisor will request it..

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.

(c) Addressing absences and sick leave use in the member’s performance evaluation when excessive or unusual use has:

1. Negatively affected the member’s performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 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, the mouth, a 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.)

1008.2 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.

1008.3 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) that is appropriate 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:

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1. Minimum standards for bloodborne pathogens as established by the Department of State Health Services (DSHS). These include (Tex. Health & Safety Code § 81.303 et seq.; 25 Tex. Admin. Code § 96.201 et seq.):
    (a) Minimum standards contained in the model exposure control plan developed by the DSHS (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).

1008.3.1 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 designate a member to serve as the alternate Infection Control Officer. 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 person who is the source 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 primary and alternate infection control officers must meet the qualifications and training established by the commissioner of state health services (Tex. Health & Safety Code § 81.012).

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The ECO shall notify the local health authorities or local health care facilities of the members serving as primary and alternate infection control officers.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 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:

(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, 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 should 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.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1008.5 POST EXPOSURE

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1008.5.1 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 practical.

1008.5.2 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:

(a) Name and Social Security number of the employee exposed

(b) Date and time of incident

(c) Location of 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 Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

1008.5.3 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.

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1008.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1008.5.5 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).

(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) Receipt of medical or epidemiological information released 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.

1008.6 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.

1008.7 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.

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(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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Smoking and Tobacco Use

1009.1 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 purpose 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 that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

Smoking and tobacco use by members is prohibited any time members are in public view representing the Aransas Pass Police Department and when it is clear or should be clear that such activity will be found offensive given the time, location, and circumstances afoot

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes any tobacco product inside City facilities and vehicles.

Use of mouth tobacco is prohibited in view of the public. Containers used to discard mouth tobacco shall not be left in plain view of anyone, and mouth tobacco shall not be openly discarded onto any city or privately owned improved surface.

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Personnel Complaints

1010.1 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.

1010.2 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 and municipal and county rules and the requirements of any collective bargaining agreements or memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or 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.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor 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 Administration Division, 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 Administration Division, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1010.3.2 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.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 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.

1010.4.2 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.

1010.4.3 ACCEPTANCE OF COMPLAINTS AGAINST PEACE OFFICER

Complaints against an officer 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.

1010.5 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.

1010.5.1 COPY OF COMPLAINT TO PEACE OFFICER

If the complaint is against an officer, the receiving supervisor shall ensure that a copy of the signed complaint form is given to the officer within a reasonable time after it is filed (Tex. Gov't Code § 614.023).

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 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 Supervisor 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 Supervisor.

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(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources Department and the Shift Supervisor for direction regarding the supervisor's role 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 Supervisor, 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.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Administration Division, 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.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Aransas Pass Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee should be informed of the nature of the investigation.

(e) 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.

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(g) 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.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) 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 should be provided to the employee prior to any subsequent interview.

(i) 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.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1010.6.3 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.

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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.

1010.6.4 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.

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.

1010.6.5 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.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 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.

1010.8 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,

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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.

1010.9 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.

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.

1010.10 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 the report 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.

1010.10.1 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.

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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.

1010.10.2 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.

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.

1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.11 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.

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(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 conduct further investigation, 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.

1010.12 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.

1010.13 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 by any collective bargaining agreement, memorandum of understanding and/or personnel rules.

1010.14 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.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Chief of Police.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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Seat Belts

1011.1 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.

1011.1.1 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).

1011.2 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 accident.

1011.3 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 those who are not members of the Department, are 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 department member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 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 air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1011.5 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.

1011.6 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.

1011.7 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.

1011.8 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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Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1012.2 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.

1012.3 ISSUANCE

The Administration Division Commander shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Aransas Pass Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

1012.3.1 USE

Generally, the required use of body armor is subject to the following:

(a) Members shall only wear department-approved body armor.

(b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.

(c) Members shall wear body armor when working in uniform or taking part in department range training.

(d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their 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.

1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

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1012.3.2 INSPECTION
Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

1012.3.3 CARE AND MAINTENANCE
The required care and maintenance of body armor is subject to the following:

(a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
    1. Unserviceable body armor shall be reported to the supervisor.

