Seabrook Police Department

Policy and Procedures

Version - 5-2014

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Seabrook Police Department
Acknowledgement Form

I have received the *Seabrook Police Department Policy and Procedure Manual* and acknowledge that I am able to comply and will comply with all requirements of this Policy Manual.

_____
Employees Signature

_____
Printed Name

_____
Date

(Please return this form to your immediate supervisor)

DECLARATIONS PAGES

SEABROOK POLICE DEPARTMENT

MISSION STATEMENT

We the members of the Seabrook Police Department exist to serve the citizens of and visitors to our community with respect, fairness, and compassion. We are dedicated to the prevention of crime, the protection of life and property, the maintenance of law and order, the enforcement of laws and ordinances, and upholding the constitutional rights of all those within our jurisdiction.

With a philosophy of full service to our customers, we have established goals & objectives designed to achieve our mission. Through the investigation of all offenses and incidents that come to our attention, we seek to develop and preserve a high quality of life in a small town waterfront atmosphere,

We hold ourselves to the highest standards of law enforcement conduct and ethics. We seek to earn and maintain public confidence by holding ourselves responsible to those we serve. With knowledge that we are servants to the public, we dedicate ourselves to professional growth and development through effective leadership and training.

Statement of Department
Goals

To protect life, liberty and property

To reduce criminal opportunity

To recover lose or stolen property

To preserve civil order

To investigate crime

To enforce statutory law

To apprehend violators and vigorously seek prosecution

To provide service through education, advice, and referral

CITIZEN RELATIONS PHILOSOPHY

The Seabrook Police Department is committed to providing its citizens with quality service in order to enhance the quality of living within the community. This commitment has been publicly recognized by the City in Resolution No. 88-25, Citizen's Bill of Rights.
The following set of rights applies to all citizens of the City and shall be honored by all officials and employees of the City of Seabrook

(1) Every citizen has the right to ask questions about any policy or activity, present or planned, in which Seabrook is involved.

(2) City elected officials and/or City employees should be available to provide patient, informed answers within a reasonable period of time.

(3) Every citizen is entitled to considerate help in the understanding of the procedures and codes Seabrook follows and the reason these procedures and codes were adopted.

(4) If viable alternatives to specific procedures or codes are available which will make the citizen's life easier or will reduce the cost of time commitment for the citizen, these alternatives should be suggested and explained.

(5) Every citizen is always entitled to courteous, enthusiastic help and service by every elected official and City employee whether or not the requested help or service is in the official's or employee's area of responsibility.

(6) A citizen's concern is not an interruption of our work. He is doing us a favor by allowing us the opportunity to serve him.

EMPLOYEE RELATIONS PHILOSOPHY

The City of Seabrook is committed to providing quality municipal services. We believe the ways to achieve those goals are to provide employees with the opportunity to succeed, provide them with the resources to do their jobs, manage them fairly and impartially, and ask them to be accountable for their own success. Therefore, the City places high value on the desire to work, the ability to produce the desired results, and the willingness of employees to accept responsibility for their own success.

The City of Seabrook is a service-oriented organization that operates under well defined cost constraints and public scrutiny. The key to our success is for all employees to work together to achieve citizen satisfaction and operating efficiency. Therefore, every employee is responsible for meeting quality, service, and cost standards.

We think all employees should be treated with courtesy, respect, and fairness. All employees are expected to act with courtesy, respect and fairness with citizens and other employees. All employees are expected to comply with our policies as stated in this manual, The City Personnel Policies and Procedures, employee communications, and as communicated by management from time to time.

We establish personnel policies and practices to provide our employees with a good work environment, with fair supervision, and with proper compensation.

LEGAL AFFAIRS

The Police Department generally relies upon two general sources for legal advice. These are the City Attorney and appropriate prosecution agencies.

For matters that relate directly to the preparation of criminal cases for prosecution, officers shall secure legal advice from the agency expected to prosecute the case. For cases in City Court, this will be the City prosecutor; for those cases in County or District Court, this will be the County or District Attorney; for those cases in Federal Court, this will be the U.S. Attorney's Office.

Other legal matters, including general legal advice, potential claims or lawsuits and matters not directly related to prosecution of specific criminal cases shall be referred to the office of the City Attorney or to the appropriate City Official. Such referrals shall take place by and through the Chief of Police. Other than the City attorney, officers other than the Chief are not authorized to contact or solicit advice related to Department or City legal affairs from outside counsel without being directed to do so by the Chief of Police, City Attorney or appropriate City Official.

All threats or claims indicating intent to file a claim or lawsuit against the City or any City employee or official, no matter how frivolous the threat may appear, shall be documented by memo to the Chief of Police immediately. The memo will provide the date, time, location, and exact statement of the person or persons making the threat of claim or litigation along with the identity of any witnesses to the threat and, if known, the background facts or circumstances which relate to the threat of claim or litigation.

All litigation and litigation related activity will be referred to the office of the City Attorney or appropriate City Official for appropriate handling. All requests for open records or public information will be immediately forwarded to the City Attorney or appropriate City Official for response. Officers are reminded that State law requires that such requests be responded to as soon as possible and not to exceed 10 days of receipt. Should any officer have contact with a person who is making or has made a request for public information, officers are reminded that State law prohibits public officials from asking any person about the reason for making a public request or about their intended use of public information once received. Officers are expressly prohibited from making such inquiries to citizens.

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ADMINISTRATION

I. POLICY

Both professional law enforcement administration and the management of liability require a manual that governs the activities of a Police Department. A manual of rules and procedures guides the day-to-day legal and ethical functioning of a Police Department.

II. PURPOSE

A. The purpose of this General Orders Manual is to provide guidelines for the operation of the Seabrook Police Department. This manual has been written to inform not only employees, but also the public, of the principles to be adhered to in the performance of the law enforcement function.

B. Command and supervisory personnel are charged with the responsibility to assure that input is gathered from all responsible sources and are accountable for the proper dissemination and implementation of all adopted policies and procedures.

C. Due to the frequent changes in the law and the needs of the community, this manual will require frequent review and revision. Each employee is charged with the responsibility to present his ideas for revisions, additions, or deletions to the manual.

D. As with any system of written directives, situations will undoubtedly arise which are not specifically addressed by directives within this manual. In those instances the employee should rely upon the principles outlined by the “Law Enforcement Code of Ethics.”

III. DEFINITIONS

The terms used in this General Orders Manual shall be defined as follows unless otherwise indicted.

A. Arrest. To deprive a person of his liberty in order to make him answer an alleged criminal offense.

B. Chain of Command. The unbroken line of authority extending from the City Council and Mayor to the Chief of Police and through a single subordinate at each level of command, down to the level of execution, and return.

1. In the absence of the Chief of Police for whatever reason, the Chiefs designee will assume command of all police operations.

C. City. The City of Seabrook.

D. Civilian Employee. Any employee other than a sworn officer.

E. Competent Authority. That authority possessed by superiors, supervisors, commanding officers, Federal, State or County Sheriff's Office Officers or the courts.

F. Delegated Authority. At every level, within the Seabrook Police Department, those who have been granted positions of authority will be authorized to make decisions necessary for the effective execution of their responsibilities.

1. All Supervisory personnel will be accountable for the performance of their employees under their immediate control.

G. Department. When capitalized, the Seabrook Police Department.

H. Directive. Any written or verbal order issued by competent authority.

I. Employee. Any person employed with the Seabrook Police Department.

J. Insubordination. The willful disobedience of any order lawfully issued by a supervisor or by a field training officer to any other employee under their immediate direction or control, or any disrespectful, insolent, or abusive language toward a supervisor or a field training officer.

K. Memorandum. A memorandum either (1) provides useful, specific information to employees not amounting to a formal order, or (2) constitutes a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.

1. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police or may be issued by other employees or agencies.

L. Off-Duty. The state of an employee at times when he is not actively engaged in the performance of law enforcement duties and/or other departmental tasks and when he is not scheduled to work on a paid status with the City.

M. Officer. A sworn member of the Department.

N. On-Duty. The state of an employee during any period in which he is actively engaged in the performance of law enforcement duties or other Departmental tasks and is on a paid status.

O. Policy. A statement of the Department's philosophy on a given issue. Policy consists of principles and values that guide the performance of Department employees. Further, policy is based upon ethics, experience, the law, and the

interests and desires of the community. Use of the term "Policy" in these general orders does not in any way infer or imply that the City Council has in any manner, expressed or implied, delegated its final policymaking authority to any person, official or officer. Final policymaking authority is expressly reserved to the City Council or other specified officials as established by Texas law in effect at the time of the enactment of these General Orders except to the extent expressly delegated by Charter or City ordinance.

1. Each rule or regulation or general order will begin with an agency policy statement.

2. Only the City Council determines policy except to the extent final policymaking authority has been delegated to the City Manager.

P. Procedure. Defines a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.

1. All procedures in this manual will be labeled General Orders. General Orders govern police operations.

2. Like rules and regulations, violations of General Orders may result in administrative discipline. General Orders constitute a *guide* to behavior in given situations. Employees may depart from General Orders if, in their professional judgment, the situation warrants. However, Employees and Officers must be prepared to justify their actions. In this manual, "directive" is synonymous with "General Order."

Q. Pronouns. The personal pronoun of either gender (him, her, he, she, etc.) shall apply equally to male and female employees of the Department or officials of the City.

R. Regulation. May contain one or more rules and is an administrative order governing organizational matters, e.g., leave policy, off-duty employment, promotions.

1. Similar to rules, regulations permit little if any deviation there from. Violations of regulations normally result in administrative discipline.

2. Only the Chief of Police proposes regulations for approval by City policymakers.

S. Rule. A specific prohibition or requirement governing the behavior of employees.

1. Rules permit little if any deviation there from. Violations of rules normally result in administrative discipline.

T. Staff Supervision. The supervision by a supervisor of an employee not normally under his direct command.

U. Supervisor. Any employee with delegated authority to oversee and/or direct others in the accomplishment of their assigned tasks.

V. Suspension. The period, either with or without pay, during which an employee is denied the privilege of performing his duties.

W. Unity of Command. Each employee is accountable to only one supervisor at any given time unless notice is specifically communicated by another supervisor.

IV. GENERAL ORDER SYSTEM

A. General Orders are issued to announce policies and procedures applicable to employees within all divisions of the Department for the indefinite future. General Orders shall be reviewed annually with the date of review recorded in the General Order. All reviews will include a review to insure the General Order complies with applicable law."

B. Special Orders are issued to establish a policy or procedure:

1. With regard to a specific circumstance or event of a temporary or self-canceling nature; or

2. Applying only to a specific unit or activity.

C. Standard Operating Procedures are issued to describe the specific guidelines an employee within a specific division, section, or unit shall follow.

D. Personnel Orders will be issued to direct the following actions:

1. Appointment of new personnel;

2. Assignment or transfer of employees from one division, section, watch, or unit to another;

3. Changes in compensation level;

4. Promotion or demotion of employees; and

5. Suspension, termination, or restoration to duty.

E. Memoranda may be used to:

1. Disseminate information or instructions not warranting a formal order;

2. Direct the actions of subordinates in specific situations or circumstances under a level of command not authorized to issue General Orders, Special Orders, or Standard Operating Procedures;

3. Explain or re-emphasize portions of previously issued orders; or

4. Inform employees of the actions or policies of other agencies.

F. An Organizational Chart depicting the organizational components and chain of command shall be maintained. The Chart shall be reviewed at least annually with the review date recorded on the Chart. The Chart shall be revised each time any organizational changes are made which render the Chart inaccurate. The date of revisions shall be recorded on the Chart.

G. All written directives will be reviewed to insure compliance with applicable law before implementation."

V. ISSUING AUTHORITY

A. General Orders are issued by the Chief of Police with the approval of the final policymaking authority.

B. Special Orders are issued by the Chief of Police or any Police Department Supervisor with the approval of Chief of Police.

C. Standard Operating Procedures are issued by the Chief of Police or Police Supervisor in charge of the specific unit or division.

D. Memoranda Announcing Directives are issued by any competent authority.

E. The Chief of Police authorizes any rule, regulation, or general order. No rule, regulation, or general order is valid unless signed by the Chief of Police.

F. Within the context of any rule or directive, the use of the word "shall" connotes an action or behavior that is mandatory and unequivocal. The word "may" or "can" connotes an action or behavior that is optional.

G. Any officer or civilian member of the Department may suggest or recommend changes to the Chief of Police concerning the policy manual and all are encouraged to do so in an appropriate manner.

VI. DISTRIBUTION

A. All General Orders shall be distributed by the office of the Chief of Police. Each employee shall be issued and shall sign for an individual copy of the General Orders Manual.

B. Each employee shall be responsible for maintaining the General Orders Manual in proper condition. The manual and its contents shall be considered Department property.

C. All Special Orders and Standard Operating Procedures shall be distributed by the Chief of Police or a Supervisor or their designees to the appropriate personnel.

D. The distribution of each General Order, Special Order, or Standard Operating Procedure shall be noted on each.

E. Each Supervisor is responsible for ensuring that those employees under his command are properly trained concerning matters contained in General Orders, Special Orders, or Standard Operating Procedures.

F. All employees are responsible for knowing, understanding, and conforming to the contents of all lawful written directives applying to them.

VII. RECOMMENDATIONS

A. All recommendations for additions to or deletions from the General Orders manual shall be submitted to the Chief of Police through the chain of command.

B. No order issued at any level of command may conflict with established policies and procedures issued by a higher authority. When a new order, procedure, or directive is to be issued, it shall be the responsibility of the issuing authority to ensure that the document does not conflict as described herein.

C. Whenever applicable, all Orders and Standard Operating Procedures shall carry notations directing attention to other published documents which are related. An Order, Standard Operating Procedure, or directive which rescinds or supersedes other documents shall carry the identifying notations necessary to identify the superseded directive.

VIII. EFFECTIVE DATE

A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violations which occur prior to the effective date of this Order.

B. If any section, sentence, clause or phrase of this Order is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

C. The effective date is stated in each General Order.

CITY OF SEABROOK POLICE DEPARTMENT CODE OF CONDUCT

I. POLICY

The Code of Conduct of the Seabrook Police Department is promulgated pursuant to the Ordinances of the City of Seabrook and by authority of the laws and statutes of the State of Texas.

The Seabrook Police Department expects its personnel to maintain high standards of appearance and conduct. The public similarly expects such high standards. Police officers wield considerable power over the citizenry, power that is carefully circumscribed by state and federal law and, ultimately, by the Constitution and the Bill of Rights. Our powers to arrest, seize property and interfere, at times, with the lives of citizens constitutes a public trust. A police officer can help to ensure that this trust is regarded as vital by performing his duties in an exemplary manner. Performance however, is not enough, we must always conduct ourselves in an exemplary fashion.

II. PURPOSE

The Code of Conduct of the Seabrook Police Department is designed to promote efficiency, discipline and good public relations by setting forth guidelines governing the conduct of every member of the Police Department, both sworn and non-sworn, on or off duty. The terms "sworn member" and officer refer to any person commissioned as a police officer under Article 2.12 of the Texas Code of Criminal Procedure. The terms “member” and “employee” refer to any employee, full or part time, paid or non-paid, of the City, assigned to the Police Department whether sworn or non sworn (civilian). The use of the terms “he” and “his” shall refer generically to any member of the Department regardless of gender.

The Police Department’s Code of Conduct and General Orders are founded on well recognized standards of behavior and ethics. Police officers are held to higher standards than others employed in public service because they alone have the power to limit individual freedom. The Law Enforcement Code of Ethics and the Canons of Police Ethics are included as addenda to this Code of Conduct to provide Departmental personnel with a philosophical basis for the rules and regulations of the Seabrook Police Department.

III. ENFORCEMENT OF CODE OF CONDUCT AND GENERAL ORDERS

A. The provisions of the Code of Conduct, City personnel policies and Departmental regulations, shall be observed by all members of the Seabrook Police Department in order to maintain the confidence, respect and support of the public.

B. Violations of the Code of Conduct, City Personnel Rules, Administrative Regulations, the Ordinances of the City, the laws of the State of Texas or the United States or these Departmental regulations shall subject the offender to disciplinary action which may take the form of a verbal or written warning, written reprimand, reduction in rank, suspension or termination of employment. Action taken will depend on the degree of severity of the offense, the record of the offender and the seriousness of the consequences of the violation.

C. Disciplinary action under the Code of Conduct will be in accordance with City Personnel Rules as well as any and all applicable Departmental regulations. All disciplinary actions will be based on substantial evidence. However, the City of Seabrook is an "At Will" employer. Nothing in these general orders shall be construed or is intended to alter the at-will status of any employee and no employee or supervisor of the City of Seabrook has the authority to make any statement or take any action which alters the at-will status of any employee or which creates any expectation of future employment.

D. Pursuant to the authority granted by the City of Seabrook, the Chief of Police shall have the right to suspend or discharge any employee who may be under his jurisdiction and control for incompetence, neglect of duty, conduct determined to be unbecoming of an employee, intoxication, the improper use of any substance that modifies behavior, violation of this Code of Conduct or these General Orders or failure to obey orders given by proper authority or the orders, rules and regulations promulgated by the Chief of Police. This authority to initiate a suspension or discharge is not final authority and is subject to approval by the City Manager of the City of Seabrook.

E. Employees are required to establish and maintain a working knowledge of the Code of Conduct, of all laws and Ordinances of the City and the written rules and policies of the Department. In the event of improper action or the breach of discipline, it will be presumed that the employee was familiar with the law, rule or policy in question.

F. Failure to comply with the Code of Conduct, the General Orders and any other orders, policies and directives issued by proper authority will subject the employee to disciplinary actions as prescribed in this Code of Conduct and in these General Orders.

G. Any employee who, by act or conduct, attempts to violate or conspires with any person to violate the Code of Conduct, Personnel Rules of the City, General Orders or policies of the Department or any State or Federal Law shall be subject to the same discipline as though the actual violation had been accomplished.

H. It shall be the duty of all supervisors, and officers to take corrective action and/or submit a written report to their chain of command whenever they learn through personal observation or report of any violation of the Code of Conduct, the City

Personnel Rules, Departmental rules and regulations, the Charter of the City, the ordinances of the City, and/or the laws of the State of Texas or the United States by any member of the Department.

1. Should the violation involve an incident of a serious nature, the supervisor detecting the violation shall relieve the offender from duty and take custody of any credentials, firearms and other equipment issued by the Department. Should the observing supervisor be of lesser rank than the offender, he shall notify a supervisor of superior rank to that of the offender. The offender will be instructed to report to the office of the Chief of Police or other appropriate supervising authority at 9:00 a.m. the following business day, unless determined otherwise by the chief of police.

2. A written report of the incident shall be submitted by the reporting supervisor who shall also be present at the office of the Chief of Police or other appropriate supervising authority at the time the offender reports.

I. When a violation involves neither gross misconduct nor moral turpitude but could cause discredit to the Department or any member thereof, a report shall be made in writing outlining the known facts of the case and an investigation initiated to determine the nature and degree of the violation.

J. Sworn members of the Police Department holding the position of probationary police officer may be terminated from employment by the Chief of Police when they fail to meet the minimum standards of employee performance or when they violate the Code of Conduct, City Personnel Rules, the ordinances of the City, and/or the laws of the State of Texas or the United States. The probationary period is (6) six months. Nothing contained herein shall be construed to alter “at will” employment.

K. No promotion of any member of the Department shall be deemed complete until a period of six (6) months shall have elapsed following said promotion. At any time during this six-month probationary period, the Chief of Police may rescind the promotion.

L. Should any officer be discharged, suspended, because he has violated any rule of the Code of Conduct, the City Personnel Rules, Departmental regulations, the ordinances of the City, and/or the laws of the State of Texas or the United States, he shall receive a letter of discharge, suspension, which shall set forth the rule violated and the details of said violation. Should the officer desire to appeal, the appeal process is set out in the adopted rules of civil service by the City of Seabrook.

IV. GENERAL RESPONSIBILITIES

A. No employee shall procure or attempt to procure appointment or promotion in the Department by means of willful misrepresentation or omission of any fact concerning his personal history, qualifications or physical condition.

B. Police employees must present a “neutral image” to effectively relate to all segments of the population they serve. Societal interest demands highly trained officers who demonstrate disciplined conduct, regimentation and strict adherence to regulation and authorized detail. Therefore, officers shall be subject to, and must comply with the uniform and appearance standards prescribed by General Orders.

C. Uniforms shall be kept neat, clean, in good repair, and well pressed when reporting to duty. While wearing the uniform, officers shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling, and keeping hands in pockets. Any prescribed uniform hat or cap shall be worn when directed by competent authority.

D. Normally, officers shall wear the duty uniform on a tour of duty. However, the Chief of Police may prescribe other clothing to be worn as required by the nature of the duty to which a particular officer is assigned.

E. No officer, while in uniform, shall carry any equipment such as swords, knives, or clubs, or wear on the uniform any item not specifically authorized by written order of the Chief of Police.

F. Officers shall carry their badge and identification card with them at all times.

G. Officers must be armed at all times while on duty in the City, unless directed otherwise by the Chief of Police or his designee. When an officer is on duty, the firearm and other weapons carried will conform to the standards and required qualifications as set forth in these General Orders.

H. With the exceptions listed, when an officer is off duty, he may (optional) be armed with a Departmentally approved weapon. If armed, he must be currently qualified with that weapon as set forth in the General Orders.

1. Exceptions: An officer must be armed with a departmentally approved weapon:

a. At any time when in a city vehicle;

b. At any time when in uniform; or

c. When performing police related off duty employment.

I. No officer, when dressed in civilian clothes, shall wear or carry a weapon in such a manner that it will attract attention or be in open view in public (which includes performing any court function) with the exception of when in normal investigative work areas and adjacent hallways of the Department.

J. No employee shall wear the uniform, be armed or carry his badge or identification card while under suspension.

K. Employees shall not willfully damage any property or equipment belonging to the City, any citizen or other entity unless lawfully required to do so in the performance of their duty.

L. Employees will not cause damage to any property or equipment belonging to the City, any citizen or other entity by improper handling or negligence.

M. No officer shall alter, repair, or in any way change, add to, or remove any parts or accessories of any city-owned property without the permission of the Chief of Police. This includes buildings, office equipment, machines, clothing, firearms, communication equipment, and motor vehicles.

V. PROFESSIONAL CONDUCT AND PERSONAL BEARING

A. Dereliction of duty on the part of any employee, detrimental to the proper performance of the functions of the Department, is cause for corrective action. Dereliction of duty includes, but is not limited to, the following:

1. Failure of a supervisor or commander to immediately take action when a violation of rules or regulations comes to his attention, regardless of the supervisor's or violator's assignment or rank within the Department.

2. Failure to observe and give effect to the policies of the Department.

3. Failure to deliver to the official Departmental custodian or other appropriate authority any property found by, confiscated by or relinquished to officers of this Department without undue delay and, in any event, before the tour of duty is ended.