(b) Members are responsible for the proper storage of their body armor.
    1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.

(c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
    1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
    2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.

(d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

1012.4 FIREARMS INSTRUCTOR RESPONSIBILITIES
The responsibilities of the Firearms Instructor include, but are not limited to:

(a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.

(b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.

(c) Educating officers about the safety benefits of wearing body armor.

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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Texas.

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days.
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member 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 member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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(i) All required Texas Commission on Law Enforcement (TCOLE) documents.

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing 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 such training records are placed in the member’s training file.

The training file used is maintained by TCOLE/CLEDDS.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Administration Division in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Administration Division supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

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(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 a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

The medical file uses is maintained by the personnel department for the City.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet, access-controlled room, or electronic storage system. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures, state law or with the member's consent (Tex. Gov't Code 552.102; Tex. Gov't Code 552.1175).

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member 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 may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL 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 § 552.102; Tex. Gov't Code § 552.152).

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1013.8.3 GUARDIAN TRACKING SYSTEM
The department utilizes the electronic, hosted, filing system provided by Guardian Tracking. This filing system is completely paperless.

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (Tex. Gov't Code § 552.023). Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

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(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required 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 required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Request for Change of Assignment

1014.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment in response to an announced vacancy.

1014.2 POLICY

It is the policy of the Aransas Pass Police Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

1014.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a request document through the chain of command to their Division Commanders. In the case of patrol officers, the chain of command must include the Shift Supervisor.

The change of assignment request document provides members with the opportunity to list their qualifications for specific assignments. It should include:

(a) The member's relevant experience, education and training.

(b) All assignments in which the member is interested.

The document will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, members still interested in a change of assignment should complete and submit a new request.

1014.4 RESPONSIBILITIES

1014.4.1 SUPERVISORS

Upon receipt of a change of assignment request document, the supervisor shall make appropriate comments in the space provided on the document and forward it to the member's Division Commander.

In the case of patrol officers, the Shift Supervisor shall make appropriate comments on the form regarding his/her recommendation and forward the request to the Division Commander.

1014.4.2 DIVISION COMMANDERS

If the Division Commander receives a change of assignment request document from a patrol officer that does not contain Shift Supervisor comments, he/she will make appropriate comments and return it to the member without consideration.

The Division Commander will review all change of assignment requests and submit his/her recommendation to the Chief of Police.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Aransas Pass Police Department and individuals from the community.

1015.2 POLICY

It is the policy of the Aransas Pass Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1015.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

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1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in Guardian.

1015.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1015.5.1 STAR OF TEXAS AWARD

The Department will submit information as appropriate to the committee charged with issuing the Peace Officers' Star of Texas Award when a member has been killed or seriously injured in the line of duty. Submission of information regarding a citizen who is seriously injured or killed while aiding or attempting to aid an officer will also be considered (Tex. Gov't Code § 3106.007).

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Fitness for Duty

1016.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1016.2 POLICY

The Aransas Pass Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1016.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1016.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Shift Supervisor or the member's Division Commander.

1016.4.2 DUTY STATUS

In conjunction with the Shift Supervisor or the member's Division Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Shift Supervisor or the member's Division Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1016.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1016.5.1 PROCESS FOR GENERAL MEMBERS

The Chief of Police, in cooperation with the Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

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Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources Department.

1016.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1016.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the City Grievance Policy.

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Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1017.2 POLICY

It is the policy of the Aransas Pass Police Department to provide meal periods and breaks to members of this department in accordance with the applicable collective bargaining agreement, memorandum of understanding and the City personnel manual.

1017.3 MEAL PERIODS

Officers and telecommunications operators shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the telecommunications operator prior to taking a meal period. Uniformed officers shall take their meal periods within the City limits and shall monitor the police radio, unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.4 BREAKS

Each member is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of a member’s shift unless approved by a supervisor.

Members normally assigned to the police facility shall remain at the police facility for their breaks. This does not prohibit them from taking a break away from the facility if they are on official business.

Members assigned to field duties will take their breaks in their assigned areas, subject to call, and shall monitor the police radio. When such members take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the telecommunications operator.

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Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Tex. Gov't Code § 619.003).

1018.2 POLICY

It is the policy of the Aransas Pass Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child (29 USC § 207; 25 Tex. Admin. Code § 31.1).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Tex. Gov't Code § 619.00 4). 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 member'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 and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the telecommunications operator 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.

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member'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 § 619.00 4).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1018.5 STORAGE OF EXPRESSED MILK

An employee shall be provided with access to a hygienic storage area for her expressed milk. Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends (Tex. Health and Safety Code § 165.003).

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Payroll Records

1019.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1019.2 POLICY

The Aransas Pass Police Department maintains timely and accurate payroll records.

1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1019.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1019.5 RECORDS

The Chief of Police or designee shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of four years (29 CFR 516.5; 40 Tex. Admin. Code § 815.106).

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Overtime Compensation

1020.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1020.2 POLICY

The Aransas Pass Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1020.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

1020.4 REQUESTS FOR OVERTIME COMPENSATION

1020.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

(a) Obtain supervisory approval, verbal or written.

(b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour period without supervisory approval.

(c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.

(d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

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1020.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

(a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.

1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.

(b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.

1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.

(c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Division Commander for final approval.

1. After the Division Commander has authorized compensation, the request shall be submitted to Administration as soon as practicable.

Supervisors may not authorize or approve their own overtime.

1020.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1020.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Shift Supervisor or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

1020.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

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Outside Employment and Outside Overtime

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

1021.2 POLICY

Members of the Aransas Pass Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1021.3 OUTSIDE EMPLOYMENT

1021.3.1 REQUEST AND APPROVAL

Outside employment and its approval shall be documented through Guardian.

1021.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

1021.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

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(a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.

1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.

(b) When a member's conduct or outside employment conflicts with department policy or any law.

(c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

1021.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the City Grievance Policy.

1021.4 REQUIREMENTS

1021.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

(a) The use of department time, facilities, equipment or supplies.

(b) The use of the Aransas Pass Police Department badge, uniform or influence for private gain or advantage.

(c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.

(d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.

(e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.

(f) Activities that may conflict with any other policy or rule of the Department.

(g) Double-dipping (being paid for the same work by the City and another source) is strictly forbidden and under no circumstance will be approved by the department.

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1021.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a law enforcement officer, private security guard, private investigator or other similar private security position.

1021.4.3 DEPARTMENT RESOURCES

Members 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 against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

1021.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Department may request that a member provide his/her personal financial records for review if the Chief of Police determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide his/her personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

1021.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members 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 the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1021.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

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Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.

(b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.

(c) The member’s failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Aransas Pass Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

1021.5 OUTSIDE OVERTIME

1021.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as outside overtime assignments.

(a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.

(b) The requester will be required to enter into an agreement that includes indemnification with the Department prior to approval.

(c) The requester will be required to reimburse the Department for the members' compensation, benefits and costs (e.g., court time) associated with such outside services.

(d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:

1. The member shall wear the department uniform and carry department identification.
2. The member shall be subject to the rules and regulations of this department.
3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
4. Outside overtime shall not be subject to the collective bargaining process.

(e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

1021.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner

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pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1021.5.3 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 outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

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Occupational Disease, Work-Related Injury and Death Reporting

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational diseases, work-related injuries and deaths.

1022.1.1 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).

1022.2 POLICY

The Aransas Pass Police Department will address occupational diseases, work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Tex. Labor Code § 409.005 et seq.).

1022.3 RESPONSIBILITIES

1022.3.1 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.

1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease 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 City-wide injury- or disease-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.

1022.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administration Division Commander to ensure any required Texas Department of Insurance

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reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1022.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1022.4 OTHER DISEASE OR INJURY

Diseases and injuries 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.

1022.4.1 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).

1022.5 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.

1022.5.1 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.