4. Failure to place evidence in its officially designated place for preservation and storage.

5. Failure to give the name and badge number to any person upon request. (In writing, when specifically requested by a citizen)

6. Failure to provide identification when requested.

7. Failure to take appropriate police action to aid a fellow peace officer exposed to danger or in a situation where danger might be impending.

8. Cowardice or failure to perform police duties because of danger.

9. Any action which places any person in greater danger than is necessary for the proper performance of the employee's duties.

10. To offer, agree to accept, deliver or solicit a bribe. (A bribe shall be defined as a gift, emolument, money, thing of value, testimonial, appointment, personal advantage, the promise or solicitation of same for the purpose of obtaining special privileges or personal gain by the donor or other person.)

11. Within the City, officers shall at all times take the appropriate action to:

    a. Protect life and property;

    b. Preserve the peace;

    c. Prevent crime;

    d. Detect and arrest violators of the law; and

    e. Enforce all federal, state and local laws and ordinances coming within Departmental jurisdiction (off duty enforcement of traffic and Class C misdemeanor offenses are excluded from this provision).

12. For the purpose of protecting life and property, officers shall always be considered on duty while in the City and shall be prepared to act to the extent possible any time circumstances indicate their services are required.

    a. The above enforcement action will not include:

        (1) Detentions or arrests for violations of a Class C Misdemeanor level or traffic enforcement when out of uniform and off duty, unless in an off duty employment capacity and with prior supervisory permission; and

        (2) Enforcement responsibilities beyond the ability of the officer when he is not armed. (Appropriate action in such cases may include calling for assistance.)

B. No employee shall be convicted of, nor commit any act or omission defined as a criminal act.

C. No employee shall engage in any conduct which adversely affects the morale or efficiency of the Department or which has a tendency to adversely affect, lower or destroy the public respect and confidence in the Department or employee.

D. No employee, when acting outside the course and scope of his duties, shall precipitate, cause or escalate a disturbance or police incident to his discredit.

E. No employee shall fail or deliberately refuse to obey a lawful order given by a supervisory member of the Department.

F. Employees shall treat supervisory members, subordinates and associates with respect. They shall be courteous and civil, at all times, in their relationships with one another.

G. Employees shall not publicly criticize or ridicule the Department, its policies or other employees by talking, writing or expressing in a manner which:

1. is defamatory;

2. is obscene;

3. is unlawful;

4. tends to impair the operation of the Department by interfering with its efficiency, by interfering with the ability of supervisors to maintain discipline; or by a reckless disregard for the truth; or,

5. Reflects negatively upon the Department in a manner which hinders the ability of the Department to render service to the public.

H. No employee shall be under the influence of drugs or be a user of drugs, when such drugs are not prescribed by a physician or dentist or take drugs in a manner not prescribed by a physician or dentist.

I. Employees will notify a supervisor when they are taking any drug prescribed by a physician or dentist which might impair their ability to operate a motor vehicle, carry a firearm/weapon, or which might affect their judgment. (When notice is provided by prescription label)

J. Officers will not use any unnecessary, unreasonable or inappropriate force against any person. Officers will engage in searches, arrests, and detentions only in a manner which is consistent with the preservation of the constitutional and other legal rights of persons whom they encounter.

K. No employee shall, at any time, ridicule, mock, deride, taunt or belittle any person.

L. No employee shall willfully embarrass, humiliate or shame any person.

M. No employee shall willfully harass any person nor take any action in a manner which might incite a person to violence.

N. No employee shall use loud or harsh language in performance of official duties except as necessary to gain control of an escalating situation or when appropriate in training.

O. No employee shall use indecent or profane language in the performance of official duties or in the presence of the public.

P. Officers shall not engage in any conduct which constitutes conduct unbecoming an officer or neglect of duty.

Q. No employee will make any comment or expression, either written or oral, which would deride, demean, condemn or ridicule any person based upon their race, ethnicity, sex, religion or sexual orientation, on or off duty, if such comment or expression will tend to generate controversy and disruption within or outside of the Department, impede upon the Department's general operation and performance and affect working relationships necessary to the Department's proper functioning.

R. Employees will be courteous and civil to the greatest extent possible when dealing with members of the public or other members of the Department.

S. No employee shall solicit any funds for the purpose of buying a gift for any member of the Department. However, employees may solicit nominal amounts from members of their section or division for gifts for retiring fellow members or for special circumstances with the permission of the Chief of Police or his designee.

T. No employee shall receive any money or gifts from any type of solicitation except when retiring from the Department or for special circumstances approved by the Chief of Police or his designee.

U. Officers shall not buy anything from or sell anything to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention through their employment with the Department, nor can they act as an intermediary in the payment of a reward for the return of stolen property without prior authorization by the Chief of Police. This does not prohibit officers from dealing with legitimate places of business.

V. No employee shall conduct himself in a manner which would discredit the police service.

W. No employee shall engage in any form of gambling in any other police or City facility.

X. No employee shall engage in "horseplay" or the playing of pranks while on duty or in police facilities.

Y. Uniformed employees will render appropriate honors to the United States flag and national anthem during ceremonial functions by assuming the position of attention and placing the right hand over the heart (indoors) or saluting (outdoors). Employees in civilian clothing will render appropriate honors by assuming the position of attention and placing the right hand over the heart (indoors and outdoors).

Z. Employees shall be compensated by the City only as specifically authorized by the governing body of the City. Such compensation shall be limited to the following and no other compensation shall be expected or requested by any employee of the Department:

1. Salary authorized by the City's governing body;

2. Overtime authorized by the Governing body or appropriate supervisors only when supported by appropriate documentation;

3. Reimbursement for out of pocket expenses incurred in the performance of official functions only when approved in advance and supported by documentation as the City may require;

4. Other special compensation and/or fringe benefits only if approved by the governing body of the City.

AA. Employees shall, at all times, respond to the lawful orders of supervisory members and other proper authorities as well as requests for police assistance from citizens.

1. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve officers of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Officers assigned to special duty are not relieved from taking enforcement action outside the scope of their specialized assignment when necessary. All members shall perform their duties as required or directed by law, Departmental rule, and policy or by order of a superior member.

BB. Officers shall respond without delay to all calls for police assistance from citizens or other members.

1. Emergency calls will take precedence. However, all calls shall be answered as soon as possible, consistent with normal safety precautions and traffic laws.

2. Except under the most extraordinary circumstances or when otherwise directed by competent authority, no officer shall fail to answer any call for service directed to him.

CC. Officers will investigate those incidents assigned or which come to their attention to the fullest extent within their assigned responsibilities.

DD. The ranking on-duty supervisor at the scene of any police incident shall be in charge and responsible for the proper conclusion of that incident. In the absence of a supervisor, the senior officer present shall be in charge and responsible for the handling of the incident. The supervisor or senior officer shall remain at the scene until such time as the incident is under control, is being properly handled in accordance with existing policies, and sufficient instructions have been issued to result in the proper conclusion of that incident.

EE. Failure or deliberate refusal of any officer to obey a lawful order given by a superior member shall be considered insubordination.

FF. No employee shall be absent without leave. (Absence without leave shall mean either a failure to report for duty at the time and place of duty or the leaving of a place of duty or assignment without proper authorization.)

GG. Unless otherwise directed, employees shall report to daily roll call at the time and place specified in proper dress and equipment. They shall give careful attention to orders and instructions.

HH. The hours of all officers shall be regulated by the Chief of Police or his designee, who has the authority to call any employee back to duty, regardless of the hours assigned that employee.

II. It shall be the responsibility of employees who cannot report for duty, due to illness, to notify the on duty supervisor at least two (2) hours prior to their reporting time. Employees must give a telephone number and address where they can be located during their normal tour of duty.

JJ. Employees shall furnish the Department a telephone number and address at which they may be reached in the event of an emergency.

KK. Employees shall report any change in address or telephone number within twenty-four (24) hours of such change in the manner prescribed by the Chief of Police.

LL. When employees will not be available for more than twenty-four (24) hours at their listed address and telephone number for an emergency call, they shall notify their supervisor who shall record the time of departure, expected time of return, destination and, as far as practicable, information as to how and where they may be reached in the event of an emergency.

MM. Employees shall not work any outside or extra duty employment on the same calendar day that they fail to report for duty due to illness or injury.

NN. Employees are prohibited from following any other vocation that might conflict or interfere with their responsibility to the Department.

1. Employees must receive permission from the Chief of Police to engage in off duty employment or business activities.

2. Officers are prohibited from holding a deputation or commission from any other law enforcement agency.

OO. Employees shall remain alert, observant and occupied with police business, during their tour of duty. When on duty, officers shall devote their entire time and attention to the business of the Department.

PP. Employees are prohibited from engaging in the following activities while on duty:

1. sleeping, loafing or idling;

2. recreational reading, except as follows;

   a. during meals while in plain clothes; or

   b. during meals while in uniform and out of public view;

3. conducting private business (excluding minor personal errands within the City which do not interfere with the provision of police services);

4. Carrying any articles that distract from the proper performance of police duty;

5. Drinking intoxicating beverages (except in the performance of a police duty and then, only with the specific consent of a commanding officer and never in uniform);

6. Legal or illegal gambling (except in the performance of a police duty and then, only with the specific consent of a commanding officer and never in uniform);

7. Any sexual conduct.

QQ. Employees shall promptly submit reports that are required by the performance of their duties or by competent authority. Any required report shall be completed and approved by a supervisor before the end of the supervisor's tour of duty or as soon as practical.

RR. Officers shall have prior approval of their supervisor before initiating undercover investigations. In cases where officers are already deployed in an undercover capacity and they begin another assignment unrelated to the existing assignment, they shall notify their supervisor as soon as practical or within twenty-four (24) hours.

SS. Employees shall not consume intoxicants, while off duty, to the extent that evidence of such consumption is apparent when reporting for duty or to the extent their job performance is impaired.

TT. Employees shall not be intoxicated while on duty. They shall not at any time, on or off duty, be intoxicated in public view.

UU. No employee, while in uniform, shall purchase, possess, be under the influence of or drink intoxicants, on or off duty.

VV. Employees shall not bring or keep any intoxicating liquor on Departmental premises, except for the following purpose;

1. Liquor brought on to Departmental premises in the furtherance of a police task shall be properly identified and stored according to policy.

WW. Employees on duty or in uniform shall not enter taverns, theaters or other public places except to perform a police service. Police presence is considered a police service in many circumstances. Very brief personal errands that are not excessive and do not interfere with the provision of police service may be allowed.

1. Employees shall not smoke tobacco, chew tobacco or gum while making personal contacts with citizens in the performance of duties. Employees will not use any tobacco products while in city vehicles.

XX. No expenditure of money shall be made or liability incurred in the name of the City or the Department unless authorized by the Chief of Police or by appropriate City authority.

YY. Employees are prohibited from using city equipment, whether the equipment is owned or leased, for any purpose other than Departmental or city business. This prohibition applies to both on and off duty conduct. Exceptions to this policy will require the prior approval of the Chief of Police or his designee. Appropriate use of home storage vehicles will be governed by the General Orders. This rule does not preclude the limited use of equipment or supplies deemed in the best interest of the department as determined by the Chief of Police or his designee.

ZZ. All employees shall be truthful in all official written and oral communications or reports. No employee may knowingly or willfully make any false statement in any written or oral communication or report.

VI. PROTECTION OF PRISONERS: RIGHTS AND PROPERTY

A. No employee shall arrest any person or search any premises or person except with a warrant of arrest, a search warrant or where such arrest or search is authorized without a warrant under the laws of the State of Texas, the United States or the Ordinances of the City.

B. All employees shall respect and protect the legal rights of any person held in custody or with whom the employee comes into contact.

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C. All employees shall protect, to the extent reasonably possible, any person being taken into custody from physical injury.

D. No employee shall knowingly cause a false arrest or imprisonment or knowingly cause any malicious prosecution against any person.

E. No employee shall willfully mistreat or give inhumane treatment to any person.

F. Employees shall use only such force as is necessary and allowed by applicable law in effecting an arrest and maintaining the custody of prisoners.

G. Officers shall use deadly force only as authorized by the Fourth Amendment and valid Court decisions under that law and as prescribed by the General Orders of the Department.

H. Employees shall take all reasonable steps necessary to prevent loss or damage to property or equipment belonging to a person in custody or which has come into the possession of the employee by reason of his office. NOTE: If loss or damage is the result of willful action or preventable negligence on the part of the employee, the employee may be required to make restitution in addition to any corrective action under this code.

VII. PUBLIC ACTIVITIES

A. Employees of the Police Department who wish to engage in partisan political activity will observe the following restrictions:

1. While in uniform or on duty, an employee may not engage in a political activity relating to a campaign for a public election;

2. An employee engages in a political activity if he:

   a. Makes a public political speech supporting or opposing a candidate;

   b. Distributes a card or other political literature relating to a campaign of a candidate;

   c. Wears a campaign button;

   d. Circulates or signs a petition for a candidate;

   e. Solicits votes for a candidate;

   f. Solicits campaign contributions for a candidate; or

   g. Voluntarily appears, either on duty or in uniform, in any type of news related or advertising photographs with or for a candidate for public office.

3. While out of uniform and off duty, an employee may engage in the political activities as listed in Subsection 2, with the following exceptions;

   a. An employee may not solicit campaign contributions for a candidate other than from members of an employee organization of which he is a member.

   b. An employee may not support, or solicit support for, any candidate in such a manner as to use his or her position with the Department in support of such efforts.

B. An employee of the Department may not become a candidate for elected office except as allowed by applicable law and as prescribed by the City personnel policies and procedures.

C. No employee shall seek the influence or intervention of any person outside the Department for the purposes of personal preferment, advantage, transfer or advancement. Should any employee learn of any such intervention on his behalf,

he shall immediately notify the Chief of Police in writing, providing the name, position (if applicable) and any other information available of the person intervening or planning to intervene on the employee's behalf.

D. No employee shall become a member of any organization, association, movement or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unconstitutional means.

E. No officer shall participate in any type of disruptive protest demonstration nor shall any officer act as a spokesman, representative, or agent for any group engaged in or planning to engage in any type of disruptive protest demonstration.

F. Except for official police duties, no officer of this Department shall associate with persons convicted felons, gamblers, or other persons who habitually commit violations of the law. This does not exclude an officer of this Department from associating with immediate members of his family if they fall within the aforementioned category.

G. Officers shall not permit their name or photograph to be used to endorse any product or service which is in any way connected with law enforcement without permission of the Chief of Police. Officers shall not, without the permission of the Chief of Police, allow their name or photograph to be used in any commercial testimonial which alludes to their position or employment with the Department.

VIII. JUDICIAL PROCEEDINGS

A. The Department has jurisdiction in criminal cases and limited civil cases only. No employee shall render aid or assistance in other civil cases except to prevent an immediate breach of the peace or to quell a disturbance actually existing. This rule is not intended to prevent employees from informing any citizen as to steps necessary to protect their rights in civil matters.

B. No employee shall investigate any criminal case or personally file any criminal charge in a court of law against any person for a criminal offense committed against him or any member of his family except for Class C misdemeanors occurring in the employee's presence while on duty. Other offenses that may be committed against him or members of his family shall be reported to the agency having responsibility for the investigation of such offenses. The personnel of that agency shall investigate and file such charges as may be proper.

C. Employees shall be truthful at all times when conducting any official police related business.

D. Employees shall answer questions or render material and relevant statements to a competent authority in a Departmental personnel investigation, when so directed.

E. No employee shall willfully misrepresent any matter, sign any false statement or report, commit perjury or give false testimony before any court, grand jury, board, commission, official or Departmental hearing.

F. No employee shall knowingly falsify any report, document or record or cause to be entered any inaccurate, false or improper information on records, documents or reports of the Department or of any court or alter any record, document or report, except by supplemental record, document or report. No employee shall remove or destroy or cause the removal or destruction of any report, document or record without authorization.

G. Employees must be present and available to testify in any court or before any grand jury when officially notified to appear. In criminal cases and in all civil cases, employees shall respond to a legal subpoena (or equivalent) only.

H. Employees who, for a valid reason, are unable to answer to an official summons must be excused by the court or grand jury prior to the time they are scheduled to appear. The reason for the excused absence shall be reported according to procedures set forth in the General Orders.

I. Any employee who is subpoenaed or volunteers to testify for the defense in any criminal case or in any capacity in any civil trial or hearing against the City, the Department, or any City employee or official, shall notify the Chief of Police in writing upon receipt of the subpoena or of his intention to testify prior to his appearance as a witness.

J. Employees shall not engage in any of the following conduct:

1. Interfering with the service of lawful process;

2. Interfering with the attendance or testimony of witnesses through coercion, bribery or other means;

3. Attempting to have any Notice to Appear or traffic citation reduced, voided or stricken from the calendar without the approval of the Chief of Police or his designee;

4. Recommending a dismissal, reduction of charges or other disposition of a pending criminal case which has been previously filed in any criminal court or before any grand jury, except by written approval of the Chief of Police or his designee;

5. Taking any other action which interferes with the efficiency or integrity of the administration of criminal justice or Departmental discipline; or

6. Having knowledge of such interference and failing to inform a superior officer immediately in writing.

K. No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed police operation to any person not authorized to receive such knowledge or information.

L. Employees shall not communicate in any manner, either directly nor indirectly, any information which may assist persons guilty or accused of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of an unlawful activity, money, merchandise or other property unlawfully possessed or obtained.

M. No employee shall release any police report, police record, arrest report, prosecution report, criminal history file, mug shot photograph or other record or report to any person or agency which does not have a criminal justice function unless ordered by a lawful subpoena or first approved by the Chief of Police or his designee. Employees are authorized to access certain law enforcement documents for the purpose of providing police service and disseminating documents and information to authorized persons. However, Employees are not authorized to access documents for other purposes.

IX. CONFLICT OF INTEREST

A. A conflict of interest arises whenever an employee intentionally disregards the public interest and the employee's duty to the public in favor of other interests, personal or otherwise. Likewise, a conflict exists whenever, due to personal financial interests, an employee is incapable of performing his official duties impartially or chooses not to perform them impartially. A conflict of interest may exist whenever an employee has a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee. The trust of the citizenry demands that an employee take no action which would constitute the use of City employment to advance personal or private interests.

B. An employee will avoid any action, whether or not specifically prohibited by law, which may reasonably tend to affect his job performance by creating the effect or appearance of:

1. Using public office for private gain;

2. Giving preferential treatment to any person; or

3. Losing independence or impartiality.

C. Employees while in uniform, on or off duty, shall not endorse or participate in any activity that might tend to bring into question the impartiality or a perception of impartiality of the Police Department toward any group in the performance of the Department's public responsibilities.

D. All employees will avoid situations which give rise to an actual or apparent conflict between their professional responsibilities and their relationships with other employees.

E. Members of the Department will not enter into an on-going, lengthy or continual financially significant off-duty employer/employee or business relationship with members of their chain of command. If this arrangement is seen as necessary or should a transfer or promotion create an apparent violation of this rule, members will immediately notify the Chief of Police or his designee in written memorandum form.

1. The memorandum should detail the nature and extent of such relationship. It then becomes the responsibility of the Chief of Police or his designee to take action appropriate to eliminate the conflict, keeping the best interests of both the Department and the involved employees in mind.

2. The Chief of Police or his designee may determine that no significant conflict exists. If conflict does in fact exist, he may require:

a. Changes in assigned duties;

b. Changes in assignment;

c. Disqualification from a particular assignment; or

d. Divestment by the employee of his conflicting interest.

F. Employees shall not, under any circumstances, solicit any gift, gratuity, loan or fee where there is any direct or indirect relation between the solicitation and their Departmental membership except as provided by law and approved by the Chief of Police.

G. Employees shall not accept, either directly or indirectly, any gift, gratuity, reward, loan, fee discount, rebate or special consideration arising from or offered because of police employment or any activity connected with such employment that might reasonably tend to influence the employee in the discharge of his official duties.

H. Employees shall not buy anything from or sell anything to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which

has come to their attention through their employment with the Department, nor can they act as an intermediary in the payment of a reward for the return of stolen property without the prior written authorization of the Chief of Police. This does not prohibit employees from dealing with a legitimate place of business.

I. Employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. This does not apply when a relative or personal acquaintance of the officer seeks such service. In no case may such advice be given where a fee, gratuity or reward is offered by, solicited or accepted from the attorney or bail bondsman.

J. No employee shall give any lawyer, bondsman or agent of either or any other person not authorized, any information regarding prisoners in confinement, property in custody or records of the Department.

K. Employees shall not furnish bail or act as a principal or surety on any bail bond or bail bond application for any person charged with any type of criminal offense except members of their immediate family.

L. No employee while in uniform, on or off duty, shall endorse or participate in any activity which would result in the perception of actual or tacit approval of that activity by the Department without the expressed, written permission of the Chief of Police.

M. Debts: incurrence and payment.

1. Employees shall not solicit subordinate members to co-sign or endorse any promissory note or other loan.

2. Employees shall pay all just debts and legal liabilities incurred by them.

X. ETHICAL STANDARDS

Application: The ethical standards expressed herein constitute the standards of conduct by which all members of the City of Seabrook Police Department are to be governed.

As a member of the Seabrook Police Department it shall be my duty:

To advance the objective of the Department in preserving order and protecting the lives, rights, privileges and property of the people in our City and in the State of Texas to the best of my ability and in an entirely impartial manner.

To practice at all times the motto of this organization, *"Serving Our Community."*

To keep myself clean and presentable and in good physical, mental and moral health.

To know and obey lawful orders and instructions at all times.

To keep all City equipment entrusted to me fully accounted for and in proper condition.

To take no other part in any public politics or political campaigns except as authorized by law and policy.

To conduct my business in a straightforward manner, relying upon poise, competence and discretion rather than threats and argument to carry out my duties.

To take up matters affecting me and my position with my immediate superior and through proper channels.

To submit through proper channels constructive suggestions for the improvement of the Department and its service.

To conduct myself at all times, both on and off duty, in such a manner that I may merit the voluntary commendation of all law-abiding citizens and visitors with whom I come in contact, both those with whom I meet in carrying out my duties and those I shall live among as a citizen in order that credit may be reflected upon the Seabrook Police Department.

The International Association of Chiefs of Police (IACP) Canons of Ethics and Law Enforcement Code of Ethics apply to all officers and members of the Department who shall consider this Canon and Code binding as a part of this Code of Conduct.

IACP - CANONS OF POLICE ETHICS

1. Primary Responsibility of Job. The primary responsibility of the police service and of the individual officer is the protection of the people of the United States through the upholding of their laws. Chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and it's legally expressed will and is never the arm of any political party or clique.

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

3. Duty to be Familiar with the Law and With Responsibilities of Self and Other Public Officials. The law enforcement officer must assiduously apply himself to the study of the principles of the law which he is sworn to uphold. He will make certain his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him; he will make special effort to fully understand his relationship to other public officials, including law enforcement agencies, particularly on matters of jurisdiction both geographically and substantively.