1022.6 FIRST RESPONDER LIAISON ACCESS

Members shall have unrestricted access to contact a first responder liaison at any time regarding their workers' compensation claim (Tex. Labor Code § 404.1525; Tex. Labor Code § 404.153).

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Aransas Pass Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1023.2 POLICY

Aransas Pass Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served, while considering matters important to members of the Department.

1023.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

1023.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1023.3.2 HAIR

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the hair above the bottom edge of the shirt collar.

1023.3.3 MUSTACHES

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

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1023.3.4 SIDEBURNS
Sideburns shall be trimmed and neat.

1023.3.5 FACIAL HAIR
Facial hair, other than sideburns, mustaches and eyebrows, is prohibited, unless authorized by the Chief of Police or the authorized designee.

1023.3.6 FINGERNAILS
Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1023.4 APPEARANCE

1023.4.1 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related or obscene language is not allowed. See the Uniforms and Civilian Attire Policy for jewelry specifications that apply while wearing the department uniform.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small, worn only in or on the earlobe and only by female department members. Earrings shall be limited to no more than two earrings per ear.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1023.4.2 TATTOOS
At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include, but are not limited to, those that exhibit or advocate discrimination against sex, race, religion, ethnicity, national origin, sexual orientation, age, physical or mental disability, medical condition or marital status; those that exhibit gang, supremacist or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts or other obscene material.

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1023.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Aransas Pass Police Department in any official capacity, 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 (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification or burning to create a design or pattern.

1023.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Aransas Pass Police Department in any official capacity. Such ornamentation includes, but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

1023.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Aransas Pass Police Department in any official capacity.

1023.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1023.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1023.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members 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 Chief of Police should be advised any time a request for religious accommodation is denied.

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Personal Appearance Standards

Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

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Uniforms and Civilian Attire

1024.1 PURPOSE AND SCOPE

This policy provides guidelines for Aransas Pass Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

1024.2 POLICY

The Aransas Pass Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1024.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

(a) Uniforms 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) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Uniforms shall be worn in compliance with any applicable department specifications.

(d) Members shall wear only the uniforms specified for their ranks and assignments.

(e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.

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(f) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while he/she is off-duty.

(g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.

(h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1024.3.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

(a) Mirrored sunglasses will not be worn.

(b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.

1024.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

(a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.

(b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

(c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.

1. 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.

(d) Rank insignia - The designated insignia indicating the member’s rank must be worn at all times while in uniform.

(e) Service insignia - The designated insignia indicating the member’s length of service may be worn on long-sleeve shirts and jackets. The insignia shall be machine stitched to the left sleeve of the uniform.

(f) Assignment insignias - Assignment insignias (e.g., Special Weapons and Tactics Team (SWAT), Field Training Officer (FTO)) may be worn as designated by the Chief of Police.

(g) American flag pin - An American flag pin may be worn, centered above the nameplate.

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(h) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

1024.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

(a) Aransas Pass Police Department officer - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.

(d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1024.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

(a) Class A - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.

(b) Class B - Standard issue uniform to be worn daily by designated department members.

(c) Class C - General utility uniform to be worn by designated Department members.

(d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1024.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

(a) Dress hat

(b) Long-sleeve shirt

(c) Tie tack or tie bar

(d) Trousers or skirt

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(e) Black belt

1. Belts shall be equipped as needed for the member’s assignment.

(f) Dark blue or black socks

1. Natural colored hose must be worn with the skirt.

(g) Black polished dress shoes

1. Boots with pointed toes are not permitted.

(h) White gloves

1024.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

(a) Long- or short-sleeve shirt with the collar open and no tie

1. A crew neck t-shirt must be worn under the uniform shirt.
2. All shirt buttons must remain buttoned except for the top button at the neck.
3. Long sleeves must be buttoned at the cuff.

(b) Trousers or skirt

(c) Black belt

1. Belts shall be equipped as needed for the member’s assignment.

(d) Dark blue or black socks

1. Natural colored hose must be worn with the skirt.

(e) Black polished dress shoes

1. Approved black unpolished shoes may be worn.
2. Boots with pointed toes are not permitted.
3. Decorative stitching or adornment is not permitted.

(f) Weather-appropriate items

1. Hat
2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt
3. Jacket
4. Rain gear

1024.4.3 CLASS C UNIFORM

The Chief of Police or the authorized designee will establish the specifications, regulations and conditions for wearing the Class C uniform.

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1024.4.4 SPECIALIZED ASSIGNMENT UNIFORM
The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the SWAT, bicycle patrol, motor officers and other specific assignments.

1024.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

(a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.

(b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.

(c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.

(d) No item of civilian attire that would adversely affect the reputation of the Aransas Pass Police Department or the morale of the members may be worn while on-duty.

(e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:

1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
2. T-shirt alone or exposed undergarments
3. Swimsuits, tank tops, tube tops or halter tops
4. Sweatshirts, sweatpants or similar exercise clothing
5. Spandex-type pants or transparent clothing
6. Denim pants of any color
7. Shorts
8. Open-toed shoes
9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1024.6 OPTIONAL EQUIPMENT

Any items that are allowed by the Aransas Pass Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

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Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

(a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.

(b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

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Conflict of Interest

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Aransas Pass Police Department.

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1025.2 POLICY

Members of the Aransas Pass Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1025.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

(a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member 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. Department FTOs and other trainers are prohibited from

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entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

1025.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the telecommunications operator to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1025.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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Badges, Patches and Identification

1026.1 PURPOSE AND SCOPE

The Aransas Pass Police Department (APPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1026.2 POLICY

The Aransas Pass Police Department issues each member appropriate identification, which may include a badge, patch and/or identification card, depending on the member's position within the Department.

1026.3 MEMBER RESPONSIBILITIES

Members of the Aransas Pass Police Department will use the APPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally. The APPD badge, patch and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

(a) Display or use the APPD badge, patch or identification card for personal gain or benefit.

(b) Loan the APPD badge, patch or identification card to others or permit these items to be reproduced or duplicated (Tex. Penal Code § 37.12).

(c) Use images of the APPD badge, patch or identification card, or the likeness thereof, or the Aransas Pass Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

1026.4 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their APPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

1026.5 BADGES

The Chief of Police shall determine the number and form of badges authorized for use by department members.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

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1026.5.1 RETIREE BADGES
The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form or possess a retirement badge upon retirement.

1026.5.2 PERMITTED USE BY EMPLOYEE GROUPS
The likeness of the APPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

(a) An authorized employee group may use the likeness of the APPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Aransas Pass Police Department. The following modification shall be included:

1. Any text identifying the Aransas Pass Police Department is replaced with the name of the employee group.
2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1026.6 PATCHES
The Chief of Police shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., K-9, SWAT) should be submitted to the Chief of Police in writing.

Only patches issued by this department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may request additional patches, at their own expense.

1026.7 IDENTIFICATION CARDS
All members will be issued an official APPD identification card bearing:

- The member's name
- The member's full-face photograph
- The member's identification number
- The member's signature
- The signature of the Chief of Police
- The Department name or the official seal of the Department
- If the member is an officer (Tex. Gov't Code § 614.122; Tex. Gov't Code § 614.123):
  - A brief description of the officer (i.e., height, weight, eye color)
  - His/her thumbprint or a bar code with a unique identification label for the officer

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- His/her date of appointment, the date the identification card was issued and a 24-hour phone number that may be called to verify the validity of the card
- The words “State of Texas,” the Texas state seal and the following language:

"This identification card certifies that (insert name of peace officer) is commissioned by the Department as a (insert “full-time peace officer” or “part-time peace officer” or “reserve law enforcement officer")."

All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

(a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.

(b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Division Commanders.

1026.8 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member’s name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card to any member of the public who requests one.

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Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1027.2 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.

1027.3 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 (TCHRA) 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 or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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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 Human Resources 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 Supervisor or Division Commander, with notice to the Chief of Police.

1027.5 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.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not 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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1027.5.2 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 are not 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.

1027.6 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.

1027.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1027.7.1 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.

1027.8 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.