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

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

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

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

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

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

10. Presentation of Evidence. The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. The law enforcement officer shall take special pains to increase his perception and skill

of observation, mindful that in many situations, his is the sole impartial testimony to the facts of a case.

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

Officers will display the degree of integrity required by the:

Law Enforcement Code of Ethics

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

"I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land 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 duty.

"I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions with no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession--*law enforcement*."

XI. EFFECTIVE DATE

A Any previous directive, rule, order or regulation that pertain to this subject matter and its amendments shall remain in full force and effect for any violations which occur prior to the effective date of this Order.

B. If any section, sentence, clause or phrase of this Order is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

TESTIMONY AND COURT PROCEEDINGS

I. POLICY

It is the policy of the Seabrook Police Department that all officers will fulfill their legal and ethical responsibilities and cooperate with officials in the judicial system.

II. PURPOSE

To provide officers with their legal and ethical responsibilities along with cooperating with officials in the judicial system.

III. PROCEDURE

Seabrook police officers will cooperate with prosecutors in all criminal cases pending in City court; in any County or District Court; or in Federal Court. This cooperation will include appearing for all scheduled appointments and appearing for court testimony without subpoena at the request of the prosecutor. Seabrook officers will appear for testimony and court only upon service of a valid subpoena in the following circumstances:

A. Criminal Cases

1. If requested to testify by the defendant in any criminal case;

2. If requested to testify by any party in any criminal case pending in a court *other than* City court, a County, District, or Federal Court.

B. Civil Cases

1. Any civil case in which one or more of the parties is another unit of government or another government official or employee;

2. Any case in which the City of Seabrook or one of its officials or employees is a party and the officer is requested to testify for a party other than the City or its official or employee;

3. Any other case, with the exception noted below, which arises from the performance of the officer's official functions as a Seabrook police officer; or

4. The officer will not require a subpoena to appear to testify on behalf of the City of Seabrook or one of its employees or officials in civil cases in which those persons or the City are a party.

PUBLIC AND MEDIA RELATIONS

I. POLICY

It shall be the policy of the Department to issue written news releases concerning Department activity, when deemed appropriate by the Chief of Police or the City Administration.

A. When news releases are issued, the Chief of Police will ensure that said releases are equally available to all news media representatives.

B. The format of news releases will be in written form and will be signed by the Chief of Police or his designated representative.

II. PURPOSE

The Seabrook Police Department has an obligation to inform the public and the news media of events that affect the lives of citizens in the community with openness and candor. This policy will govern what information should be released, when it should be released and by whom.

III. PROCEDURE

PUBLIC INFORMATION GUIDELINES

A. The following are matters of public record by law and will be released, with the exception of information subject to exclusion under the Texas Public Information Act and/or relating to the identity of victims of sexual assaults, juvenile offenders, and witnesses and/or made confidential by Section 552.101 of the Government Code which excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision" and the doctrine of common-law privacy. The Public Information Act should be reviewed prior to any release if there is any question.

1. Arrest Sheet Information:

   a. arrestee’s name, alias, sex, race, occupation, arrest sheet number, and physical condition;

      (1) arrestee photographs may be made available upon receipt of a Public Information Act request.

   b. name(s) of arresting officer(s);

   c. booking information, such as charge(s), court in which charge(s) are filed;

   d. location, date, and time of arrest;

   e. notation of any release and/or transfer;

   f. bonding information.

2. Offense Report Information (from the front page, only):

   a. offense(s) committed;

   b. address of the offense(s);

c. identification and description of the victim (except where exempt by law);

d. premises involved;

e. time of occurrence;

f. property involved;

g. vehicle(s) involved; involved (VIN and LP numbers may be subject to exclusion by law);

h. weather description;

i. detailed description of the offense(s)(except where the release of such information may hinder a criminal investigation or is confidential under applicable law;

j. name(s) of the investigating officer(s); and

k. name(s) of the complainant(s) (except where the release of such information may hinder a criminal investigation or is confidential under applicable law)..

B. The following are not matters of public record, and will not be released except as required by law.

1. Offense Report Information:

a. identity and description of juvenile offenders (other than sex, race and age);

b. identity and description of victims of sexual assaults (other than sex, race and age);

c. any report of the sexual assault/abuse of a juvenile;

d. summary of reported confessions;

e. officer(s) speculation of a suspect(s) guilt;

f. officer(s) opinion of a witness(s) credibility;

g. statements by informant(s) or witness(s);

h. ballistics reports;

i. fingerprint comparisons;

j. blood analysis and/or other laboratory tests;

k. information regarding any polygraph examination;

l. trace-metal test results;

m. photographic, spectrographic (voice-analysis) or other investigative reports; and

n. identity and description of witness(s).

2. Any information from the Criminal History Record Information (CHRI, formerly known as CCH) or "Rap Sheet."

3. Information based on speculation will not be released.

4. Personnel responsible for providing reports to the public will ensure that those reports conform to the above guidelines. Initiating officers will be diligent in ensuring that their reports also conform to the above guidelines.

5. Sec. 143.090 of the Local Government Code states: "A department, commission, or municipality may not release a photograph that depicts a police officer unless:

   a. the officer has been charged with an offense by indictment or by information;

   b. the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;

   c. the photograph is introduced as evidence in a judicial proceeding; or

   d. the officer gives written consent to the release of the photograph."

Photographs of department officers will not be released to the public unless (1) one of the above conditions exists, <u>and</u> (2) upon approval of the Chief of Police. Legal counsel will be consulted when in doubt as to the applicability of this provision.

C. The following information may be released, subject to the attached constraints:

1. The description of a suspect, prior to or immediately after the filing of formal charges, but prior to arrest may be released only with the approval of the Chief of Police. Suspect identities will not be released until formal charges have been filed or an arrest is made and the filing of charges is imminent.

2. The name of injured or deceased person will be released, only after the next-of-kin has been notified. This information may be withheld (upon approval of the Chief of Police) if such release will compromise an investigation.

    a. Death or severe injury notification will not be made by telephone.

3. Information from Department files, limited to the following:

    a. dates of employment of former employees;

    b. dates of employment, current assignment, and all previous assignments of current employees (unless release will unduly jeopardize the officer and/or his assignment);

    c. all significant biographical information on officers killed or seriously injured in the line of duty;

    d. the history of any police employee, based upon an Open Records Request, will be released after a legal review, as prescribed by law. However, the following information of a person who meets the definition of “peace officer” in article 2.12 of the Texas Code of Criminal Procedure or “security officer” in section 51.212 of the Texas Education Code, shall be withheld as a matter of law under sections 552.117 and 552.1175 of the Government Code, as amended: home address, home telephone number, personal cellular phone number, personal pager number, social security number and information that reveals whether the individual has family members.

4. Should any question exist as to whether requested information is appropriate for public release, the City Attorney’s office shall be consulted prior to release of the information.

D. Media access to private locations.

1. Members of the media shall not be granted access by officers of this Department to areas which are non-public and which invade the privacy

interest of a citizen. Specifically, media members shall not accompany officers into private premises during the execution of any warrant nor shall media members be granted access to any crime scene which is in a non-public area.

E. Release of Traffic Accident Reports

1. Information from and related to traffic accident reports may be released only as permitted by the Texas Transportation Code, as amended.

IV. MEDIA PRESENCE

A. Media representatives may not enter any premises to observe or accompany a law enforcement action or operation (execution of search warrants, arrest warrants, crime scene investigation, etc.) if there exists an expectation of privacy in the premises or the premises is not open to the general public. This is prohibited by the Fourth Amendment.

SEARCHES AND SEARCH WARRANTS

I. POLICY

In conducting searches which infringe upon the privacy rights of any person, it is the policy of the City of Seabrook and the Seabrook Police Department to respect and preserve the rights of citizens to be free from unreasonable searches or seizures under the Fourth Amendment to the U.S. Constitution. Officers should refer to the limitations on authority contained elsewhere in the Department General Orders when conducting any search activity with or without a warrant.

The search warrant is one of the most powerful and valuable tools in law enforcement. While the process of applying for and obtaining a search warrant should be familiar to most officers there are many technical and legal pitfalls that can invalidate a search warrant, lead to the suppression of evidence or dismissal of cases and have liability implications for involved officers. Therefore, it is the policy of the Seabrook Police Department that all officers have a sound knowledge of the legal requirements associated with obtaining a search warrant in order to prevent suppression of evidence, support the Constitutional rights of citizens and to maintain public confidence in this agency's mandate to carry out the police function in an ethical and legal manner.

II. PURPOSE

It is the purpose of this policy to provide guidelines for obtaining search warrants. Officers of the Seabrook Police Department are expected, in the normal course of events, to participate with and rely upon other agencies – such as the County Sheriffs Office, the Texas Department of Public Safety, and appropriate Federal agencies in pursuit of

investigations which may require the issuance of search warrants. Procurement of search warrants without the participation and assistance of these other agencies should be an exceptional, not a normal, practice.

III. DEFINITIONS

Search Warrant. A written order, in the name of the people, signed by a magistrate or other judicial authority, directing a peace officer to search for specified personal property and bring it before the magistrate.

IV. PROCEDURES

A. Legal Requirements for a Search Warrant

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches. Officers conducting searches without a warrant bear the burden of proving that the search was reasonable. Therefore, officers should consider obtaining a search warrant whenever time and circumstances permit. Some exceptions to the search warrant requirement include the following.

1. Searches Incident to Arrest - Searches of a person or the area within the immediate control of a person who has been lawfully arrested is permitted to secure weapons or evidence of a crime.

2. Emergencies - Officers may conduct searches when they believe that a person is in need of immediate assistance under life-threatening conditions, when immediate action is necessary to protect the public from harm or when, for example, an officer encounters a homicide scene and needs to search for additional victims, protect vital evidence or pursue the perpetrator.

3. Vehicle Search - A motor vehicle and containers found within may be searched when probable cause exists to believe that the vehicle may reasonably contain contraband or the fruits or instrumentalities of a crime.

4. Consent Searches - A search may be conducted pursuant to consent without a warrant and without probable cause to obtain a warrant. The consent must be voluntary, freely and intelligently given by an appropriate party and the search must be limited to the terms of the consent. Consent may be revoked or limited at any time and this must be honored by the searching officer. Written consent should be sought whenever reasonably possible.

B. Legal Basis for Seeking a Warrant

1. In order to obtain a search warrant an officer must be able to show probable cause to believe that specific evidence, contraband or fruits of a crime may be found at a particular location.

2. Specific *facts* establishing probable cause shall be set forth with clarity and specificity. Officers shall not rely solely upon personal opinion or unauthenticated third party information or hearsay. Such facts may be based on:

   a. personal observation/knowledge of the officer; or

   b. information from a reliable source.

3. When informants are used—particularly confidential informants—the reliability of the informant and information provided shall be specified. Whenever possible, officers shall corroborate informant information. When the officer relies upon information from a source that cannot be shown to be reliable, some criminal aspect of that information must be corroborated before probable cause will exist.

C. Affidavit Preparation

An affidavit supporting application for a search warrant shall be prepared on forms designated by the appropriate agency — usually the office of the prosecuting attorney. The accuracy of the affidavit is vital to the validity of the search warrant, thus officers shall ensure that the following information is clearly and completely specified.

1. Offense - The offense shall be described with reference to the criminal code section where possible.

2. Place or Thing to be Searched - The place or thing to be searched shall be described with specificity and officers shall ensure that the warrant includes the specific reference(s). Where premises are to be searched, references should include:

   a. street number and apartment number if appropriate;

   b. physical description of the premises;

   c. legal description of the premises;

   d. name of owner or occupant;

   e. geographical location of the property;

f. map coordinates or distances from given reference points; and

g. photographs, maps or diagrams which help to specify the location in question.

3. Scope of the Search - Only those things described in the search warrant can be seized as well as other evidence or contraband discovered in the course of a legal search. Therefore, the affidavit shall specify and officers shall ensure that the warrant includes the following.

a. All areas that officers desire to search shall be designated. In cases where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a "premises" search and it’s "curtilage" and should identify any outbuildings such as garages, tool sheds or barns, where appropriate.

b. Motor vehicles known to be on the premises that may be searched should be specified.

c. Searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible.

d. The specific items to be searched for shall be detailed. Where the item may be dismantled (e.g. firearms), the warrant should authorize search for parts, pieces or components of that item.

e. Officers anticipating search of computers and related high technology equipment should consult a designated expert for appropriate language to use in the affidavit and procedures for seizure of hardware and software.

4. Time and Method of Search -

a. A search warrant may be served at any time of the day or night as long as the affidavit provides good cause and permission is granted in the warrant.

b. Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

c. Officers may request a "no knock and announce" provision in the warrant when they have reasonable suspicion that adherence to the knock and announce rule would endanger their safety or the safety of others, would enable wanted persons to escape or would likely result in the destruction of evidence before entry can be

made. This reasonable suspicion should be supported and documented with specific facts.

5. Affidavits should include exculpatory information known to the officer and which the officer would reasonably believe could affect the probable cause determination by a magistrate.

6. If a “no knock” warrant is requested, a separate affidavit describing the facts and exigent circumstances justifying the need for such an entry should accompany the warrant application.

D. Review of the Warrant

Officers shall review search warrants issued by judicial authorities to ensure that they include all pertinent information set forth in the affidavit accurately and completely, and that the warrant has been properly signed. Officers shall not attempt to serve any warrant that is known to contain substantive or administrative errors.

E. Return on the Warrant

Officers shall observe statutory and administrative requirements regarding return on the warrant to include providing a receipt to the proper person for property taken, retention and security of property taken, and return of the warrant and delivery of the property inventory to the appropriate judicial authority within specified time limits.

F. Recording

A record shall be maintained of all warrants issued to this agency and actions taken in response to each.

G. Liaison with the Prosecutor’s Office

Officers seeking warrants in unusual situations or where the seriousness, nature or legal complexity of the case dictates should consider reviewing the case with the prosecutor's office prior to seeking a search warrant.

V. SEARCHES

It is the policy of the Seabrook Police Department to (1) employ techniques to accomplish a thorough and legal search; (2) observe the constitutional rights of the person(s) the warrant is being served upon; (3) minimize the level of intrusion experienced by those who are having their premises searched; (4) provide for the highest reasonable degree of safety for all persons concerned; and (5) establish a record of the search.

VI. DEFINITIONS

A. Search Site. The premises or person to be searched, as explicitly stated in the search warrant.

B. Search Personnel. Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

C. Evidence Collector. Member of the search team responsible for the possession, packaging, sealing and marking of all items seized.

D. Supervising Officer. Search team member most knowledgeable about the case and/or responsible for the investigation.

VII. PROCEDURES

A. Uniform and Equipment Requirements

1. The search team shall at all times include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by wearing a distinctive armband, jacket or some other indicator of office.

2. All members of the entry team should, if feasible, be equipped with body armor and a safety holster.

B. Time Limitations on Search Warrant Execution

1. A search warrant shall be executed as soon as practicable within the conditions stated in State law. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to:

a. The need to have many searches occurs at the same time, which requires coordination and mobilization of law enforcement resources.

b. The seizable items have not arrived at the search site.

c. The probability that substantial resistance will be encountered.

d. A particular person(s) is absent from the search site, and the supervisory officer feels that the search would best be conducted if that person were present.

e. The need to protect an informant's identity.

2. Absent court approval, necessity or authorization by law, a search should normally be conducted during daylight hours.

C. Preparation for Execution of Warrant

1. Prior to entering the premises, the supervisory officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate) and tactics and equipment to be used in the event of dynamic or forced entry.

2. The supervisory officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.

3. The supervisory officer shall, to the extent reasonably, ensure that the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs and, if practical, a videotaping of the entire search site from start to finish.

D. Entry Procedures

1. The approach to the scene shall be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant.

2. The supervisory officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.

3. The supervisory officer shall ensure that the entry is tape recorded.

4. The search personnel shall position themselves in the following manner:

a. Exits from the premises shall be covered.

b. Uniformed officers shall be the most visible members of the search team, and shall conduct the entry.

c. Non-uniformed officers shall be the last members to enter the search site.

5. Notification

a. The supervisory officer, or a uniformed officer, shall notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.

b. No-knock entries shall be made in accordance with applicable law.

E. On Premises Activities

1. The supervisory officer shall ensure a security sweep of the search site is conducted.

2. After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.

3. One person shall be designated as responsible for collecting, preserving and documenting all items seized until possession is transferred to the evidence custodian.

4. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.

5. If damage occurs, a report shall be prepared on the actions that caused the damage and a detailed description of the nature and extent of the damage.

VIII. PAT-DOWN SEARCHES

Pat-Down Search. A "frisk" or external feeling of the outer garments of an individual for weapons only.

Reasonable Suspicion. Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

A. Justification for Conducting Pat-Down Searches

Officers may perform a pat-down search of the outer garments of a suspect for weapons if the suspect has been legitimately stopped with reasonable suspicion and only when the officer has a reasonable fear for his own or another person's safety. Clearly, not every field interview poses sufficient justification for conducting a pat-down search. Following are some criteria that may form the basis for establishing justification for performing a pat-down search. Officers

should note that these factors are not all-inclusive—there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to support reasonable suspicion for the search.

1. The type of crime suspected - particularly in crimes of violence where the use or threat of deadly weapons is involved.

2. Where more than one suspect must be handled by a single officer.

3. The hour of the day and the location where the stop takes place.

4. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

5. The appearance and demeanor of the suspect.

6. Visual indications which suggest that the suspect is carrying a firearm or other deadly weapon.

7. The age and gender of the suspect. Whenever possible, pat-down searches should be performed by officers of the same sex.

B. Procedures for Performing a Pat-Down Search

When reasonable suspicion exists to perform a pat-down search, it should be performed with due caution, restraint and sensitivity. These searches are only justifiable and may only be performed to protect the safety of officers and others and may never be used to shakedown individuals or groups of individuals or as a pretext for obtaining evidence. Under these circumstances, pat-down searches should be conducted in the following manner.

1. Whenever reasonably possible, pat-down searches should be conducted by at least two officers, one of whom performs the search while the other provides protective cover.

2. Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position or with hands placed against a stationary object and feet spread apart. Should a weapon be visually observed, however, a more secure search position may be used, such as the prone position.

3. In a pat-down search, officers are permitted only to externally feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club or other item.

4. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the officer should not open the item but instead place it out of reach of the suspect.

5. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

C. Reporting

If after conducting a field interview there is no basis for making an arrest, the officer may record the facts of the interview and forward the documentation to the appropriate file in the Police Department.

IX. MOTOR VEHICLE SEARCHES

It is the policy of this Department to conduct motor vehicle searches that are both legal and thorough. Such searches are to be conducted in strict observance of the constitutional rights of the owner and occupants of the motor vehicle being searched, and with due regard for the safety of all officers, other persons and property involved.

X. DEFINITIONS

A. Motor Vehicle. Any vehicle operating or capable of being operated on public streets or highways to include automobiles, trucks, trailers, recreational vehicles, mobile homes, motor homes and any other type of vehicle, whether self-propelled or towed. This policy does not apply to vehicles of any type that have been immobilized in one location for use as a temporary or permanent residence or storage facility, or which are otherwise classified by law as residences or buildings.

B. Search. An examination of all or a portion of the vehicle with an investigatory motive (i.e., for the purpose of discovering fruits, instrumentalities or evidence of a crime or contraband, or to enter the vehicle to examine the vehicle identification number or determine the ownership of the vehicle). Inventories of personal property conducted pursuant to impoundment of the vehicle are not covered by this policy.

XI. PROCEDURES

A. When Vehicle Searches May Be Conducted

Whenever feasible, a warrant will be obtained for the search of a motor vehicle. Warrantless searches are to be conducted only when lack of time or other exigent

circumstances make it impractical for officers to obtain a warrant. When a vehicle has broken down, or there is otherwise no significant chance the vehicle will be driven away or that evidence contained within it will be removed or destroyed, a warrant should be obtained. In other cases, vehicles may be searched

1. when probable cause to search the vehicle exists;

2. with consent of the operator (see limitations on consent searches below);

3. incident to an arrest of the occupants of the vehicle; only if the search may be reasonably expected to yield evidence related to the offense for which the occupants were arrested. *See, Arizona v. Grant.* U.S. Sup. Ct., (2009);

4. to frisk for weapons; if supported by reasonable suspicion and if there is a possibility that the occupants may gain access to the vehicle and any weapons which may be contained in the vehicle. *See, Arizona v. Grant,* U.S. Sup. Ct., (2009);

5. when necessary to examine the vehicle identification number or to determine the ownership of the vehicle; or

6. under emergency circumstances not otherwise enumerated above.

B. Scope of Vehicle Searches

1. Searches with a warrant - When searching under a warrant, officers may search all areas of the vehicle necessary to discover the items specified in the warrant.

2. Probable cause searches - Probable cause searches in the absence of a warrant may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle.

3. Consent searches - The extent of a consent search depends upon the terms of the consent itself. If the consent is limited to specific areas of the vehicle, officers may search only portions of the vehicle covered by the consent. Consent may be revoked or limited at any time and this must be honored by the searching officer. Written consent should be obtained whenever possible before conducting these searches.

4. Searches incident to arrest - Searches of vehicles incident to the arrest of an occupant shall be limited to areas within reach of the arrestee (normally the passenger area of the vehicle). The trunk, the engine compartment and locked compartments within the passenger area normally may not be searched.

5. Frisks for weapons - Frisks for weapons normally must be confined to the passenger area of the vehicle. Areas not immediately accessible to the vehicle's occupants, such as a locked glove compartment, may not be frisked.

6. Entries to examine a vehicle identification number or to determine ownership of the vehicle - Entries made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.

7. Emergencies - Search of a motor vehicle under emergency circumstances not otherwise enumerated above must be co-extensive with the nature of the emergency. The proper extent of the search must therefore be determined by search personnel in each specific situation, but in no event will the extent of the search exceed that necessary to respond properly to the emergency. *Note: Where the initial search discloses probable cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.*

C. Search of Containers Found in Vehicle

In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought. In addition:

1. Unlocked containers found in motor vehicles are governed by the nature of the search, as follows:

   a. in a probable cause search, containers such as paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened;

   b. when the passenger compartment of a vehicle is being searched incident to an arrest, such containers found within the passenger compartment may be opened;

   c. containers discovered during a consent search of the vehicle may be opened provided that the terms of the consent expressly permit or reasonably imply that the particular container may be opened; and

   d. containers found in or discarded from a vehicle under circumstances that do not justify their search under probable cause

rules or in connection with a search incident to arrest should be secured but not searched until a warrant is obtained to search them.

2. Locked containers such as attaché cases, suitcases and footlockers found during a vehicle search should be opened only if:

   a. the search is being conducted under a warrant; or

   b. a valid consent to open the locked container is first obtained. Where these conditions are not met, locked containers should be secured by search personnel and opened only after a warrant has been obtained.