1027.9 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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Performance History Audits

1028.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues. This policy addresses the responsibilities, performance indicators and components of the audit, and handling of collected data.

1028.2 POLICY

The Aransas Pass Police Department collects data to assist supervisors with evaluating the performance of their employees. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

1028.3 RESPONSIBILITIES

Under the authority of the Administration Division Commander, the Administration Division is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate annual performance history audit reports that will be provided to the appropriate Division Commander. The Administration Division will utilize confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare the report. Though generated quarterly, each report should contain data from a one-year time period.

The Administration Division Commander should forward a copy of each performance history audit report to the City Attorney for review and retention as attorney work product and confidential personnel information.

1028.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

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1028.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include, but are not limited to, the frequency and/or number of:

(a) Use of force incidents.

(b) Involvement and conduct during vehicle pursuits.

(c) Personnel complaints, including the findings.

(d) Commendations, compliments and awards from the Department and the public.

(e) Claims and civil suits related to the employee’s actions or alleged actions.

(f) Canine bite incidents.

(g) Personnel investigations.

(h) Prosecuting Attorney case rejections and the reasons.

(i) Intentional or unintentional firearm discharges (regardless of injury).

(j) Vehicle collisions.

(k) Missed court appearances.

(l) Documented counseling.

1028.4.2 DATA ANALYSIS

The Administration Division Commander will review each performance history audit report and determine whether it should be provided to the officer’s immediate supervisor for further consideration.

1028.4.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

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1028.4.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Administration Division Commander, after discussion with the officer's immediate supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1028.5 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1028.6 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

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Speech, Expression and Social Networking

1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Aransas Pass Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected 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 a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1029.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Aransas Pass Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members 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 Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1029.3 SAFETY

Members should carefully consider 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 Aransas Pass Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or 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.

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- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

1029.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Aransas Pass Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, 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 Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation 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 member as a witness. For example, posting to a website statements or expressions 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 members of the Department (e.g., 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 Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment 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).

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches,

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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.

Members 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).

1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Aransas Pass Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(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 nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Aransas Pass Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members 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).

1029.4.2 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 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).

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1029.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, 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 (see the Information Technology Use Policy for additional guidance).

1029.6 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 the 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.

1029.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

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Illness and Injury Prevention

1030.1 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.

1030.2 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 plan and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1030.3 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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(f) Establishing a process to ensure illnesses and injuries are reported as required by the Texas Department of Insurance, as applicable. This may include reporting injuries that require the absence of a member for more than one work day or when a member notifies the Department that the member has an occupational disease (Tex. Labor Code § 409.005).

1030.4 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.)
    (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)

(e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available 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.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

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1030.5 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.
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.

1030.6 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.

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The Administration Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1030.7 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.

1030.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their 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.

1030.8 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 Diseases and Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1030.9 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:

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(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.

1030.9.1 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 and footwear.

(c) Use of respiratory equipment.

(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, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(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) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1030.10 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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Line-of-Duty Deaths

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Aransas Pass Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1031.2 POLICY

It is the policy of the Aransas Pass Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1031.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and Dispatch.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1031.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Aransas Pass Police Department members may be apprised that survivor notifications are complete.

1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1031.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1031.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1031.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

(j) Ensuring that the member's duty weapon and badge are transferred to the designated beneficiary or estate (Tex. Gov't Code § 615.102).

1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member’s survivors or Aransas Pass Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member’s residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member’s equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

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The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

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(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1031.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

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(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Aransas Pass Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

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1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers’ Educational Assistance (PSOEA) Program.
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. State death benefits (Tex. Const. art. III, § 51-d).
2. Retirement and death benefits available under Title 8 of the Texas Government Code.
3. Survivor Benefits (Tex. Gov’t Code § 615.022; Tex. Gov’t. Code § 615.023).
4. Health insurance benefits (Tex. Gov’t Code § 615.072 et seq.).
5. Educational benefits (Tex. Educ. Code § 54.354).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1031.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1031.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1031.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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Handgun Licenses

1032.1 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).

1032.2 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).

1032.3 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.