D. Location and Time of Search

Whenever possible, search of a motor vehicle, and of containers found therein should be conducted at the location where the vehicle was discovered or detained. Under urgent and rare circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances searches shall be conducted as soon as is reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens and property concerned.

E. Conduct of the Search

Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search. All such damage will be thoroughly documented, with photos if practical, and reported through the chain of command.

F. Seizure of Evidence

Any evidentiary items discovered in the course of a motor vehicle search shall be collected, handled, packaged, marked, transported and stored in accordance with applicable policies and procedures of this Department. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner and/or occupants of the vehicle.

G. Compliance with Health and Safety Requirements

Searches of motor vehicles are to be conducted in strict compliance with all applicable laws, governmental regulations, and Departmental policies and

procedures pertaining to the protection of Departmental personnel from communicable diseases and hazardous substances. Any exposure of search personnel or others to such substances shall be reported in accordance with regulations, policies and procedures of this Department.

H. Security of Vehicles and Property Contained Therein

If search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

I. Responsibility of Supervising Officer

An officer supervising a vehicle search shall be responsible for ensuring that it is conducted in accordance with this policy. In the event that the vehicle search is conducted under a warrant, the officer shall ensure that the execution of the warrant is properly reported to the issuing court or other authority. The officer shall also be responsible for making any other reports regarding the search that may be required by law, policy or procedure.

XII. STRIP SEARCHES

The purpose of the following provision is to provide officers with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

The Seabrook Police Department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity and to safeguard the security, safety and related interests of prisoner detention and holding facilities. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this Department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

XIII. DEFINITIONS

A. Strip Search. Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, breasts and buttocks.

B. Body Cavity Search. Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.

XIV. PROCEDURES

A. Strip Searches

1. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting officer has specific, articulable probable cause to believe that the individual is concealing contraband or weapons.

2. Field strip searches of prisoners shall be conducted only in the rarest of circumstances under urgent circumstances where the safety of officers or others may be placed at risk, and only in privacy with the explicit approval of a supervisory officer.

3. Where articulable, probable cause exists to conduct a strip search, the arresting officer shall make a documented request for such action to the detention supervisor of the County Jail or other designated authority that clearly defines the basis for suspicion.

4. When authorized by the supervising authority, strip searches may be conducted only:

a. by specially trained and designated personnel;

b. in conformance with approved hygienic procedures and professional practices;

c. in a room specifically authorized for this purpose;

d. by the least number of personnel necessary and only by those of the same sex; and

e. under conditions that provide privacy from all but those authorized to conduct the search.

5. Following a strip search, the officer performing the search shall submit a written report to the Chief of Police that details, at a minimum, the:

a. date and place of the search;

b. identity of the officer conducting the search;

c. identity of the individual searched;

d. those present during the search;

e. a detailed description of the nature and extent of the search; and

f. any weapons, evidence or contraband found during the search.

B. Body Cavity Searches

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:

1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.

2. The officer shall consult with his immediate supervisor or other appropriate law enforcement or prosecuting authority to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others, and/or the security of the Department's detention operations.

3. If probable cause exists for a body cavity search, an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause.

4. On the basis of a search warrant, a body cavity search shall be performed only by an authorized agency physician or by other medically trained personnel at the physician's direction.

5. For safety and security reasons, the search shall be conducted at an appropriate law enforcement detention facility or other authorized facility and in the room designated for this purpose. Absent emergency circumstances, *cavity searches will not be conducted on City of Seabrook premises.*

6. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.

7. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing law enforcement officer shall co-sign that report and comply with information requirements specified in this general order. The report shall be maintained in confidential Department files and copies shall be provided to the detention facility having custody of the person subjected to the search and to the appropriate prosecuting authority.

XV. CONSENT SEARCH LIMITATIONS

1. It is the policy of this Department and City that consent searches shall be conducted only as permitted by applicable law.

2. Consent of a person who is the owner or custodian of premises or a vehicle may be negated or limited if:

a. another owner, co-tenant or custodian is physically present; and,
b. the other owner, co-tenant or custodian speaks up and affirmatively objects to the search.

3. If a person is legally capable of giving consent to search, officers should regard that person as legally capable of revoking consent under this general order.

4. No person may be removed from a scene for the purpose of preventing that person from objecting to a consent search.

VEHICLE OPERATIONS

I. POLICY

All personnel operating Department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All Department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and police personnel.

II. PURPOSE

To establish procedures governing the operation of police vehicles with special attention to emergencies and pursuits.

III. DEFINITIONS

A. Normal or Routine Driving. That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road," and courtesy.

B. Pursuit Driving. That driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle. Pursuits are conducted using emergency equipment–both warning lights and siren.

C. Emergency Driving. That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Sections 546.001; 546.002 and 546.005 of the Texas Transportation Code.

D. Emergency Equipment. Flickering, blinking, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.

IV. PROCEDURES FOR ALL RESPONSES

A. General

1. All Departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior and habits.

2. Under certain emergencies as defined below, the Texas Transportation Code; Sections 546.001, .002 and .005 authorizes disregard of traffic regulations; however, both the operator and the Department are not released from civil liability for failure to use reasonable care in such operation. Improper driving can cost each police driver, personally, civil damages while inflicting harm or injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the Department and law enforcement generally.

B. Routine Operation

In case of accident or damage to any police vehicle, the driver shall immediately request his supervisor to conduct an investigation which shall be reported immediately on a state accident investigation form if appropriate under the circumstances of the accident. Investigations are to be conducted by an outside agency. The Chief of Police shall review all such reports and take appropriate action, to include coordination with the City attorney.

1. Vehicles used in routine or general patrol service shall be conspicuously marked. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.

2. Unmarked cars shall not be used for pursuit, unless exceptional circumstances (such as a fleeing felon) exist and no marked unit is available to take over the pursuit when a marked unit is available break off pursuit. Unmarked cars may be used for patrol. They may be used to stop vehicles provided they are equipped with appropriate emergency lighting.

3. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights shall be used at any time the police vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving low speeds and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles.

4. Seat belts and shoulder straps shall be worn by all police personnel and passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. The only exception is:

    a. At approach to any scene of an incident or service call where the police officer believes a rapid departure from the vehicle may be required, the officer may release the seat belt. Seat belts shall, however, be worn any time the vehicle is being operated under emergency conditions.

C. Inspection

1. Officers are responsible to check the cleanliness, fluid levels (oil, brake fluid, gas), and general operability of equipment of their assigned vehicles on a daily basis.

2. Officers shall examine their vehicles at the beginning and end of their shifts for damage, overall condition and maintenance needs. Officers shall report any damage immediately to their immediate supervisor. Checklists for these examinations will be provided by administration and must be completed and turned in weekly.

3. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others.

4. Officers who discover a police vehicle in need of extensive repairs shall immediately inform their immediate supervisor.

5. Vehicle damage resulting from abuse or neglect caused by an officer may result in disciplinary action.

D. Driving Rules

1. Circumstances permitting, the driver must check the safety features of his vehicle before commencing operation. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering.

2. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any other part of the vehicle which affects its operation.

3. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and tail-light lenses are kept clean, insofar as circumstances permit.

4. No officer or employee shall operate any police vehicle that he or she reasonably believes to be unsafe.

5. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.

6. A police vehicle shall not be left unattended unlocked or with its engine in operation unlocked.

7. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly in both emergency and normal driving conditions.

8. The nature of certain crimes-in-progress may call for the use of the siren to be discontinued upon *close approach* to the location of the occurrence, and although such action is permitted by authority of this order, *police vehicle operations under these conditions require extreme caution.*

9. Emergency driving to the scene of a motor vehicle accident is permissible *only* when an emergency exists, or when specific information indicates that conditions at the scene require the immediate presence of an officer.

10. Upon approaching a controlled intersection or other location where there is an increased risk of collision, the driver who is responding under

emergency conditions shall reduce the speed of his vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal, the officer shall stop his vehicle and assure by careful observation that the way is clear before proceeding through the intersection.

11. Regardless of the seriousness of the situation to which he is responding, and excepting circumstances that are clearly beyond his control, the operator of a police vehicle shall be held accountable for the manner in which he operates his vehicle.

12. At the scene of a crime, a motor vehicle crash, or other police incident, a police vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic. The emergency lights should always be used to warn other drivers approaching the location.

13. If necessary and if circumstances safely allow, the driver shall lower one front door window far enough to hear other sirens and traffic warning signals.

14. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way, Texas Transportation Code Section 546.005.

V. PROCEDURES FOR EMERGENCY DRIVING

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.

2. Recognizing that protection of human life is paramount, the responding officer must remember that his objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others. The Texas Transportation Code imposes a duty upon all drivers of emergency vehicles to operate the vehicle with appropriate regard for the safety of others – regardless of conditions. Transportation Code Section 546.005.

B. Call Response

1. Calls for service are classified as Code 1, 2, 3 depending on circumstances. The Codes are defined as follows:

a. Code 1: Units responding to Code 1 calls shall respond to the location without delay by the most direct route, complying with all traffic regulations and shall not use emergency warning devices.

b. Code 2: Units responding to Code 2 calls shall respond to the location without delay by the most direct route, complying with all traffic regulations utilizing emergency lights without the use of siren.

c. Code 3: Units responding to Code 3 calls as the primary and back-up units shall respond rapidly to the location of the emergency by most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.

2. Dispatcher assignments:

Code 3 classifications applies to those calls for police service which indicate a felony in progress or where the violator is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Examples of Code 3 calls (not all inclusive) are:

a. police officer (or station) needs urgent help;

b. burglary in progress;

c. robbery in progress;

d. person with deadly weapon;

e. serious injury accident;

f. riot or large disturbance with fighting or injuries or damages occurring; or

g. other circumstances presenting an immediate threat to public safety.

3. All units responding to robbery- and burglary-in-progress calls, before coming within hearing distance, may discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight

of the location, officers shall discontinue the use of the emergency warning lights.

a. In situations requiring silent response, e.g., alarm response and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.

4. Officer-initiated response:

When, in the reasonable discretion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary police service, the Department authorizes an emergency response.

Examples include:

a. At the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).

b. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.

c. Responding to a non-Code 3, where the officer has previous or additional information which would have resulted in the call being dispatched as Code 3.

d. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate police response.

e. In response to an officer's emergency request for assistance.

VI. PROCEDURES FOR PURSUITS

A. Officer Responsibilities

The officer who undertakes a pursuit does so at his or her discretion taking into consideration the factors listed below. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. The officer shall notify the appropriate dispatcher of the pursuit, direction of travel, description of the pursued vehicle, and location.

B. Supervisor’s Responsibilities

The patrol supervisor shall monitor the pursuit and respond. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.

C. Back-up Responsibilities

The first back-up unit to respond shall assist the primary officer in making the arrest. He or she shall also assume the responsibility of updating the dispatcher with the location and direction of travel of all vehicles involved, thereby allowing the primary officer to focus attention on the pursuit driving.

D. Justification for Pursuit

An officer may initiate and continue to pursue a vehicle only when he has probable cause to believe the violator has committed or is attempting to commit a serious felony (a felony involving the use or threatened use of violence) or when the necessity of immediate apprehension in case of a misdemeanor outweighs the level of danger created by the pursuit (e.g., DWI, reckless driving). In *all* pursuits, the officer will consider the need to apprehend against the risk of injury to himself or others from the pursuit. This consideration will apply both to the decision to initiate the pursuit and to the continuous decision to maintain the pursuit throughout until the conclusion or abandonment of the pursuit. If it appears *at any time during the pursuit* that the risk of injury outweighs the need to apprehend, the pursuit will be abandoned immediately by the pursuing officer or on order of the officer's supervisor.

Considerations in deciding to engage or continue pursuit:

1. Officers shall not operate a vehicle at a rate of speed that may cause loss of control. The Department expects an officer to end the pursuit whenever the risks to his or her own safety, or the safety of others, outweighs the need to apprehend.

2. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual officer(s) involved. In deciding, he or she is faced with a dilemma because, although the law does not prevent the officer from using emergency speeds while engaged in pursuit, it may hold him or her criminally and civilly responsible. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens. Such considerations include:

    a. Does the seriousness of the crime warrant a chase at higher than normal speed?

b. What is the possibility of apprehension?

c. Will the pursuit take place on residential streets, a business district or freeway?

d. When a police officer begins pursuit of a fleeing vehicle, he or she must remember that citizens using public highways do not expect their travel to be interrupted by a high-speed chase or to become involved in an accident as a consequence. Children playing on the side of the street are likely to be drawn towards a police car with the siren and emergency light operating, rather than cautioned away from it.

e. Street and traffic conditions.

f. The weather conditions.

g. Road conditions and lighting (visibility).

h. Balancing the pursuit's danger to the public against allowing suspect to escape.

i. Is there sufficient identification of the suspect to allow later arrest.

3. Intersections are a particular source of danger. Officers, when approaching an intersection where signal lights or stop signs control the flow of traffic, shall:

a. decelerates and be prepared to apply the brakes.

b. enters the intersection only when safe, when all other vehicles are aware of the officer's presence, and at a reduced speed.

c. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and *does not absolutely have* the right to run a red traffic light or stop sign if doing so constitutes reckless disregard for the safety of others.

E. Rules of Pursuits

1. Officers may not ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle if aforementioned actions are performed by officers then the officers actions are considered use of deadly force and is governed by deadly force principles.

2. Pursuits shall be limited to two police vehicles, a primary and a secondary. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate but only under order by the senior officer on duty or the sergeant.

3. Officers shall not fire their weapons from a moving police vehicle. Officers may only fire weapons at a vehicle under conditions that allow the use of deadly force.

4. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to his safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, *the officer must discontinue the pursuit.*

5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. The back-up car, or second police vehicle, shall be dispatched in close proximity to offer assistance.

6. A supervisor may direct that the pursuit be ended. If the pursuing officer receives such an order to stop the pursuit, he or she shall do so immediately and acknowledge the order. Also, the pursuing officer(s) must end the pursuit if at any time during the course of the pursuit he loses sight of the fleeing vehicle for an extended time. The end of pursuit means termination of pursuit; turn off all emergency equipment and return to the city, do not follow vehicle.

7. *Only* in the case of suspected fleeing felons whose escape poses a danger to life may officers set up a roadblock. The decision to erect a roadblock shall only be made by the Senior Supervisor on duty. A decision to erect a roadblock may, under most circumstances, be a decision to use deadly force. The decision to erect a roadblock must consider:

   a. the safety of officers;

   b. the risk of physical injury to the occupants of the pursued vehicle;

   c. the protection of citizens and their property.

   A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. The Department stresses

that roadblocks constitute a last resort in stopping a fleeing violent felon and should be used in only the most extreme circumstances.

8. Pursuits of misdemeanants shall not proceed beyond the State line. A pursuit of suspected felons may extend beyond the state line, but the pursuit shall be relinquished as soon as possible to police personnel of the entered state. When a pursuit enters another jurisdiction, Seabrook officers should, in most circumstances, allow the other jurisdiction to assume the pursuit and Seabrook officers should assume a secondary role.

9. *Officers, when accompanied by civilian passengers, shall not pursue.* If a civilian is in the police vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location.

10. When the fleeing suspect is apprehended in another county, the pursuing officer shall take the arrested person before a judicial officer of that county.

11. When the fleeing suspect is apprehended within the county, the officer shall take the arrested person before the magistrate serving that county in accordance with the Texas Code of Criminal Procedure. The on-duty supervisor shall confer with the other jurisdiction to determine which jurisdiction shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.

12. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall attempt to use a different siren-sound selection.

13. In case of pursuit, should the violator enter a one-way street against the flow of traffic, or enter a major highway or interstate freeway by proceeding along an exit ramp, the pursuing officer shall not follow the violator but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel.

14. Whenever an officer’s vehicle is damaged in any way or indicates a malfunction which might potentially affect performance or handling, the officer shall abandon the pursuit immediately.

VII. ABANDONING PURSUIT

This General Order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.

Officers must discontinue pursuit under the following circumstances:

A. If, in the opinion of the pursuing officer or supervisor, the pursuit creates a danger to the officers and other motorists or pedestrians that outweighs the need for immediate apprehension.

B. The suspects have been positively identified and can be apprehended later without increasing risk to public safety.

C. The prevailing traffic, roadway, and environmental conditions render pursuit futile.

D. The pursued vehicle outdistanced the officer, or its location is not known.

E. The pursuing officer knows, or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-violent felony (the pursuit may stimulate the juvenile to recklessly disregard public safety).

Ordinarily under reasonable circumstances no officer will be disciplined for discontinuing a pursuit.

VIII. PURSUIT REPORT

A. At the conclusion of each pursuit, the pursuing officer shall submit a report to his immediate supervisor which includes all reasons for the pursuit, and all circumstances and facts bearing upon the need to initiate and continue the pursuit and upon the risk to the public, the suspect and pursuing officers. The report shall describe the circumstances of the pursuit termination and list all charges and arrests made.

B. The supervisor to whom the report is submitted will endorse the report as approved or disapproved and provide all information bearing upon the supervision of the pursuit related to the need to pursue, the risk of the pursuit and to the effectiveness of the communication of information to the supervisor during the pursuit relative to the supervision and monitoring of the pursuit.

C. When the report is completed by the pursuing officer and supervisor, it shall be forwarded to the Chief of Police through the chain of command.

ARRESTS AND DETENTIONS

I. POLICY

There are many potential problems associated with a law enforcement officer's power to arrest. Occasionally, situations exist where there are grounds for a lawful arrest, however, circumstances dictate an offender not be arrested. Sometimes, officers choose not to effect an arrest even when a clear violation has occurred and an arrest would have been prudent. Arrests made by police officers can create problems relating to the public's perception of the Department. The Officer, the Department, and City may be open to serious civil action unless important issues are carefully considered before effecting an arrest.

It is the policy of the City of Seabrook that arrests occur only upon probable cause or upon confirmation of a valid arrest warrant pursuant to applicable State and Federal Law, including the Fourth Amendment to the U.S. Constitution. Detentions which fall short of arrest shall only occur based upon reasonable suspicion under applicable State and Federal law and pursuant to the Fourth Amendment to the U.S. Constitution.

II. PURPOSE

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

III. DEFINITIONS

A. Custodial Interrogations. Questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.

B. Field Release. A procedure in which an officer detains an actor for a Class C misdemeanor but immediately releases him after the actor has met prescribed criteria and has signed a citation promising to appear.

C. Foreign National. One that owes allegiance to or is under the protection of a nation other than the United States. Also a citizen of a nation other than the United States.

D. Interview. As opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim or citizen.

E. Probable Cause. Facts and circumstances that which is more than mere suspicion, that would lead a reasonable and prudent person to believe that an offense has been or is being committed.

F. Reasonable Suspicion. An officer's rational belief, based on credible and articulable information and circumstances, that a person might be armed or involved in criminal activity. The officer's rational belief will be based upon objective criteria.

G. Show-Up. Any one-to-one identification proceeding in which only the suspect is viewed by a victim or witness.

H. Warrant Of Arrest. Texas Code of Criminal Procedure, Article 15.01. Warrant of arrest or warrant issued under State Law, Federal Law or a Felony warrant from another state.

IV. NON-SEIZURE CONTACT

A. An officer may approach and converse with any individual without reasonable suspicion or probable cause, but may not physically or verbally detain the individual or exercise any behavior which would lead a reasonable person to believe that he was not free to leave.

B. An officer may pat down any individual that he is in contact with when he is reasonably suspicious that the individual may be armed. A quick check of the passenger compartment of a vehicle may be conducted for easily accessible weapons as long as the vehicle has been lawfully stopped.

V. INVESTIGATIVE DETENTION

A. An officer may stop and detain any individual, including one in a vehicle, that he is reasonably suspicious has committed or is about to commit some crime. Current Fourth Amendment jurisprudence allows officers to control the movements of passengers in a lawfully stopped vehicle. This includes requiring the passenger to remain in the vehicle or requiring them to exit the vehicle. Officers should use appropriate discretion under the circumstances when infringing upon the liberty of any person.

B. During a detention based only on reasonable suspicion, an officer must be aware of the following factors that could turn the seizure of the person from an investigative detention into an arrest:

1. Time: The investigation to confirm or disprove the officer's suspicion must be diligently pursued without delay.

2. Movement: Any movement of the person without consent must be for valid reasons of safety or security.

3. Force: *Any* use of force must be reasonable under the circumstances. Handcuffing and/or placement of the person into a police vehicle for reasons of safety or security may turn the detention into an arrest.

C. A person *not under arrest* does not have to be read the *Miranda* Warning during questioning by police officers even if he is a suspect. The Fifth Amendment right against self-incrimination:

1. When *Miranda* applies:

   The voluminous case law covering *Miranda* (Miranda v. Arizona) warnings has established several guidelines for officers to help decide when warnings must be administered. *Miranda* applies only to custodial interrogation. As to what constitutes custody, if a reasonable person in the suspect's position believes that he or she is not free to leave, then *Miranda* applies. Note that the officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the subject is determinative.

2. Circumstances for administering *Miranda*:

   In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation. If police questioning is conducted in a police car or at a police station, the environment *may* be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and *Miranda* warnings must be administered before the officer asks questions about the offense. In short, then, *Miranda* warnings must be given when:

   a. the suspect reasonably believes that he/she is in custody; *and*

   b. the suspect is interrogated.

D. Show-Ups

1. Show-ups shall be conducted in such a manner as to guard against any possible misidentification by the witness. Factors to consider:

   a. witness opportunity to view the criminal at the time of offense;

   b. mental and emotional condition of the witness;

   c. accuracy of the witness description of the criminal.

2. If a suspect is detained in the general vicinity of the offense within an hour of the time of occurrence, the suspect should be held at the location of detention for identification by the witness. The detention should not exceed thirty minutes and the witness shall be brought to the location of the suspect's detention as soon as possible.

3. Detaining officer(s) shall not create a situation that is obviously prejudicial or unnecessarily suggestive to the witness. The suspect shall not be viewed while handcuffed and/or in a police vehicle.

4. If circumstances exist that make it impossible to bring the witness to the suspect and probable cause does not exist to arrest the suspect, a photograph will be taken for a photo line-up to be conducted at a later date. *A suspect should not be transported back to a crime scene for identification by a witness.*

5. The officer shall document all circumstances surrounding the show up. The report shall include: lighting conditions; distance between suspect and witness; names of persons present during the show up; and remarks made by any persons present.

VI. ARREST - GENERAL PROVISIONS

A. When to arrest. Refer to Texas Code of Criminal Procedure, Article 2.13. Duties and Powers (of Peace Officers to make arrests.)

1. Officers may arrest when probable cause exists pursuant to the Texas Code of Criminal Procedures and/or

2. Upon confirmation of a valid warrant.

B. When not to arrest. Any decision not to arrest must be reached only after the officer has carefully weighed the following guidelines.

1. Would the arrest cause a greater risk of harm to the general public if the offender remained at large? For example, in a crowded situation then officer's decision to arrest may aggravate tension and lead to a riot or other serious disorder.

2. Are police resources stretched to the limit? For example, on a particularly busy night, arrests for very minor offenses may consume an officer's time, preventing him from responding to more serious crimes. (Officers should remember that even though an arrest may not be made at the time the offense occurs, a report can later be prepared for the purpose of securing the issuance of a warrant.)

C. Arrests Off-Duty and Out of Uniform. Officers of this Department while off-duty or out of uniform shall not:

1. make arrests in their own quarrels, in those of their families, or in disputes arising between their neighbors unless the arrest is made in self-defense, to prevent injury to another, or when a serious offense has been committed;

2. make any arrest after the consumption of alcoholic beverages, except when necessary to prevent death or serious bodily injury;

3. make arrests for any Class C misdemeanor except to prevent injury or to prevent a continuing breach of the peace;

4. enforce any traffic law.

D. Off-Duty and Out of Jurisdiction Arrests

Anytime an off-duty officer makes an arrest while outside his jurisdiction, he shall immediately comply with Texas Code of Criminal Procedure, Article 14.03 (d) and, as soon as practical, notify his immediate supervisor who will notify the Chief of Police via the chain of command.

Any off-duty arrest that does not conform to this General Order shall be considered outside the course and scope of employment with the City.

E. Limitations on Police Authority by the City Manager and Chief of Police

The City Council, City Manager or the Chief of Police may lawfully direct limitations on enforcement actions as to the following types of offenses as well as others as the need may arise:

1. city/city tag violations;

2. parking violations; and

3. enforcement of traffic, Class C misdemeanor and City Ordinance violations.

VII. ARREST WITHOUT WARRANT

A. Authority

Refer to Texas Code of Criminal Procedure, Chapter 14. Arrest Without Warrant.

Refer to Texas Code of Criminal Procedure, Article 18.16. Preventing Consequences of Theft.

B. Procedures

1. Arrests made under authority of Texas Code of Criminal Procedure, Article 14.03 a. (1):

   a. The arresting officer must allege an offense and shall diligently develop probable cause for the suspected offense or shall turn the investigation over to the appropriate investigative agency or division.

   b. If probable cause cannot be confirmed within eight (8) hours of the arrest, the arresting officer or investigator, with supervisory approval, shall see that the suspect is photographed, fingerprinted, and released at that time.

   c. However, Officers are reminded that the Fourth Amendment to the U.S. Constitution has been construed to require a reasonable belief that probable cause exists at the time of the arrest. It is the policy of the City of Seabrook that arrests be made only upon probable cause supported by a valid and confirmed warrant or by reasonable belief that probable cause exists.

2. Arrest occurring in Counties bordering Harris County:

   Refer to Texas Code of Criminal Procedure, Article 14.06. Must take offender before magistrate. (Persons arrested should be brought to the appropriate county or city jail.)

3. Arrests occurring in a county not bordering Harris County:

   Refer to Texas Code of Criminal Procedure, Article 14.06. (Persons arrested must be taken before a magistrate in the county of arrest.)

C. Reports

All arrests made without a warrant, as detailed herein, shall be accompanied by an incident report including a statement of the probable cause for the arrest.

D. Arrests for Class C Misdemeanors and Field Release

1. Generally:

a. An officer's decision to conduct a field release does not limit his authority, established by law or Departmental policy, to engage in police investigative techniques such as search and seizure, collection of evidence, interview, and/or completion of written reports.

b. When appropriate, a citation must be completed on all Class C misdemeanor arrests.

2. Criteria for Field Release: "(citation)"

An officer may conduct a field release when he has probable cause and authority to make an arrest without warrant for the alleged offense and if the following factors are present.

a. The actor has a Texas address and sufficient personal identification with photograph to fully identify him.

b. The officer has no valid reason to believe that the actor will fail to appear in court as agreed.

c. The officer has no valid reason to believe that after field release the actor will likely suffer injury, continue the violation, or commit a more serious violation. If there is any possibility that the actor's physical condition would lead to his or anyone's injury, he shall be released to a responsible adult *without being arrested*, however, the Texas Code of Criminal Procedure, Chapter 14. Article 14.06 (b), *prohibits a field release for the offense of Public Intoxication.*

d. The actor is not the subject of an outstanding arrest warrant.

e. In the case of a shoplifter, the officer has checked Consolidated Criminal History information and, when possible, with the Records Unit to be sure that the actor is not a known offender. If a field release is conducted, the actor will be escorted out the store before being released.

f. The actor voluntary signs the citation in agreement to appear.

g. The actor is not involved in an assault or family violence situation.

3. Completing the Citation:

When an officer makes an arrest for a Class C misdemeanor "or a misdemeanor in which a field releases is permitted under Code of Criminal Procedure, Art. 14.06 (c) and (d)" and conducts a field release, he shall complete a citation in accordance with the following.

a. No more than three charges per citation.

b. Each citation shall be filled in as completely as possible and shall be signed by the officer.

c. If arrested and transported for traffic violation the officer shall *not* have the actor sign the citation and shall give the actor a copy of the citation. If field released, the officer shall have the actor sign the citation and shall then give the actor a duplicate of the citation.

d. If arrested and transported for other then a traffic violation then no citation will be issued unless released by citation at later time under supervisor approval.

4. Procedures:

a. When a field release is conducted and the victim is someone other than the State of Texas, the officer shall instruct the victim to telephone the Municipal Court. The officer shall advise the victim that failure to do so will result in no charges being filed.

b. If an actor has been arrested, it shall be the responsibility of the designated records section or officer to report the disposition of the case to the Department of Public Safety. If an actor has been field released, it shall be the responsibility of the Municipal Court to report the disposition to the Department of Public Safety.

VIII. ARREST WARRANTS

A. Determining Validity

1. Refer to Texas Code of Criminal Procedure, Article 15.02. Requisites of warrant.

2. Unless an emergency situation exists, an officer shall confirm the existence of any arrest warrant prior to arrest or as soon as possible thereafter.

B. Procedures

1. In executing an arrest warrant, an officer shall inform the person being arrested that the arrest is made pursuant to a warrant. He shall also inform the person of the charge and of the agency issuing the warrant.

2. Warrants from Other Texas Jurisdictions

   a. Refer to Texas Code of Criminal Procedure, Article 15.21. Prisoner discharged if extradition not timely demanded.

3. Out-of-State Warrants. Arrests on warrants issued by out-of-state jurisdictions.

   a. Refer to Texas Code of Criminal Procedure. Chapter 51. Fugitives From Justice.

C. Time Consideration

An officer who lawfully stops or detains a person may initiate a records check to determine whether any arrest warrant is outstanding against that person.

1. For a routine records check, the detention shall not exceed thirty (30) minutes unless urgent circumstances exist.

2. If the officer has a reasonable suspicion that a warrant is outstanding, but because of urgent circumstances, the officer does not receive the requested information within thirty (30) minutes, the detention shall not exceed one hour.

D. Jurisdiction for Service of Process

1. Refer to Texas Code of Criminal Procedure, Article 45.04. Service of process. Section 1.

2. Arrests on warrants issued by Harris County magistrates served within a county bordering Harris County:

   a. Refer to Texas Code of Criminal Procedure, Article 45.04. Service of process. Section 2. and Article 15.17 (a). (Persons arrested should be brought to the Harris County Jail.)

   b. If no magistrate is available, the person must be booked into the county jail of the county of arrest pending arraignment and bond setting.

c. If the person cannot make bond after it has been set, a member of the Police Department will make arrangements for transporting the arrested person to the Harris County Jail.

E. Execution of Arrest Warrants

1. Officers shall not enter any location or conduct driver's license checks with the primary intent of asking for identification and checking for warrants.

2. When serving an arrest warrant at a third party residence, a search warrant must be obtained unless one of the following exceptions exist:

a. consent;

b. fresh pursuit; or

c. exigent circumstances.

3. Officers shall not select the time and place of arrest solely to create the opportunity to embarrass, oppress, or inconvenience the arrestee.

4. Refer to Texas Code of Criminal Procedure, Article 15.25. May break door. Whenever an officer forcibly enters a premise to execute a felony arrest warrant, he shall strive to inflict as little damage to the premises as possible.

F. Execution of Local Warrants by Other Departments

1. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this Department, Department personnel shall either pick up the prisoner within five days or notify the holding agency to release him. This does not affect the responsibility of the County Sheriff's Department to transport all out of town or out of state prisoners, except those held on Class C warrants and transporting prisoners from outside the Police Department's jurisdiction.

2. Whenever an out of state agency notifies this Department that the agency has executed a City of Seabrook arrest warrant, that agency will be asked to pursue a waiver of extradition from the person arrested. Should that waiver not be obtained, extradition proceedings shall be pursued as per arrangements with the County Sheriff's Department.

3. Pursuant to State law, warrants of arrest may be transmitted between agencies "by any method that ensures the transmission of a duplicate of

the original warrant, including secure facsimile transmission or other secure electronic means…"
Code of Crim. Proc., Art. 15.08.

IX. UNARREST

A. When an arrest is conducted and is later found to be improper or inappropriate, for whatever reason, a supervisor shall immediately be notified. If the facts dictate that the individual should be "unarrested" and released, every courtesy possible will be extended to the individual(s). This shall include access to telephones and the furnishing of transportation.

B. The supervisor shall submit a detailed brief administrative memorandum and all incident reports and related paperwork shall be forwarded to the Chief of Police for review.

C. Anytime that there is an indication of improper police action and/or lawsuit potential, the supervisor shall notify the Chief of Police and forward the file to the appropriate City official.

X. DETENTION OF FOREIGN NATIONALS

The following is quoted from the United States "Department of State Guidelines Regarding Foreign Nationals Arrested or Detained in the United States" and shall be considered the policy of the City of Seabrook:

"The U.S. Department of State requires the assistance of state and local enforcement authorities in carrying out the following international obligations of the United States concerning the detention or arrest of foreign nationals in this country. These obligations are embodied in bilateral treaties with specific countries and in the multilateral Vienna Convention on Consular Relations, to which the U.S. is a party and which the U.S. regards as customary international law binding on parties and non-parties alike. The Department of State wishes to remind state and local governments that these obligations are legally binding on them. The legal requirements are as follows:

• Whenever a state or local authority arrests, imprisons or otherwise detains a foreign national such authority must promptly inform the detainee of his right to have his government informed of such event.

• If the detainee asks to exercise this right, the detaining authority should inform the appropriate foreign consulate or embassy without delay and make a written record of such notification.

• Subject to local laws and regulations regarding access to detained persons, consular officers have the right to visit their nationals who are in prison, custody or detention, to converse and correspond with them and to arrange for their legal representation. A

foreign consular officer should not take action on behalf of such a person if the person being held expressly opposes such action.

• While the above requirements are universally applicable, law enforcement personnel must be aware that treaties exist with certain countries which require *mandatory* notification when those nationals are confined or detained. In these cases, the foreign national has *no* choice regarding notification, and law enforcement authorities *must* notify the consulate or the embassy of the situation without delay. The foreign national should be advised that his consul has been notified."

XI. ARREST PROCEDURES

An officer, upon making an arrest, shall follow the procedures set out in this section.

A. On View Arrests

When an on view arrest is made by an officer, the following procedures will be followed prior to placing a prisoner in jail.

1. A prisoner shall be searched for weapons prior to arrival at the jail. Officers are cautioned to be mindful that contraband and/or weapons may be hidden in boots. If circumstances arise that the prisoner cannot be searched at the scene of the arrest, the prisoner shall be searched prior to entering the facility. Upon entering the jail, the person's footwear shall be removed for the purpose of locating weapons and/or contraband. If there is suspicion that a weapon may be inside of a prisoner's boot, the boot shall be removed and searched prior to entering the facility. Otherwise, the boot shall be removed inside the jail. A prisoner shall also be restrained (handcuffed), as per other directives, prior to arrival at the jail.

2. A complete warrant check shall be conducted through communications prior to arriving at the jail.

3. In case of a Driving While Intoxicated, the prisoner shall be taken to the designated intoxilyzer room for testing prior to the continuation of the booking process.

4. Upon arrival at the jail, a complete search of the arrestee shall be conducted by the arresting officer for the purpose of locating any contraband or potential weapons.

XII. TRANSPORTING OF NON-VIOLENT PRISONERS

A. Prisoners, regardless of age or sex, should be handcuffed behind their body and placed in the back seat with the seat belt latched, *unless there are specific articulable objective reasons* for other action.

B. There may be some instances where it is appropriate to handcuff a prisoner in front of their body or to not handcuff at all. However, these instances are rare and such action should be objectively and reasonably justified by the officer.

C. In all instances the seat belt shall be latched. The belt should be routed across the center of the prisoner's chest and under each arm, or at least one arm, and the buckle fully inserted into the latch.

D. Leg irons and hobble restraints will not be used on prisoners simply because they remove their seat belts.

E. Officers will inspect the back seats and floorboard areas at the beginning and end of each shift and after each prisoner transport. Officers will check for damage to the seat or seat belt, dirt, debris, contraband, weapons, and/or body fluids.

XIII. TRANSPORTING OF VIOLENT PRISONERS

A. Prisoners should not be removed from patrol units to be restrained, unless there is no other reasonable alternative.

B. A prisoner that becomes violent or tries to damage City property, after being placed into a patrol unit, should be restrained while still inside unless to do so would likely cause injury to the officer or prisoner.

1. The leg irons should be placed on the prisoner and secured in order to prevent kicking.

2. A single officer should request assistance from a second officer to assist in this process.

C. Prisoners will not be re-handcuffed at anytime, whether or not they have succeeded in placing the handcuffs partially or fully in front of their bodies.

D. Handcuffs will not be removed if they are found to be too tight. The handcuffs will be unlocked and allowed to open just enough for proper circulation and then locked again.

E. Prisoners that are violent prior to being placed in the car may be restrained using the leg irons and hobble restraints if those devices are available to the Department.

1. If the prisoner discontinues the violence upon being restrained, the hobble restraint will be used only to the extent that the prisoner can still stand and sit upright as described below.

2. If the prisoner continues the violence, the prisoner will be fully restrained as described below.

3. When it is necessary to fully restrain a prisoner, officers will notify their supervisor.

XIV. USE OF LEG IRONS or STRAPES

A. Leg irons, if available to the Department, will be stored so they are available to supervisory personnel or their designees.

B. Patrol supervisors will ensure that the leg irons are available.

C. Leg Irons

1. Will be applied with one cuff on each ankle of the prisoner.

2. Key holes should face the upper portion of a prisoner's body.

3. Will not be secured so tightly as to restrict circulation.

4. Once applied, will be double-locked.

5. Leg irons or other restraints on prisoner's legs shall not be connected to handcuffs when a prisoner is handcuffed behind the back. This method of restraint, sometimes referred to as "hog-tying" is prohibited.

XV. TRANSPORTING OF FEMALES

When male Officers are transporting a female prisoner, witness, victim, stranded motorist etc., Officers shall notify Communications, by radio, of their beginning location, vehicle mileage and destination. Upon arrival Officers shall notify communications of their ending vehicle mileage.

XVI. INJURED OR HANDICAPPED PRISONERS

If a person requests medical attention due to an injury suffered before or during an arrest or due to a serious medical condition or if an arrested person reasonably appears to need immediate medical attention, the Officer having custody of the person shall immediately secure such medical attention or release the person to the County Jail and inform jail personnel of the request or apparent need for medical attention. All requests for medical attention or observations of apparent medical need will be fully documented by the

arresting officer along with all responsive action. If reasonably possible, photographs of the prisoner shall be taken.

Officers shall request whatever reasonable assistance is necessary in order to transport handicapped prisoners with a minimum of discomfort, risk and loss of dignity. This may include seeking aid of other officers, medical personnel or an ambulance. Alternatives to arrest should always be considered in these circumstances. The arresting officer shall make reasonable effort to insure the handicapped or disabled prisoner has access to necessary special equipment or medication. If there is little danger of escape or injury, the officer should consider whether restraint devices are necessary.

XVII. ENFORCEMENT ACTIONS WITH PRISONERS IN CUSTODY

Officers will not engage in enforcement actions while a prisoner is in custody unless emergency conditions which present an immediate and serious danger exist and require immediate enforcement action. In no circumstance will an officer engage in a pursuit while a prisoner is in his or her custody.

XVIII. INTERVIEWS AND INTERROGATIONS

A. Definitions

1. An interview, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or the citizen.

2. An interrogation, according to the Supreme Court, includes the following, per Rhode Island v. Innis, “. . . express questioning or its functional equivalent . . . any words or conduct on the part of police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect.”

3. Officers are reminded that an interrogation does not rely solely or exclusively on words: conduct can be the "functional equivalent" of asking questions.

B. Rights Admonition

1. In order to achieve uniformity in administering *Miranda* warnings, police officers will be issued cards with the *Miranda* warnings and waiver on them. Officers will advise suspects, verbatim:

   a. "You have the right to remain silent."

   b. "Anything you say can and will be used against you in a court of law."

c. "You have the right to talk to a lawyer and have him present with you while you are being questioned."

d. "If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one.

e. "You may stop talking at any time."

2. After the warning, in order to secure a waiver, the officer shall ask and receive affirmative replies to the following questions:

a. "Do you understand each of these rights I have explained to you?"

b. "Having these rights in mind, do you wish to talk to us now?"

3. After the rights have been read, understood, and the person wishes to waive them, the officer will document the issuance of rights. Officers *must cease* questioning whenever the suspect invokes the right to silence or requests the presence of counsel.

a. After the suspect has been charged, officers shall not try to elicit incriminating evidence unless the suspect waives the right to counsel.

b. If a suspect, once in custody, requests counsel after being advised of *Miranda* rights, he or she *will not* be interrogated again unless (l) the counsel is present during the interrogation or (2) the suspect himself initiates the interrogation. Officers therefore cannot obtain a waiver under these circumstances unless the suspect initiates interrogation. If the suspect initiates the interrogation, the officer must carefully document all facts which indicate such initiation and which establish that the suspect has voluntarily submitted to further interrogation.

4. Magistrates will advise juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Whenever practical, the child's parents should be present while the child's rights are explained and the waiver obtained.

C. The Fifth Amendment Right Against Self-Incrimination

l. When *Miranda* applies:

The voluminous case law covering *Miranda* (Miranda v. Arizona) warnings has established several guidelines for officers to help decide when warnings must be administered. *Miranda* applies only to custodial

interrogation. As to what constitutes custody, if a reasonable person in the suspect's position believes that he or she is not free to leave, then *Miranda* applies. Note that the officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the suspect is determinative.

2. Circumstances for administering *Miranda*:

In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation: if police questioning is conducted in a police car or at a police station, the environment *may* be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and *Miranda* warnings must be administered before the officer asks questions about the offense. In short, then, *Miranda* warnings must be given when:

a. The suspect reasonably believes that he/she is in custody; and

b. The suspect is interrogated.

3. Voluntariness of confessions:

The courts have provided officers with much latitude in interrogating suspects. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the totality of the circumstances. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. Officers must:

a. carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and

b. coupled with the background characteristics, choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. Note that *Miranda* warnings would have been given before the interrogation takes place, in most instances.

D. Exemptions/Special Cases

1. *Miranda* warnings do not apply to the following situations:

a. brief on-scene questioning;

b. identification procedures such as fingerprinting, conducting a line-up, sobriety tests;

c. volunteered, spontaneous statements (Once the officer has heard the suspect express spontaneous incriminating statements, the officer shall then advise the suspect of *Miranda* rights and obtain a waiver before undertaking additional questions.);

d. brief investigative detention;

e. roadside questioning during routine traffic stops;

f. routine booking questions attendant to arrest; or

g. questioning by private persons.

2. Public safety exception:

When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving *Miranda* warnings *until* the officers have received information sufficient to dispel the emergency. Officers are advised that a genuine, life-threatening emergency must exist. In such a circumstance, the statements of the suspect may not be admissible at trial.

3. No firm guidelines exist governing when fresh warnings must be given. In considering whether previously-administered *Miranda* rights have become legally stale, investigators must consider:

a. the length of time between first warnings and later interrogation;

b. whether warnings and later interrogation were given in the same place;

c. whether warnings and later interrogation were by the same or different officers;

d. the extent to which the later statement differed from a previous one; or

e. the apparent intellectual and emotional state of the suspect.

4. If there is doubt that the person to whom the warning is given understands the English language sufficiently to understand the warning and make a knowing waiver, the warning should be provided in that person's native language to be effective.

E. Changes in Laws/Interpretational Limitations

Periodically, changes take place which may impose new limitations on police authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to all personnel by the State and/or County prosecutors or other competent authority. In case immediate changes in departmental operations are required, the State and County attorney's office or other competent authority may provide information orally and confirm it in writing.

XIX. CONSTITUTIONAL REQUIREMENTS: GENERAL

A. Compliance with Constitutional Requirements During Criminal Investigations

1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers will ensure that:

a. All statements or confessions are voluntary and non-coercive;

b. All persons are advised of their rights in accordance with this general order;

c. All arrested persons are taken promptly before a magistrate for formal charging;

d. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney;

e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant’s right to a fair and impartial trial.

B. Constitutional Rights of Arrested Persons

1. Detentions shall occur only based upon reasonable suspicion and arrests shall occur only upon probable cause or upon warrants which have been confirmed by the issuing agency.

2. No officer may use force which, under the circumstances, is deemed excessive under the U.S. Constitution and applicable case law.

3. Officers will be cognizant of and protect the Constitutional rights of all persons detained or arrested.

XX. RACIAL PROFILING PROHIBITED

A. This general order is intended to reaffirm the Seabrook Police Department's commitment to unbiased policing, to clarify the circumstances in which officers may consider race/ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the equitable provision of police service to the community.

B. Definitions:

1. Racial-Profiling: A law enforcement-initiated action based solely upon an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

2. Acts Constituting Racial Profiling: The detention, interdiction, search, or seizure of any person based solely upon the person's age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

3. Traffic Stop: As it pertains to this policy, means the stopping of a motor vehicle by a police officer who is operating a marked police patrol car, for an actual or suspected violation of law or ordinance regulating traffic.

4. Pedestrian Stop: As it pertains to this policy, means the detention of an individual by a police officer for the purpose of a criminal investigation in which the individual is not under arrest.

5. Race or Ethnicity: Relating to a particular descent, including, but not limited to, Caucasian, African, Hispanic, Asian, or Native American.

6. MVR: Shall refer to the mobile video/audio recording equipment. This includes both the equipment installed in the police vehicle, as well as the equipment worn by the officer, i.e., wireless body microphone and accompanying equipment.

C. Requirements

1. Officers of the Seabrook Police Department are strictly prohibited from the use of racial profiling in the course of their duties. Race or ethnicity

may never be used as the sole basis or motivating factor in making law enforcement decisions.

2. Any officer found, after thorough investigation and review, to have engaged in racial profiling shall be subject to disciplinary action, which may include indefinite suspension.

3. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers of the Seabrook Police Department will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment to the U.S. Constitution. Officers must be able to articulate specific
facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

4. Except as provided below, Officers of the Seabrook Police Department shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly except as provided below, Seabrook Officers shall not consider race/ethnicity in deciding to initiate nonconsensual encounters that do not amount to legal detentions or to request consent to search.

5. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity may not be used as the sole basis for probable cause or reasonable suspicion.

D. Complaint Process

Any person or persons alleging racial profiling may file a complaint against the specified employee or officer(s) and said complaints will be processed in accordance with the Seabrook Police Department General Orders. All complainants will be informed of the Internal Affairs process. No person shall be discouraged, intimidated, or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

E. Patrol and Field Operation Procedures

1. Personnel supplied with MVR equipment will utilize it on all detention contacts with the public, including but not limited to, traffic and pedestrian stops.

a. During the contact officers will ensure that the video and audio transmitter is on in order that the complete contact between the officer(s) and the contact is recorded.

2. When a citation is issued or an arrest is made as the result of a traffic stop, the officer must document the following information:

a. The race or ethnicity of the individual detained;

b. Whether a search was conducted, and if so, whether the person detained consented to the search;

c. If contraband is recovered.

3. Each audio and video recording shall be retained for a minimum of 90 days, unless a complaint has been filed alleging that an officer has been engaged in racial profiling with respect to a traffic or pedestrian stop, in which case the recording shall be retained until final disposition of the complaint.

4. The Patrol Commander, or his designee, shall periodically conduct reviews of a randomly selected sampling of video and audio recordings recently made by Seabrook Police Officers in order to determine if patterns of racial profiling exist. If any acts of racial profiling or patterns of racial profiling are discovered, the Patrol Commander shall immediately contact the Chief of Police to initiate an investigation.

F. Administrative Reporting

1. During January of each year the Chief of Police or his designee will prepare an Annual Report reflecting an analysis of citizen detentions and including the data and analyses required by applicable law.

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2. The Chief of Police will provide a copy of the Annual Report to the City of Seabrook City Manager and City Council at the beginning of each calendar year but no later than March 1st of each year.

2. The Commander of the Administrative Services Division will annually conduct a review of agency practices and citizen concerns as they relate to racial profiling issues. This review will be conducted at the beginning of each calendar year in conjunction with the department's Annual Report.

G. Video Policy

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to

make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

It is the policy of this department that it is to retain the video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department retains the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors ensure that officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

*If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop is encouraged to properly record and report the information as required in Policy.

**(Footnote: In the event of equipment failure; as a consideration, agencies may wish to manually collect data when audio and/or video equipment is temporarily non-operational. An agency that chooses to collect data manually should incorporate the information as contained in Policy B Section VIII).*

C. Use of Discretion by Officers

1. Officers, by the nature of their job, are required to exercise discretion in the performance of their duties. The department provides officers with written policies, rules, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.

2. With the exception of departmental rules and regulations, departmental policy generally gives officers guidelines to consider in exercising their discretion. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

D. Alternatives to Arrest/Pre-Arraignment Confinement

1. Under certain circumstances, officers are faced with situations where an arrest and pre-arraignment confinement will not be possible or feasible under the circumstances. In this case, officers may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply a warning. Examples may include:

   a. Mentally or emotionally disturbed persons;

   b. Domestic situations where counseling may be appropriate. (Except where applicable law requires an arrest.);

   c. Juvenile offenders;

   d. Transient persons who need shelter and food; or

   e. Certain misdemeanor cases.

2. Authority to issue citations in lieu of arrest/confinement:

   a. Officers may issue citations to appear in lieu of arrest in appropriate circumstances authorized by law.

   b. The use of summonses by officers:

   In determining whether a summons should be used, the officer should:

   (1) Consider whether the offense committed is serious.

   (2) Consider whether the accused poses a danger to the public or himself.

   (3) Consider, based on circumstances, whether the person may disregard a summons.

3. Informal handling of criminal matters:

   Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should consider such alternatives.

4. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

a. The seriousness of the offense.

b. The likelihood that the violator will heed the warning.

c. The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.

5. Custodial arrests for Class C offenses:

a. Officers are authorized by applicable law, with certain statutory exceptions, to arrest persons for violations of class C offenses which carry a fine only penalty upon conviction. Officers will use good judgment and discretion in determining whether to arrest or issue a citation for such violations. As a rule, Officers will issue citations for non-jail offenses unless the violator refuses to sign the promise to appear or other extraordinary circumstances are present.

b. The following factors must be considered and documented by the officer upon making an arrest for any offense which carries a fine only penalty upon conviction:

(1) Danger to others if the violator is released;

(2) Probability that the violator will or will not appear for court;

(3) Whether the violator a repeat offender;

(4) Other charges or aggravating factors; or

(5) Whether enforcement goals may be equally achieved with a citation rather than with a custodial arrest.

c. All arrests for offenses which carry a fine only penalty shall be approved in advance, or as soon as possible, by a supervisor.

USE OF FORCE

I. POLICY

Officers are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. Although many decisions and actions of police officers have serious consequences, none are as irrevocable as the decision to use force, particularly deadly force. The degree of force used depends on what the officer perceives as reasonable and necessary, under the circumstances, at the time he decides to use force. Police officers are armed and trained in the use of weapons in order to carry out their responsibility to protect themselves or others against assaults from violent actors. This defensive action is necessary and supported by the Police Department.

II. PURPOSE

To establish guidelines governing the lawful use of force and its limitations and to clearly describe prohibited activities.

III. DEFINITIONS

A. Reasonable Belief. When facts or circumstances the officer knows or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

B. Force. That amount of "active power, strength or energy" which is necessary to overcome an actor's physical resistance.

Texas Code of Criminal Procedure, Article 15.24. What force may be used. In making an arrest, all reasonable means are permitted to be used in effecting that arrest. No greater force, however, shall be resorted to than is reasonable and necessary to secure the arrest and detention of the accused.

C. Non-Deadly Force. Force employed which is neither likely, nor intended to cause serious bodily injury or death.

D. Excessive Force. Force is excessive when its application is unreasonable and unnecessary under the circumstances, resulting in *any* injury, serious bodily injury or death to an actor. The U.S. Supreme Court, in Graham v. Connor, 490 U.S. 386 (1989), set forth guidelines for determining whether force has been excessively applied: the primary concern being reasonableness in its application, as judged by the on-scene officer. In evaluating the reasonable application of force, officers must first consider their own age, size, strength, skill level with Department approved weapons, state of health and the number of officers as opposed to the number of actors. Based on the reasonableness standard, the following considerations contribute to a determination of excessive force:

1. the severity of the crime;

2. the nature and extent of the threat posed by the suspect;

3. the degree to which the suspect resists arrest or detention; and

4. any attempts by the suspect to evade arrest by flight.

E. Bodily Injury. Means physical pain, illness or any impairment of physical condition.

F. Serious Bodily Injury. A physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement or impairment of the function of any bodily organ or limb.

G. Deadly Force. “Deadly Force” as that which is intended or known, by the actor to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.

H. Impact Weapon. Any object, regardless of its original manufactured purpose, which can be utilized to strike a person with sufficient force so as to cause bodily injury, serious bodily injury or death.

I. Firearm. Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

J. Extreme Circumstance. The need for the immediate protection of life, when circumstances do not allow for any other option(s).

IV. PROCEDURES

TRAINING

A. In the course of official duty, it is imperative that a police officer act within the boundaries of law, professional ethics, good judgment and accepted practices. It is equally important that an officer be prepared by training, leadership and direction to act wisely when using a firearm or any other prescribed use of force. For these reasons, each commissioned employee must be given a copy of this General Order and properly trained in this Department’s policy on the *Use of Force* before being authorized to carry a firearm or be placed in any situation that may result in the use of force by an officer.

B. Except under extreme circumstances, no officer shall use or attempt to use any technique, tactic or weapon for which he has not been fully trained. Said training must have been accomplished in a manner approved by the Department.

1. Weapons

a. While on and off duty, officers shall carry only weapons and ammunition authorized by and registered with the Department.

b. Authorized weapons are those with which the officer has qualified and received Departmental training on proper and safe usage and that are registered and comply with Departmental specifications.

c. The Department shall schedule regular training and qualification sessions for duty, off-duty, and specialized weapons. These sessions will be graded on the basis of officer skill and judgment.

d. Officers who fail to receive a passing score with their duty weapons, in accordance with Department qualification procedures, shall be relieved of their Police powers and immediately assigned to non-enforcement duties.

e. An officer shall not be permitted to carry any off-duty weapon with which he has not been able to qualify during the most recent qualification period.

f. Any officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.

2. Non-Deadly Force

a. Officers are not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.

b. The following non-deadly weapons are authorized:

(1) expandable and straight baton; and

(2) O.C. pepper spray.

(3) Electronic control devices.

(4) Bean bag round or other approved impact weapon.

Note: Specialized units may use other non-deadly weapons if trained and approved by the Chief of Police.

3. Certificates of training, for each level utilized, must be on file with the Department before the use of that particular level of force is employed.

4. It shall be the responsibility of the officer receiving the training to ensure that a copy of all training certificates received are forwarded to the Chief of Police or his designee immediately following the completion of any school, particularly those where training in the use of force is concerned.

RESPONSE TO RESISTANCE

A. When an individual is arrested he may:

1. Submit;

2. Flee; or

3. Fight.

a. Passive Resistance. Actor pulls away from the officer, but does not present a threat or actively resist.

b. Active Resistance. Actor actively attacks officer or, through his own actions, aggressively resists arrest.

B. Officers may escalate to force options prescribed within this policy to overcome either increasing resistance or increasingly dangerous threat to public safety.

C. The escalation in the use of force typically follows a pattern: officer's presence, verbal command, compliance techniques such as chemical agents, taser, soft-hand control and restraint, defensive tactics (e.g., striking techniques/impact weapons) and finally, deadly force. Officers must understand how to recognize increasing and decreasing levels of threat and respond appropriately.

D. In response to the above situations, officer(s) shall proceed within the following guidelines:

Officer Presence - Best illustrated when the officer arrives at the scene. The person sees the officer and does not alter his illegal behavior. The person knows that the individual who has just arrived at the scene is a police officer because of the marked patrol vehicle, the uniform or the visible badge.

Verbal Commands - Best illustrated when:

1. The officer advises the person to keep quiet, move along, etc. The person can clearly hear the officer's directions.

2. The severity of the situation has increased to the point that the person may be a suspect or actor in a crime or complaint. The officer is now giving direct orders to the person such as get on the ground, get back, leave the premises, cease his actions, etc.

3. Escalation of voice tone or severity of language may, under appropriate circumstances, constitute an additional step in the verbal commands stage of the force continuum.

Chemical Agents or electronic incapacitation devices (Tasers)- Creates a low level of incapacitation with minimal chance of injury. The person may be attempting to physically attack the officer or blatantly refusing to comply with verbal commands as described in Subsection 2 of Level 2 above. Only chemical agents or electronic incapacitation devices that are approved by the Department will be utilized by Departmental personnel. This approval may require certain training before officers are authorized to carry and use such devices.

Control and Restraint (Empty or Soft Hand) - Best illustrated when the officer applies handcuffs, a wrist lock, take down, pressure point techniques, etc. Most police officer defensive tactics techniques will fall in this category since they are designed for gaining control of the person and do not have a high potential for injury.

Striking Techniques (Empty or Hard Hand) - An increase in the level of resistance by the person, punching or increased struggle, may cause the arresting officer to respond by striking the suspect. These blows shall be directed towards areas which are not likely to cause great bodily harm (i.e., motor points, muscle groups, navel area, etc.).

Impact Weapons - Only impact weapons that are approved by the Department will be utilized by Departmental personnel. Best illustrated when the officer is forced to strike a person with an impact weapon. These strikes should be directed toward approved striking points. Any blows to the head, neck, throat or spine shall be avoided. Should the person produce a deadly weapon or otherwise attempt to kill or seriously injure the officer or a third party, the officer may escalate to Level 7. Under emergency conditions, emergency impact weapons may be employed.

Deadly Force - Best illustrated when the officer must discharge his firearm at a person, apply a choke hold or carotid restraint and/or strike him with an instrument in a manner that is likely to cause death or serious bodily injury.

A. Police officers shall not unreasonably or unnecessarily endanger themselves or the public when applying the guidelines in this general order.

B. Non-Deadly Force

1. *Except for deadly force*, the application of any degree of force is only justified when the officer reasonably believes that it is necessary:

   a. to prevent escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime;

   b. to defend himself or another person from what the officer believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody; or

   c. to bring an unlawful situation safely and effectively under control.

2. When using non-deadly force, all personnel shall adhere to applicable law and standards governing the use of force under the Fourth Amendment to the U.S. Constitution, applicable judicial interpretations and to the guidelines set forth in the continuum of force.

3. At all times, when practical, an officer should be issuing verbal commands in an attempt to gain voluntarily compliance by the actor. It is important to note that sometimes, because of the actor's actions, it may be necessary to alleviate or skip certain levels in the force continuum. Also, the continuum of force works in both directions. Any time the level of resistance by the person is increased or decreased, the officer must adjust his level of response accordingly.

C. Investigations: Non-Deadly Force

1. All "Use of Force" investigations shall be conducted by the Chief of Police or his designee.

2. Facts or circumstances, unknown to the officer, shall not be considered in later determining whether the force was justified. The Department expects officers to employ the minimum force reasonably necessary to accomplish a legal purpose, in all applications of force.

3. Any time a chemical agent, impact weapon or electronic devise is used or when the use of force by an officer results in injury, *claimed* injury or damage to property of any person, the immediate supervisor of the officer(s) utilizing the use of force, will complete the Use of Force Report and route it to his or her immediate supervisor. When the employee's supervisor is off-duty, or otherwise unavailable, the next level supervisor in the employee's chain of command shall be notified to complete the Use of Force Report .

   a. The supervisor shall act in a fact finding capacity, to gather as much information as possible, so that a decision can later be made as to whether or not a formal investigation is warranted. Toward this end, the supervisor will fill out the form as completely as possible and shall have the officer(s) involved complete the portion of the form intended for the employee's narrative. The supervisor will not render a decision as to whether or not the use of force was appropriate, nor will he recommend any disciplinary action. The employee's supervisor will then forward the completed form to the Chief of Police and/or his designee.

   b. Use of Force Reporting System: Completed forms shall be filed in the Department Records Section in a designated file.

D. Investigations: Non-Deadly Force Firearms Discharge

1. Routine firearms discharges incidents associated with training, target practice, hunting and ballistic examinations require no investigation.

2. An employee's supervisor shall conduct a preliminary investigation into shooting incidents associated with the destruction of an animal or an accidental discharge with no injuries. The findings of these investigations shall be submitted to the Chief of Police, through the chain of command.

3. All employee(s) who are involved or witness an accidental or intentional discharge of a weapon shall submit a written report of the incident. The report shall be completed and approved by a supervisor before the end of that tour of duty.

E. Deadly Force

1. The policy of this Department shall be in accordance with the Fourth Amendment to the U.S. Constitution and judicial decisions applying those standards.

   In accordance with the Texas penal Code, police officers are authorized to use deadly force in order to:

a. Protect the police officer or others from what is reasonably believed (*applying the standard of probable cause*) to be an immediate threat of death or serious bodily harm or,

b. Prevent the escape of a person whom the officer has probable cause to believe has committed a crime involving the infliction or threatened infliction of serious bodily harm upon another *and* the use of deadly force is necessary to prevent escape; if some warning, where feasible, has been given prior to the use of deadly force.

(1) The use of deadly force *is not authorized* to effect an arrest for any misdemeanor offense.

c. Whenever reasonably possible, an officer shall give a verbal warning prior to the use of deadly force.

d. Warning shots *shall not* be discharged.

e. Shots at or from moving vehicles will not be discharged unless all other means of defense have failed. Officers shall not voluntarily or recklessly place themselves in a position in front of an oncoming vehicle where the need for deadly force is a likely outcome.

f. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

g. The destroying of an animal is justified for self defense, the defense of another person or when the animal is so badly injured or diseased that humanity requires its relief from further suffering. This action shall only be carried out after all attempts have been made to request assistance from those agencies responsible for the disposal of animals.

F. Investigations: Deadly Force

1. The procedures, defined herein, regarding the investigation of deadly force incidents shall be used under the following circumstances:

a. Anytime an employee discharges a firearm in the performance of duty which results in the death or injury of any person; or

b. Anytime an employee discharges a firearm, in the performance of duty, in a manner that is intended to cause the death or injury of any person; or

c. Anytime an employee uses force, other than with a firearm, which results in the death or serious bodily injury to any person.

2. Involved Employee

a. The involved employee shall:

(1) when appropriate, render first aid and request an ambulance;

(2) notify the Chief of Police of the incident and location;

(3) remain at the scene until directed to another location by competent authority;

(4) if possible, protect all evidence, including any weapon(s) used.

b. At the direction of the Chief of Police, the employee may be placed on administrative leave until:

(1) the completion of the criminal investigation;

(2) the completion of the internal investigation;

(3) the receipt of findings by the Grand Jury;

(4) the receipt of findings by the Department designated psychologist; and

(5) the participation, of the employee(s) involved, in any type of post-traumatic counseling or therapy sessions as deemed appropriate by the Chief of Police.

c. This leave shall be without loss of pay or benefits and shall not be interpreted to imply or indicate that the officer has acted improperly.

d. Immediately following the incident, while on administrative leave, the employee shall remain available at all times. The employee shall not discuss the incident with anyone except:

(1) the District Attorney or his assistant and Departmental personnel assigned to the investigation; and

(2) the employee's private attorney, psychologist, chosen spiritual counselor and immediate family.

e. Upon return from administrative leave, the employee may be assigned to "administrative duty" for a period of time as deemed appropriate by the Departmental psychologist or the Chief of Police.

3. Communications Procedure

a. Upon receiving communication that an employee has been involved in a deadly force incident, as detailed herein, Department employees are responsible for insuring that the Chief of Police is informed of the incident as soon as practical.

4. The Chief of Police and/or his designee (which may include agencies or personnel outside the Department and City) shall conduct a thorough investigation to:

a. determine if the use of force was within policy;

b. evaluate the quality of supervision prior to, during and after the incident;

c. evaluate training related to the drawing of the weapon, firing the weapon, tactics; and

d. ensure that the criminal investigation is conducted thoroughly and objectively.

5. Criminal Investigation

a. In the event that any Use of Force results in the serious bodily injury or death to an actor, the criminal investigation may be conducted by another agency, at the discretion of the Chief of Police.

G. CLAIM OF INJURY.

1. Anytime a person appears to be injured or makes a claim of injury after the use of any force, the officer present shall immediately summon medical aid, usually paramedics, to examine the person to determine if further medical aid is needed.

H. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violations that occur prior to the effective date of this Order. If any section, sentence, clause or phrase of this Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

V. EXECESSIVE FORCE

A. The City of Seabrook has adopted an excessive force policy by resolution 2011-16. It is incorporated into this policy and shall be followed.

CITY OF SEABROOK
RESOLUTION 2011-16
EXCESSIVE FORCE POLICY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK ESTABLISHING RULES ANT) REGULATIONS REGARDING THE USE OF EXCESSWE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ENTRANCE TO A FACILITY OR LOCATION WHCH IS THE SUBJECT OF SUCH DEMONSTRATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS

THEREOF IN THE CITY OF SEABROOK, HARRIS COUNTY, TEXAS

WHEREAS, the City of Seabrook (City) has previously adopted general orders to provide guidelines for the operation of the Seabrook Police Department, which specifically include “Use of Force” policies; and

WHEREAS, as part of the requirements for the CDBG Recovery Program the City is required to additionally adopt and enforce the Excessive Force Policy, (Policy) as contained herein;
and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITYOF SEABROOK, TEXAS:

Article I

Section 1.

It is the policy of the City of Seabrook to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The City also prohibits the physical barring of any entrance to, or exit from, such a facility within its jurisdiction.

Article II

Section 1.

It is the policy of the City to enforce this Policy to the full extent allowed by law.

AND IT IS SO ORDERED.
PASSED, APPROVED AND ADOPTED THIS 4TH DAY OF OCTOBER, 2011.

DUTY WEAPONS

I. Policy

The department will establish policy and procedures for all weapons carried on duty by its officers.

II. Purpose

To establish departmental policy regarding carry and the use of duty weapons.

III. Procedure

A. Pistols
   a. Officers will only carry weapons issued by this department while on duty, unless authorized by the Chief of Police to carry other weapons.
   b. All personnel authorized to carry firearms will be required to fire a qualifying score with all firearms they are authorized to carry on at least a yearly basis.
      i. Nothing in this policy shall be constructed to prevent officers from using any weapon at their disposal to protect themselves or third parties from death or serious bodily injury in an emergency.
   c. Officers shall not, in any way, alter or modify the trigger or any other part of a duty weapon without written permission from department armor (Sergeant).
   d. Ammunition: Officers will only carry ammunition issued by this department while on duty or in city provided weapon.

B. Shotgun
   a. Every officer may carry a department issued shotgun and check it out at the beginning of their shift.
   b. Any officer who considers carrying a shotgun must qualify and demonstrate proficiency with the weapon on a yearly basis.
   c. An officer may carry their personal shotgun once approved by a departmental armor. No additional modifications will be made to these weapons without prior approval by a departmental armor.

d. All shotguns will carry departmental duty ammunition.
e. Officers may carry prohibited shotguns if approved by the Chief of Police.

C. Rifle

a. The patrol rifle may be deployed at the discretion of the officer in any situation where drawing the handgun or deploying a shotgun in the anticipation of using deadly force would be appropriate.

b. Every officer may carry a patrol rifle.

i. Prior to carrying their rifle the officer must have the weapon approved by a departmental armor.
ii. The officer must attend and pass, at minimum, a 24 hour course on patrol rifle.
iii. The course must include live fire and qualification.
iv. The only modifications allowed to these weapons are approved light systems and red dot type of sights.
1. All modifications must be approved by department armor.

c. Some officers will be issued patrol rifles by the department.

i. These weapons may be select fire with prior authorization from the Chief of Police.
ii. These weapons may have light systems and red dot type sights with approval from the Chief of Police.
iii. No additional modifications will be made to these weapons without prior approval by the Chief of Police.

d. All patrol rifles, either personal or departmental issued, will only carry departmental ammunition.
e. The rifle will be carried in the vehicle with the chamber closed and empty.
f. All patrol rifles will be carried with 2 less rounds in the magazine than magazine capacity.

VEHICLE TOWING & IMPOUND

I. POLICY

It is the policy of this department to establish guidelines for the towing and impoundment of vehicles while adhering to applicable municipal, state and federal statutes. The following procedures shall be used by officers when for any reason it becomes necessary to assume custody and/or control over any motor vehicle.

II. PURPOSE

Authorize officer to have vehicles towed and impounded from public and property and roadways by an authorized wrecker service to a facility for safe keeping.