1032.4 REVOCATION AND/OR SUSPENSION 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.

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3. The licensee gave false information on the application.
4. The license holder becomes ineligible for a license under Tex. Gov't Code § 411.172, unless the sole basis for ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or an offense under Tex. Penal Code § 42.01, or of a felony under an information or indictment.
5. The license holder is convicted of an offense under Tex. Penal Code § 46.035.
6. The license holder engaged in conduct constituting a reason to suspend a license listed in Tex. Gov't Code 411.187(a) after the person's license has been previously suspended twice for the same reason.
7. The licensee submitted an application fee that was not honored or reversed.

(b) If an officer believes there is reason to revoke the license, the officer shall:

(a) Prepare an affidavit on form CR-88 provided by DPS stating the reason(s) for revocation.

(b) Attach all related reports to the affidavit.

(c) Submit the forms and reports to DPS no later than the fifth working day after the date the form is prepared.

(d) Send a copy of the form and attachments to the licensee.

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Security of Criminal Justice Information Systems (CJIS)

1033.1 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.

1033.2 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.

1033.3 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.

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- 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.
- 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. This will be completed using the DOD media sanitization tool.If no longer needed, media will be destroyed. Inoperable electronic media shall be physically destroyed. Physical destruction will be performed by drilling holes through the plates of a spinning hard drive or storage chip of a solid state drive. Physical destruction can also be completed by using a hammer to damage the device to a point beyond any repair. 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.

1033.3.1
BEST PRACTICES TO INSURE CJIS 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.

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- 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.
- 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.

1033.3.2 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

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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.

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.

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1033.4 ACCOUNT 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.

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.

1033.5 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

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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.
- 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.

1033.5.1 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.

1033.6 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.

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1033.7 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.

1033.8 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

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- This agency shall authorize and control information system-related items entering and exiting the physically secure location.

1033.9 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 those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.

1033.10 REMOTE ACCESS

This agency shall authorize, monitor, and control all methods of remote access to the CJIS network. Remote access methods must give the agency control and monitoring over the session. The session will be monitored at all times by this agency and at no time will a remote session be unattended. All remote sessions will be logged and logs will include: system name, computer name, remote viewer identity and functions preformed. If at any time the remoting party exceeds the scope of their support, the session will be terminated and the Aransas Pass Police Department Technology Incident Response Plan followed. Remoting parties should only be provided will enough access to perform the task needed.CJIS virtual escorting guidelines will be followed.

- Virtual escorting of privileged functions is permitted only when all the following conditions are met:
- The session shall be monitored at all times by an authorized escort
- The escort shall be familiar with the system/area in which the work is being performed.
- The escort shall have the ability to end the session at any time.
- The remote administrative personnel connection shall be via an encrypted method.
- The remote administrative personnel shall be identified prior to access and authenticated prior to or during the session. This authentication may be accomplished prior to the session via an Advanced Authentication (AA) solution or during the session via active teleconference with the escort throughout the session.

1033.11 PERSONNEL TERMINATION AND TRANSFER

When an employee is transferred into another position within this agency their system access will be reviewed. Any accounts on systems that are no longer needed will be disabled or removed. If employment with this agency it terminated for any reason all system accounts will be disabled or removed immediately.

1033.12 VIOLATIONS OF THE DEPARTMENT'S CJIS POLICY

Violations of the Aransas Pass Police Department CJIS policy by an employee will be reported to the LASO and may result in the following:

- Remedial training on CJIS policy and Security Awareness

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- Access to the CJIS network revoked
- Disciplinary action, to include termination
- Criminal charges

Violation of the Aransas Pass Police Departments CJIS policy by a non-employee will be reported to the LASO and may result in the following:

- Immediate removal from the building or other secured area
- If the violation occurs during a remote session, the session will be terminated immediately.
- All future access revoked
- Criminal Charges

1033.13 FACSIMILE TRANSMISSION OF CJIS DATA

Employees will not use facsimile to transmit CJIS Data. Only approved encrypted methods will be used when transmitting CJIS data outside the agency.

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