III. PROCEDURES

The Officers authority is based on guidelines established in City of Seabrook municipal ordinances, state and federal statutes and mandates. Court orders issued by city, county, state and federal courts.

When a wrecker is needed the officer shall contact dispatch and request the next wrecker on rotation assignment.

When a wrecker is needed on behalf of the owner or operator of a motor vehicle the operator of the vehicle shall be asked if they wish to use a particular wrecker service. The officer should inform dispatch that it is an *"owner's request*" and not a rotation wrecker call.

If an officer has requested a rotation wrecker and the operator of the vehicle returns prior to the arrival of the wrecker, the officer shall cancel the request for the wrecker. That wrecker service shall be returned to the top of the rotation list by dispatch.

If the officer has already released custody of the vehicle to the wrecker service, the operator of the vehicle shall be responsible for any arrangements with the wrecker service concerning the release of the vehicle. Officers shall not become involved in these transactions.

Officers requesting a wrecker to tow a vehicle will stand by until the wrecker arrives, protecting the vehicle. The wrecker service shall be given 15 minutes from the time contacted by dispatch to reach the location.

After 15 minutes a second rotation wrecker shall be called. Dispatch shall record in the log that the first wrecker failed to respond within the allotted time period.

After the second wrecker has been called, the officer shall not allow the first wrecker to tow the vehicle. The first wrecker called will go to the bottom of the rotation list.

Wrecker operators who arrive at the scene under the influence of alcohol or drugs shall not be allowed to tow a vehicle.

Officers may arrest such operators and have their wrecker towed by another company or contact the arrestee's company and have the wrecker picked up immediately.

Exceptions to Using the Rotation Wrecker Service - Officers may request a specific wrecker service under the following circumstances: When the officer feels that the particular situation can best be handled by a specific company due to physical location, nature of equipment needed or vehicle being towed, or urgency in preserving life or property in an emergency.

Any other exception must be authorized by the on duty supervisor.

The officer shall not recommend a specific wrecker service or quote cost estimates.

(a) Vehicle Inventories

Vehicles towed or impounded under authority of this department, shall have a complete vehicle inventory conducted by the officer having the vehicle towed. A completed inventory sheet shall be turned into the dispatcher along with the wrecker slip and maintained on file. Vehicle involved in accident where the damage necessitates towing and the owner/operator remains on the scene will not be inventoried.

Officers shall keep in mind that an inventory is not a search and should not be used as such. If probable cause for a search exists, a search warrant should be obtained.

The discovery of evidence or contraband during an inventory does not mean that the inventory must cease and a search warrant obtained. The inventory can be completed in the normal manner.

Only when the need to go beyond the normal inventory exists, for example removing interior door panels or going into a locked area for which there is no key, does the officer need to obtain a search warrant.

All areas of the vehicle that are accessible without having to be forced open shall be inventoried. The passenger compartment of the vehicle shall be opened and inventoried. A complete written list shall be made which includes all property found inside the passenger compartment. Any compartments within the passenger compartment, such as the glove box, center console, etc., shall be opened and inventoried. A complete written list shall be made which includes all property found inside the compartment. The trunk of the vehicle shall be opened, inventoried and listed. Any containers, such as bags, suitcases, boxes, etc., that are unlocked and not sealed shall be opened, inventoried and listed. Locked areas of the vehicle shall not be inventoried unless the officer has a key that will allow entry to these areas. The officer shall not use force or cause damage to open any part of the vehicle or any container within the vehicle without a search warrant.

When making an inventory of a locked vehicle or areas of a vehicle that are locked and not accessible the officer shall make a visual inventory, listing the items of value that are in plain sight. Locked areas not accessible to the officer shall be noted on the inventory form.

(b) Impound Vehicles

Physical control of a vehicle that is to be towed shall be released to the wrecker service, by the officer at the scene, at the time the wrecker stops and is in a position to hook onto the vehicle.

Any hold shall be indicated in the officer's report, indicating the authority and purpose of the hold.

If the vehicle was towed to the department, the owner must go to the wrecker service that towed the vehicle and pay the towing cost and bring the receipt to the department in order to claim their vehicle.

Vehicles impounded for evidentiary purposes shall be towed to the police department. The vehicle shall not be released without permission of the investigator assigned to the case.

The supervisor designated by the chief of police is responsible for ensuring that wrecker services requesting to be on the department rotation list are permitted, inspected, and informed of department rules and regulations governing their operation. This supervisor shall be responsible for placing wrecker services on the rotation list.

Dispatch shall be responsible for maintaining a log of all vehicles towed within the city limits. This log shall indicate the date and time vehicle was towed, name of wrecker service towing the vehicle, make and LP of towed vehicle, location the vehicle was towed from, and the reason the vehicle was towed.

CHAPTER 2	PERSONNEL
Section 1	Qualifications
Section 2	Selection Procedures
Section 3	Training
Section 4	Assignments and Promotions
Section 5	Evaluations
Section 6	Sexual Harassment
Section 7	Complaints
Section 8	Off Duty Employment

PERSONNEL – QUALIFICATIONS AND DUTIES

I. POLICY

It is the policy of the City of Seabrook and the Seabrook Police Department that the following summaries qualifications and duties apply to all classified positions in this Department as indicated below:

II. PURPOSE

To outline and describe the Departmental qualifications and duties.

III. POSITIONS

POLICE OFFICER:

A. Qualifications

1. Meet all state legal requirements for holding a peace officer license.

2. Be a licensed peace officer in the State of Texas.

3. Have and maintain good credit ratings and clear criminal record under guidelines set by the Chief of Police.

4. Successfully complete a background check as mandated by the Chief of Police.

5. Successful completion of periodic physical conditioning tests as scheduled by the Chief of Police.

6. Maintain, at a minimum, required training and licensing under regulations promulgated by the Texas Commission for Law Enforcement Officer Standards and Education (TCLEOSE).

7. After receiving a conditional employment offer, complete and successfully pass a drug screen and a medical examination certifying ability to perform essential job functions.

8. After receiving a conditional employment offer, complete a polygraph exam and a psychological screening as mandated by TCELOSE and applicable laws of the State of Texas.

B. Duties

1. Engage in law enforcement and crime prevention activity as may be directed by the Chief of Police or other supervisor.

2. Comply with all general orders of this Department and with all lawful orders issued by competent authority.

3. Actively engage in patrol duties when so assigned.

4. Enforce, with appropriate discretion, criminal laws and statutes of the City of Seabrook, the State of Texas and the United States of America.

5. Obey all laws and statutes and maintain personal standards of behavior and affairs as directed by the Code of Conduct of the Seabrook Police Department.

6. Other duties as may be lawfully assigned from time to time.

POLICE SERGEANT:

A. Qualifications

1. Meet all qualifications for the position of Police Officer, and,

2. Successfully complete all training required of supervisory personnel by current TCLEOSE regulations.

4. Complete 3 years service with the Seabrook Police Department.

5. Demonstrate the ability to effectively lead and supervise, both by actions and example, police officers and police personnel.

B. Duties

1. Police sergeants will routinely be expected to perform all duties expected of police officers.

2. Provide effective and quality first line supervision of police officers.

3. Complete personnel evaluations of all employees under the sergeant's supervision in the time and manner required by Department General Orders.

4. Effectively and efficiently attend to administrative matters which, from time to time, may be assigned by the Lieutenant's and or the Chief of Police.

POLICE LIEUTENANT:

A. Qualifications

1. Meet all qualifications for the position of police officer, and police Sergeant.

2. Successfully complete all training required of supervisory personnel by current TCLEOSE regulations.

4. Complete 2 years service as a police Sergeant with the Seabrook Police Department

5. Demonstrate an ability to effectively lead and supervise, both by actions and example, police officers and police personnel.

B. Duties

1. Police lieutenants will routinely be expected to perform all duties expected of police officers.

2. Provide effective and quality management supervision of police sergeants and officers.

3. Complete personnel evaluations of all employees under the lieutenant's supervision in the time and manner required by Department General Orders.

4. Effectively and efficiently attend to administrative matters which, from time to time, may be assigned by the Chief of Police.

POLICE CAPTAIN:

A. Qualifications

1. Meet all qualifications for the position of police officer, and police Lieutenant.

2. Successfully complete all training required of supervisory personnel by current TCLEOSE regulations.

3. Complete 2 years service as a police Lieutenant with the Seabrook Police Department.

4. Complete 4 years service as a Police Officer with the Seabrook Police Department.

5. Demonstrate an ability to effectively lead and supervise, both by actions and example, police officers and police personnel.

B. Duties

1. Police Captain will routinely be expected to perform all duties expected of police officers.

2. Provide effective and quality management supervision of police Lieutenants, Sergeants and officers.

3. Complete personnel evaluations of all employees under the Captain's supervision in the time and manner required by Department General Orders.

4. Effectively and efficiently attend to administrative matters which, from time to time, may be assigned by the Chief of Police.

5. As Chief of Police designee, Captain will hold duties and responsibilities of the Chief of Police in the absence of the Chief or when directed by the Chief of Police.

CHIEF OF POLICE:

A. Qualifications

1. The Police Chief will meet all qualifications applicable to police Captain and police officers.

2. Will hold a Masters certificate from TCLEOSE.

3. Will meet all training requirements in a timely manner as may be required by TCLEOSE.

B. Duties

1. Will act under the direct supervision of the City Manager.

2. Will maintain effective and cordial relations so as to foster cooperation with other law enforcement agencies and area governmental entities.

3. Will keep abreast of legal and other developments which impact the effective delivery of police service in the City of Seabrook.

4. Will be active, in a positive manner, in municipal and civic affairs in the City of Seabrook.

5. Will attend city council meetings and will report to the council on the operations of the Police Department upon request.

6. Will maintain the records of the Seabrook Police Department under the direct supervision of the City Manager.

7. Will insure that all hiring, personnel and training requirements of these general orders and the City of Seabrook are complied with by all employees of the police Department.

8. Will make recommendations to the City Manager and city council regarding personnel matters, training, budget and operations of the Seabrook Police Department.

9. It is the express statement of the City of Seabrook that the Chief of Police shall *not* have final policy making authority for the City of Seabrook on any subject or issue.

10. Effectively administer and supervise all employees of the Police Department including the preparation of employee evaluations for sergeants and review and approval of all other evaluations.

11. Oversee the enforcement of all laws, local, state and federal and establish and maintain standards for enforcement and training of officers in compliance with such standards and laws.

PERSONNEL – SELECTION PROCEDURES

I. POLICY

It is the policy of the Seabrook Police Department to employ the best police officers possible. To that end, the Department shall practice a rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, sex, national origin, religion or age. The Department does not discriminate against people with disabilities and affords them the same access to employment provided to all citizens so long as they can perform the essential functions of the position. Where possible, the Department provides reasonable accommodation to the known disabilities of qualified applicants.

II. PURPOSE

To outline minimum hiring requirements for police officers, in accordance with the City adopted Civil Service Standards. Any conflict between this policy and Civil Service shall be determined by the applicable Civil Service requirements.

III. DEFINITIONS

A. Disability. A physical or mental impairment that substantially limits one or more of the major life activities.

B. Reasonable accommodation. The reasonable modification of existing facilities to render them more accessible to and usable by people with disabilities. Also refers to reasonable restructuring job duties or modifying work schedules, consistent with the mission of the Department and the performance of essential job functions to assist assignment of a disabled employee.

IV. PROCEDURES

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

1. Minimum age of 21;

2. High school graduate or equivalent;

3. Certified Peace Officer by Texas Commission on Law Enforcement Standards and Education.

4. Pass a written entrance test with the minimum required score.

5. Pass a physical agility test with the minimum required score

6. Completion of a personal history statement;

7. Pass a background investigation which includes a check of school records, credit history, interviews of references, investigation of employment history inquiry as to character and reputation, and a fingerprint-based criminal records check;

8. Pass an oral interview;

9. Pass a physical examination;*

10. Successful completion of a polygraph examination by an examiner approved by the City and certified in the use and testing of the polygraph equipment;*

11. Successful completion of a psychological exam by a licensed Psychologist approved by the City and certified in conducting the exam.

12. Pass a drug screen.

12. Any other standards set by State law;

* *The screening shall not take place until after a conditional offer of employment has been accepted.*

B. The applicant must perform the following:

1. Submit a completed written application and personal history statement to the Chief of Police; and

2. Arrange with the Chief of Police to appear for an interview.

C. The officer assigned to investigate the applicant shall:

1. Obtain the applicant's driving record from the Department of Motor Vehicles (DMV);

2. Have the applicant execute the appropriate release forms;

3. If applicant has recently lived outside the Department’s city and or county, request records checks through agencies in applicant's previous city and or county;

4. Obtain personal references and references from applicant's current and past employers;

5. Conduct a National Crime Information Center (NCIC), Texas Crime Information Center (TCIC) and regional database criminal records check;

6. Conduct interviews of neighbors near applicant's residences over the past three years;

7. Provide a complete background investigation file to the Chief of Police

8. Present findings to the Chief of Police or designee; and

9. Complete the background investigation in a manner and form which complies with current TCLEOSE requirements.

D. The Chief of Police shall:

1. Interview all applicants and make the final selection for recommendation to the appropriate hiring authority.

2. Ensure that the applicant fully understands the selection process and the conditions and procedures for re-application.

3. Upon approval by the appropriate hiring authority, make a conditional offer of employment. The candidate must then undergo a conditional physical examination.

a. Further, no conditional offer will be considered final until after a satisfactory medical evaluation and drug screen and psychological exam.

4. Ensure that the appointee understands job benefits, health plans, and administrative matters concerning overtime and off-duty employment plus conditions of employment, pension, and disability.

E. Re-application

1. Unsuccessful applicants may re-apply after 90 days from the date of last application if a vacancy exists.

F. Lateral entry

1. A previously commissioned and qualified Texas peace office in another Texas agency must meet the criteria set forth above. If accepted for employment, the officer may not be assigned to attend a basic academy, subject to the status of the officer's certification and training.

V. PROBATION

A. All newly-hired officers shall be considered on probation for 12 months from date of employment. This probationary period applies to officers hired through lateral entry. This probationary status in no way affects and at-will employment status of the officer while on probation.

B. At the end of the first 12 months of employment, the Chief of Police or designee shall write a performance evaluation in which he must rate the appointee at a level of at least minimum acceptable performance in each category of behavior or evaluation.

C. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures.

D. Probationary employees who wish to protest their ratings have no grievance rights.

VI. RECORDS

A. The procedures for records shall be kept in accordance to the Civil Service Statute and accordance to the adopted rules of Civil Service.

B. The Chief of Police or his designee maintains and controls all departmental records.

C. Employees may review their records at any reasonable time upon request. The Chief may release a record from file upon obtaining a signed release from the authorized person with a need to review it.

D. All departmental records are considered confidential information and may available for review to supervisory or investigative personnel who have a need, to review as determined by the Chief of Police.

PERSONNEL – TRAINING

I. POLICY

It is the policy of the City of Seabrook and the Seabrook Police Department that all police officers and employees of the Police Department shall receive the training and guidance necessary to properly and legally perform the function of proving effective and efficient police service to the citizens of Seabrook in a manner consistent with the legal obligations and limits under applicable law.

II. PURPOSE

To outline and discuss the Department's training of personnel.

III. PROCEDURE

A. Forms of Training

1. Formal classes or seminars pertaining to the employee's duties with the department, conducted by professional, qualified organizations and instructors.

2. Memoranda, bulletins, special orders and other material promulgated by the Seabrook Police Department and/or other agencies for the benefit of the Seabrook Police Department.

3. Field training.

4. Informal instruction.

For the purposes of this general order, category number one above is considered "formal training". Categories two, three and four are considered "informal training".

B. Formal Training Courses

1. Officers will be provided formal training to comply with all applicable TCLEOSE guidelines and rules as well as State law.

2. Officers may attend additional formal training courses as a part of their duty assignments only upon the express written authorization of the Chief of Police. The Chief will attend such training with the approval of the appropriate City Official.

3. Any officer, to request approval to attend formal training, shall submit the request in writing which describes the following:

   a. The dates, location, and total cost of the training;

   b. The anticipated benefit to both the officer and the City from the proposed training;

   c. Description of the training;

   d. Proposal for re-training other officers in the Department with the information expected to be provided in the proposed training.

4. Approval of formal training shall include a record of the goals sought to be achieved by the training that shall be included in the training file.

5. Approval of attendance at formal training shall be conditioned on the following:

   a. The officer shall secure copies of the lesson plan and instructor qualifications for placement in the Department training files. If not available, detailed descriptions of this information will be required in writing for Department files.

   b. The officer will prepare a training bulletin for approval by the Chief of Police that describes the beneficial and important information received in the formal training.

   c. Once the training bulleting is approved, the officer will conduct informal training in a format prescribed by the Chief of Police to train other officers in the Department on the information in the training bulletin.

   d. Failure to comply with these requirements after completion of formal training may be grounds for insubordination.

6. Officers who wish to attend formal training on their personal time and funding may do so with Chief approval. However, attendance at all such training shall be reported in advance to the Chief of Police (or in the case of the Chief, to the appropriate City Official's office). Also, in order to monitor officer training and insure that only proper techniques and information is being provided to the Department's officers, the provisions of section 5 above shall be complied with by *any* officer attending *any* formal training.

7. It is a goal of this department that officers submit ICC course training prior to any specialty training.

C. Informal training will be provided from time to time in the form and manner prescribed by the Chief of Police.

D. Records

1. All training, whether formal or informal, shall be recorded and maintained in the Department training files. Information to be recorded for training will include:

a. Date, duration, location of the training.

b. Identity and qualification of the instructor or author of the training material.

c. Lesson plan or equivalent description of the training content.

d. A statement, generally prepared or approved by the Chief of Police, providing the goal or objective, from the Department perspective, of the training.

e. For field training, Section C may be complied with by completion of field training evaluations, if available, by the field training officer.

PERSONNEL – DUTY ASSIGNMENTS AND PROMOTIONS

I. POLICY

It is the policy of the City of Seabrook and the Seabrook Police Department to determine duty assignments and promotions of police officers based upon officer capability and the needs of the City for effective and efficient provision of police service. Decisions regarding duty assignments and promotions will be made without consideration of race, gender, age, national origin, or disability (so long as the essential functions of the assignment or position can be achieved with reasonable accommodation). Any discrimination based upon the aforesaid factors is expressly prohibited by the City of Seabrook.

The Chief of Police will determine shift and duty assignments for all employees of the Police Department in accordance with the goals and policy set forth in this general order.

The City Council creates or abolishes police positions and compensation for those positions. At this time, the positions in the Seabrook Police Department are Chief of Police (1); Police Captain(1); Police Lieutenant (2); Police Sergeant (5); and Police Officer (23). Additionally, non-sworn positions are communications, record clerks, jailers, animal control.

Promotions will be recommended and approved by the Chief of Police, in accordance to Civil Service rules adopted by the City of Seabrook. The Chief of Police will make final decisions regarding promotions in the Police Department.

II. PURPOSE

To outline minimum duty assignments and promotion procedures.

III. ASSIGNMENTS

The Chief of Police has the duty and authority to assign both sworn and non sworn personnel to the various divisions and assignments within the department. The duties and assignments may be changed and or altered at the discretion of the Chief. Minimum duty assignments within the department.

A. Patrol
B. Investigations
C. Communications
D. Jail
E. Records
F. As deemed necessary by the Chief of Police

PERSONNEL - EVALUATIONS

I. POLICY

In order to provide quality police service to the City of Seabrook, the Department seeks to hire and maintain the best qualified police officers. To that end, the Department regularly and formally evaluates the performance of officers and other employees. The evaluation system discussed herein serves the interests of management, the Department's employees and the citizens served by this Department. The purposes of the evaluation system are to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of employees; and (5) identify training needs.

II. PURPOSE

To outline and describe the Departmental evaluation process.

III. PROCEDURES

A. General

1. All police officers shall be evaluated using the form located in the appendix to this order.

2. Evaluations reflect observations and perceptions by rating personnel, and are, therefore, inherently subjective. Nevertheless, personnel shall be rated according to unacceptable, acceptable or superior behavior. Specific guidelines for rating behavior are found in the appendix to this order.

3. At the discretion of the Chief of Police, each officer shall be evaluated either every six months or annually. To constitute a satisfactory score, an officer must receive an *overall* 3.0 (or satisfactory). Officers who fail to receive an overall 3.0 may be placed on probation for a period determined by the Chief of Police. Upon the assignment of an overall score less than 3.0, a deficiency memo will be prepared by the Chief of Police which documents whether the officer will be placed on remedial probation along with valid, objective and non-discriminatory reasons for that decision. Within the probation period, an officer shall receive remedial training in deficient areas or demonstrate proficiency (or satisfactory improvement) in deficient areas. During a probationary period for remedial training, an officer may receive evaluations weekly or bi-weekly, at the chief's discretion.

4. All evaluations shall be placed in employees’ personnel files.

5. Police officers shall be evaluated formally by the sergeant; the sergeant and the investigator by the Chief of Police.

6. An officer who receives an unsatisfactory mark he or she perceives unjust may protest same to the Chief of Police. The officer concerned must rebut the comments or marks in writing, submitted through the chain of command to the Chief of Police. In any case, final appeal extends to the City Council, in writing, through the Chief of Police.

B. Scale Value Appreciation

1. The most difficult task facing the rater is applying the numerical scale that accompanies categories of behavior. Two raters might not apply the same numerical values to the person under evaluation. To reduce such differences, the appendix to this instruction clearly defines what constitutes unacceptable, acceptable, and superior behavior.

2. The philosophy of the evaluation form focuses on observations of demonstrated proficiency in behavior relevant to the job. Proficiency may be demonstrated in a variety of ways:

   a. Performing the behavior in the field;

   b. Performing the behavior in a practical exercise or simulation, accompanied by written or oral testing; and/or

   c. Written or oral testing (for subjects not amenable to field demonstration).

3. Any numerical rating below 3 *must* be documented. Deficiencies in behavior must receive precise documentation. For example, an officer might receive a “1” (unacceptable) under category six, officer safety. In the comments section, the rater would write, “Officer consistently presents his gun to traffic violators and approaches stopped vehicles with objects in both hands.”

4. The categories of behavior represent key areas of police behavior. The categories are aligned in four subjects: critical performance tasks, knowledge, attitude/relations, and appearance.

C. Evaluation of Supervisors and Civilian Employees

1. Civilian employees shall be evaluated on forms used by the City for the purpose.

2. The sergeant shall be evaluated using the same form as that for officers. Under “comments” the Chief of Police shall refer to an attached page containing, in a narrative, comments concerning the sergeant's supervisory performance. The chief shall address, at a minimum, the following points:

   a. Ability to instill in officers a high regard and respect for the rule of law, civil rights, and concern for victims;

   b. Ability to perceive performance weakness in his officers, conduct remedial training, and document improved proficiency;

   c. Command of patrol techniques, methods, and investigative procedures;

   d. Ability to reprimand, counsel, praise, or otherwise discipline his officers; and,

   e. Ability to take responsibility for the performance of his officers.

PERFORMANCE EVALUATION

Name:	**Evaluation Period:**
Rank/Assignment:	**Date of Evaluation:**

PERFORMANCE RATING INSTRUCTIONS:

The narrative portion of the evaluation follows the scale ratings. Refer to the rating guide for an explanation of the rated behaviors. Raters may comment on any observed behavior, but specific comments are required to justify ratings of "1," "3," or "5."

Not Acceptable		Acceptable		Superior		
1	2	3	4	5	Not	Observed
				_____		

PERFORMANCE TASKS:

(1)	Driving skills (stress conditions)	1	2	3	4	5	N.O. ____
(2)	Driving Skills (non-stress conditions)	1	2	3	4	5	N.O. ____
(3)	Orientation skills (stress conditions)	1	2	3	4	5	N.O. ____
(4)	Field performance (stress conditions)	1	2	3	4	5	N.O. ____
(5)	Field performance (non-stress conditions)	1	2	3	4	5	N.O. ____
(6)	Officer safety (general)	1	2	3	4	5	N.O. ____
(7)	Officer safety (with suspicious persons and prisoners)	1	2	3	4	5	N.O. ____
(8)	Control of conflict (voice command)	1	2	3	4	5	N.O. ____
(9)	Control of conflict (physical skill)	1	2	3	4	5	N.O. ____
(10)	Investigative procedures	1	2	3	4	5	N.O. ____
(11)	Report writing (organization/details)	1	2	3	4	5	N.O. ____

(12)	Proper form selection (accuracy and details)	1	2	3	4	5	N.O. ____
(13)	Radio (listens and comprehends transmissions)	1	2	3	4	5	N.O. ____
(14)	Radio (articulation of transmissions)	1	2	3	4	5	N.O. ____
(15)	Orientation skill (non-stress conditions)	1	2	3	4	5	N.O. ____

(16)	Report writing (grammar/spelling/neatness)	1	2	3	4	5	N.O. ___
(17)	Report writing (appropriate time used)	1	2	3	4	5	N.O. ____
(18)	Self-initiated activity	1	2	3	4	5	N.O. ____
(19)	Problem-solving/decision-making	1	2	3	4	5	N.O. ____
(20)	Communications skills	1	2	3	4	5	N.O. ____

KNOWLEDGE:

(21)	Knowledge of Department rules and orders	1	2	3	4	5	N.O. ____
(22)	Knowledge of criminal law	1	2	3	4	5	N.O. ____
(23)	Knowledge of traffic law	1	2	3	4	5	N.O. ____

ATTITUDE/RELATIONS:

(24)	Acceptance of feedback	1	2	3	4	5	N.O. ____
(25)	Relationship with citizens	1	2	3	4	5	N.O. ____
(26)	Relationship with co-workers/supervisor	1	2	3	4	5	N.O. ____
(27)	General demeanor	1	2	3	4	5	N.O. ____

APPEARANCE:

(28)	General appearance	1	2	3	4	5	N.O. ____

Overall Average Score _____

PRINCIPAL STRENGTHS OBSERVED DURING THE EVALUATION PERIOD:

_____

_____

_____

PRINCIPAL WEAKNESSES OBSERVED DURING THE EVALUATION PERIOD:

_____

_____

_____

SUPERVISOR'S SUGGESTIONS FOR IMPROVEMENT:

_____

_____

_____

EMPLOYEE'S REMARKS:

_____

_____

_____

WHAT ACTIONS HAVE BEEN TAKEN SINCE THE LAST EVALUATION TO IMPROVE PERFORMANCE:

_____

_____

_____

Rating Authority _____ Date

_____
(Print name and sign)

Employee's Signature
_____Date_____

Chief of Police's Signature
_____Date_____

RATING SCALE VALUES

The task of evaluating and rating an officer trainee's performance shall be based on the following numerical scale value definitions. These definitions serve as a means of standardizing the evaluation process.

(1) DRIVING SKILLS: STRESS CONDITIONS

1. Unacceptable: Involved in accident(s). Uses lights and siren in inappropriate circumstances. Excessive and unnecessary speed. Fails to slow for intersections or loses control on corners.

3. Acceptable: Maintains control of vehicle. Evaluates driving situations and reacts properly. Proper speed for conditions.

5. Superior: High degree of reflex ability and competence in driving skills. Superior judgment shown in use of lights and siren. Controls speed skillfully.

(2) DRIVING SKILLS: NON-STRESS CONDITIONS

1. Unacceptable: Continually violates traffic law (red lights, speed, stop signs, etc.). Involved in chargeable accidents. Lacks dexterity and coordination during vehicle operation.

3. Acceptable: Able to maintain control of vehicle while being alert to activity outside vehicle. Practices good defensive driving techniques.

5. Superior: Sets good examples of lawful, courteous driving while exhibiting good manipulative skill required of an officer, i.e., operate radio, use street index, etc.

(3) ORIENTATION SKILL: STRESS CONDITIONS

1. Unacceptable: Becomes disoriented when responding to stressful situations. Unable to relate his/her location to their destination. Unable to use map under stress. Unable to determine compass directions during stressful situations.

3. Acceptable: Aware of his/her location. Able to use map effectively under stress. Demonstrates good sense of direction when responding to stressful situations.

5. Superior: Always responds quickly to stressful calls by the most appropriate route. Does not have to refer to map. Does not become disoriented during stressful situations.

(4) FIELD PERFORMANCE: STRESS CONDITIONS

l. Unacceptable: Becomes emotional and panic stricken. Unable to function; loses temper. Endangers safety of self and other officers and citizens by inattention to the demands of the job.

3. Acceptable: Exhibits a calm and controlled attitude. Can perform reasonably well at least in preventing a situation from deteriorating. Reasonably conscious of officer safety measures and protection of citizens from further harm.

5. Superior: Maintains control and brings order under virtually any circumstances without assistance. Remembers and carries out key police duties properly.

(5) FIELD PERFORMANCE: NON-STRESS CONDITIONS

1. Unacceptable: Confused and disoriented as to what action should be taken in a given situation. Numerous specific examples of bad judgment can be shown.

3. Acceptable: Able to assess situation and take proper action.

5. Superior: Requires no assistance and always takes proper action. Excellent field judgment.

(6) OFFICER SAFETY: GENERAL

1. Unacceptable: Frequently fails to exercise basic officer safety precautions, i.e.:

   a. Exposes weapons (baton, handgun, etc) to suspect.
   b. Fails to keep gun hand free during enforcement situations.

c. Stands directly in from of violator's car door.
d. Fails to control suspect's movements.
e. Does not maintain sight of violator while writing citation.
f. Fails to use illumination when necessary.
g. Fails to advise radio when leaving vehicle.
h. Fails to maintain good physical condition.
i. Fails to use and/or maintain personal safety equipment properly.
j. Does not foresee potentially dangerous situations.
k. Points weapon at other persons.
l. Stands too close to vehicular traffic.
m. Stands in front of door when knocking.
n. Fails to have weapon ready when appropriate.
o. Fails to cover other officers.
p. Fails to search police vehicle before duty or after transporting prisoners.
q. Fails to check equipment.
r. Fails to properly search and/or handcuff prisoners.

3. Acceptable: Understand principles of officer safety and generally applies them.

5. Superior: Always maintains position of safety and advantage. Does not become unduly anxious or apprehensive, over-cautious or overconfident.

(7) OFFICER SAFETY: WITH SUSPICIOUS PERSONS AND PRISONERS

1. Unacceptable: Frequently violates officer safety standards. Fails to "pat search" or confronts suspicious persons while seated in patrol vehicle. Fails to handcuff prisoners. Fails to thoroughly search prisoners and/or vehicles. Fails to maintain position of advantage with prisoners.

3. Acceptable: Generally displays awareness of potential danger from suspicious persons and prisoners. Maintains position of advantage.

5. Superior: Always maintains position of advantage and is alert to changing conditions.

(8) CONTROL OF CONFLICT: VOICE COMMAND

1. Unacceptable: Improper voice inflection, i.e., too soft, too loud, indecisive, confused commands, etc. Few problems resolved as result of officer's oral direction.

3. Acceptable: Speaks with authority in a calm, clear voice.

5. Superior: Always appears to be in complete command through voice tone and bearing.

(9) CONTROL OF CONFLICT: PHYSICAL SKILL

1. Unacceptable: Cowardly, physically unable to handle most situations, or uses too much or too little force for given situations.

3. Acceptable: Maintains control without excessive force. Maintains self in good physical condition.

5. Superior: Excellent knowledge of and ability to use restraining holds. Always ready to use necessary force. Maintains above average physical condition.

(10) INVESTIGATIVE PROCEDURES

1. Unacceptable: Does not plan an investigative strategy. Cannot define investigative goals, i.e., successful prosecution, arrest, recovery of property, development of informants. Leaves out important steps in investigations. Fails to connect legal and Departmental guidelines while conducting investigation. Cannot coordinate aspects of the investigation, i.e., interviews, searches, note taking, report-writing.

3. Acceptable: Maintains command of a crime scene. Able to assess the requirements of the situation concerning collection and preservation of evidence, interviews and interrogations. Undertakes most of these functions with little or no direction.

5. Superior: Requires no supervision in organizing and undertaking an investigation. Identifies all possible sources of physical evidence. Identifies all potential witnesses and victims. Conducts complete interview. Uses time efficiently.

(11) REPORT WRITING: ORGANIZATION AND DETAILS

1. Unacceptable: Incapable of organizing events into written form. Leaves out many important details. Puts in inappropriate information. Much of the work will have to be redone.

3. Acceptable: Converts field events into a logical sequence of thought to include all elements of the situation. The narrative leaves the reader with a good understanding of what took place.

5. Superior: A complete and detailed account of what occurred from beginning to end. Written and organized so that any reader has a clear

understanding of what occurred. Full consideration is given to the needs of investigator/prosecutor.

(12) PROPER FORM SELECTION: ACCURACY AND DETAILS

1. Unacceptable: Unable to determine proper form for given situation. Forms filled out incorrectly or incomplete.

3. Acceptable: Knows most standard forms and understands format. Completes forms with reasonable accuracy.

5. Superior: Consistently and rapidly completes detailed forms with no assistance. High degree of accuracy.

(13) RADIO: LISTENS AND COMPREHENDS TRANSMISSIONS

1. Unacceptable: Repeatedly misses call sign and is unaware of radio traffic in adjoining beats. Frequently has to ask dispatcher to repeat transmissions or does not understand message.

3. Acceptable: Copies most radio transmissions directed at him/her. Generally aware of adjoining beat radio traffic.

5. Superior: Always comprehends radio transmissions and makes a written record. Always aware of and reacts to radio traffic in adjoining beats.

(14) RADIO: ARTICULATION OF TRANSMISSIONS

1. Unacceptable: Does not plan before transmitting message. Under or over modulation, resulting in dispatcher or other units constantly asking for a repeat.

3. Acceptable: Uses proper procedure with short, clear, concise transmissions.

5. Superior: Always uses proper procedure with clear, calm voice, even under stress conditions.

(15) ORIENTATION SKILL: NON-STRESS CONDITIONS

1. Unacceptable: Unaware of his/her location while on patrol. Unable to relate location to destination. Not familiar with beat structure.

3. Acceptable: Reasonable knowledge of his/her location in most situations. Can quickly use street index to find streets and then use map to get location.

5. Superior: Remembers street locations. Able to get to destination without referring to street index or town map.

(16) REPORT WRITING: GRAMMAR/SPELLING/NEATNESS

1. Unacceptable: Illegible, misspelled words, incomplete sentence structure.

3. Acceptable: Grammar, spelling, and neatness are satisfactory in that errors are rare and do not impair understanding.

5. Superior: Very neat and legible. No spelling mistakes and excellent grammar.

(17) REPORT WRITING: APPROPRIATE TIME USED

1. Unacceptable: Requires 2-3 hours to correctly complete a basic simple report.

3. Acceptable: Correctly completes simple basic reports in thirty minutes.

5. Superior: Correctly completes simple basic reports in no more time than that of a skilled veteran officer. (Depending on the type of report, the time will vary.)

(18) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not see or avoids activity. Does not follow up on situations, rationalizes suspicious circumstances. Gets involved inappropriately too often. Ignores Departmentally defined problems.

3. Acceptable: Recognizes and identifies suspected criminal activity. Makes cases from routine activity.

5. Superior: Catalogs, maintains, and uses information given at briefings and from bulletins or crime reports for reasonable cause to stop persons or vehicles. Makes quality arrests. Shows balance in type and extent of self-initiated activity.

(19) PROBLEM SOLVING/DECISION-MAKING ABILITY

1. Unacceptable: Acts without thought or is indecisive. Relies on others to make decisions. Numerous examples of bad decisions, or indecision, can be shown.

3. Acceptable: Able to reason out problems and relate them to what he/she was taught. Has good perception and ability to make own decisions.

5. Superior: Excellent perception in foreseeing problems and arriving at advanced decisions. Makes timely, quality decisions.

(20) KNOWLEDGE OF DEPARTMENTAL RULES AND PROCEDURES

1. Unacceptable: Has no knowledge of Departmental rules, procedures and orders. Makes no attempt to learn them. Frequent violations of rules, procedures, and orders.

3. Acceptable: Familiar with most commonly applied rules and procedures, and is able to apply them to most field situations.

5. Superior: Exceptional working knowledge of rules, procedures, and orders.

(21) KNOWLEDGE OF CRIMINAL LAW

1. Unacceptable: Does not know elements of basic sections. Reports and performance continually show inability to apply criminal law to field situations.

3. Acceptable: Has a working knowledge of commonly used sections of code. Relates elements to observed criminal behavior.

5. Superior: Outstanding knowledge of criminal law. Able to apply laws to normal and unusual criminal activity.

(22) KNOWLEDGE OF TRAFFIC LAW

1. Unacceptable: Does not know the elements of basic sections. Reports or actions continually show inability to apply traffic law to field situations.

3. Acceptable: Has a working knowledge of commonly used sections of code. Relates elements to observed traffic activity.

5. Superior: Outstanding knowledge of traffic law. Able to apply laws to normal and unusual traffic related activity.

(23) ACCEPTANCE OF FEEDBACK: VERBAL/BEHAVIOR

1. Unacceptable: Argumentative, rationalizes, refuses to admit mistakes, refuses to make corrections. Always considers feedback negative.

3. Acceptable: Accepts criticism in a positive manner and applies it to further learning. Accepts responsibility for his or her mistakes.

5. Superior: Solicits feedback and criticism in order to improve performance. Never argues with or blames others.

(24) RELATIONSHIPS WITH CITIZENS

1. Unacceptable: Abrupt, belligerent, overbearing, officious, introverted or uncommunicative.

3. Acceptable: Courteous, friendly, and empathetic. Communicates in a professional and unbiased manner.

5. Superior: Establishes rapport and is always fair.

(25) RELATIONSHIPS WITH SUPERVISORS, CO-WORKERS

1. Unacceptable: Constantly argues with other officers or other superior officers. Belittles other officers or supervisors in front of other people. Fails to adhere to chain of command. Insubordinate.

3. Acceptable: Able to establish a good relationship with other officers and supervisors. Understands and adheres to chain of command. Respects other officers.

5. Superior: Establishes excellent relationships with other officers and supervisors. Possesses thorough understanding of chain of command, and adheres to it. Utmost respect shown to superior officers and peers as well.

(26) GENERAL DEMEANOR

1. Unacceptable: Officer cannot be depended upon to produce routine work without close supervision. Does not adapt readily to new situations, work hours, changing assignments. Tardy, complains about assignments, days off, duties.
3. Acceptable: Officer generally displays initiative, interest in the job, willingness to take on new challenges or schedule changes. Dependable.

5. Superior: Attentive beyond requirements of job. Constantly analyzes own work performance and devises and tries new approaches to problems. Consistently outstanding overall performance. High interest in welfare and image of Department. Exemplary.

(27) GENERAL APPEARANCE

1. Unacceptable: Dirty shoes, uniforms, and leather. Long messy hair. Offensive body odor.

3. Acceptable: Neat, clean, and well-pressed uniform. Cleaned and shined shoes and leather. Well groomed hair.

5. Superior: Tailored uniforms, spit-shined shoes and leather. Command bearing.

PERSONNEL – SEXUAL HARASSMENT

I. POLICY

The Department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct either verbal or physical. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions.

II. PURPOSE

To establish Department policy concerning allegations of sexual harassment or prohibited discrimination, describe reporting procedures, and provide definitions.

III. DEFINITIONS

A. Per Title VII of the Civil Rights Act of 1964, sexual harassment is defined as the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for or rebuked by the other employee. The behavior can be verbal or physical. (Federal and State law also prohibit discrimination and harassment based upon race, national origin or age.) Harassment may occur between co-workers or between a superior employee and a subordinate one. Examples of sexual harassment include, but are not limited to, the following:

1. Sexual comments of a provocative or suggestive nature;

2. Jokes or innuendos intended for and directed to another employee;

3. Leaving sexually explicit books, magazines, photographs where other employees will find them;

4. Unwelcome demeaning comments, ridicule, offensive language, propositions or other similar actions;

5. Unwanted, unwarranted, unsolicited off-duty telephone calls and contact;

6. Signed or anonymous unwelcome notes, drawings, or objects placed on or in desks, or bulletin boards, in lockers;

7. Deliberately singling out females in front of male co-workers (or vice versa) and subjecting them to demeaning or derogatory remarks;

8. Creating an intimidating, hostile, or offensive working environment;

9. Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of continued employment.

10. Transferring, demoting, or dismissing employees who refuse sexual advances.

IV. PROCEDURES

A. An employee who believes he or she has been sexually harassed shall contact the immediate supervisor. The employee shall submit a memorandum to the Chief of Police, through the chain of command, detailing circumstances.

B. Employees shall report all allegations of sexual harassment immediately. Such reports will initiate a confidential internal investigation.

C. If the situation warrants, the Chief of Police shall report such allegations to the City Manager and to the City Attorney without delay.

1. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact.

2. The Chief of Police will conduct an immediate investigation into the allegation.

D. If the allegation involves the Chief of Police or similar senior official, the complainant may present the allegation without delay to the City manager or City Attorney.

1. The complainant shall normally present an allegation according to General Orders dealing with internal complaints and discipline.

E. These procedures and prohibitions shall also apply to discrimination based upon race, national origin, age or any other basis prohibited by applicable law.

PERSONNEL – COMPLAINT PROCEDURES

Nothing in these general orders shall be construed or is intended to alter the at-will status of any employee and no employee or supervisor of the City of Seabrook has the authority to make any statement or take any action which alters the at-will status of any employee or which creates any expectation of future employment.

I. POLICY

The image of the Department depends on the personal integrity and discipline of all Departmental employees. To a large degree, the public image of this Department is determined by the professional response of the Department to allegations of misconduct against it or its employees. The Department must competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the Department's response to community needs.

II. PURPOSE

To establish procedures for the filing, investigating, and dispositions of internally and externally originated complaints against employees of the Seabrook Police Department. These complaints include all alleged or suspected violations of the Code of Conduct, Department General Orders, the City of Seabrook personnel Rules and Regulations, the Ordinances of the City of Seabrook, or the laws of the State of Texas or the United States. The resolution of all complaints should be documented and reviewed.

III. DEFINITIONS

A. Discipline. A method of training or developing any employee by proper supervision and instruction. Discipline may be positive (awards) or negative (punishment).

B. Disciplinary Action. Punitive measures taken against an employee as the result of a complaint(s) of one or more violations which have been sustained by administrative investigation. These measures include written reprimand, suspension, demotion and termination.

C. Discipline (Positive). Positive discipline is oriented towards seeking voluntary compliance with established policies, procedures, orders. Methods of positive discipline include:

1. Recognition of excellent job performance through rewards or awards.

a. When positive feedback concerning an employee's performance is received from people outside the Department, the person who receives the information shall make a record of the comments which will be passed to the employee and the employee's

supervisor. Normally, when the Chief receives positive comments about an employee, he will write an acknowledgment thanking the citizen. Copies of the citizen's statement and the Chief's response are sent to the officer involved, the supervisor and, if a significant action, a copy of all correspondence is placed in the employee's personnel file.

b. Truly exceptional acts should be clearly and promptly identified to the Chief of Police. Such acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.

2. Discussion and Counseling

3. Training

D. Complaint Defined. Any allegation of conduct by an employee which is:

1. Unconstitutional;

2. Unlawful; or

3. In violation of Departmental General Orders or City of Seabrook personnel rules.

4. May include conduct infractions, Internal violations, Informal complaints (alleged by 3rd parties), Formal Complaint (Complaint form issued and received).

E. Non-Disciplinary Action. Oral or written counseling given to employee to bring attention to noted job performance deficiencies or chronic regulation infractions in an effort to induce voluntary compliance.

F. Complaint Incident Report. Report used by the supervisor who initially receives information, to report details of alleged employee misconduct or to use by internal investigations unit for all complaints.

IV. PROCEDURES

A. The Department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Department members shall receive complaints courteously and shall handle them efficiently. All officers are obligated to explain the complaint procedures to inquiring citizens.

B. The Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In such situations, works, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of police work.

Level I Complaints.

1. Crime. Complaint of involvement in criminal conduct, such as bribery, theft, perjury, etc.

2. Excessive Force. Complaint that the use or threatened use of force against a person was unreasonable and unnecessary under the circumstances.

3. Arrest/Detention. Complaint that the restraint of a person's liberty occurred without probable cause, reasonable suspicion or other legally valid reasons.

4. Entry. Complaint that entry into a building or other property was improper and/or that excessive damage was caused to the property to gain entry.

5. Search. Complaint that the search of a person or property was illegal, improper or unjustified.

6. Harassment. Complaint that taking, failing to take, or the method of police action was predicated upon factors that were irrelevant, such as race, attire, sex, age, etc.

7. Serious Rule Infractions. Complaint such as disrespect toward a supervisor, intoxication on duty, sleeping on duty, neglect or dereliction of duty, false statements, or malingering.

Level II Complaints

1. Demeanor. Complaint that an employee's manner, gestures, language or other actions were offensive or inappropriate or gave the appearance of a conflict of interest or misuse of influence.

2. Minor Rule Infraction. Complaint such as tardiness, faulty driving or failure to comply with established Department or City policies and procedures.

V. REQUIREMENTS FOR MAKING FORMAL COMPLAINTS

Personnel complaints shall comply with Section 614.022, Government Code, as interpreted by the City Attorney's office.

A. Persons wishing to make formal complaints must do so by submitting a written statement of the complaint accompanied by their signature. A notarized affidavit is required.

B. A signed letter of complaint may be sufficient after verification that it is not fictitious or signed with a fictitious name. This determination shall be made by the Chief of Police.

C. An internally originated complaint may be made by any Department supervisor or other employee by submitting a written statement with signature or by notarized affidavit.

D. The Chief of Police may serve as the complainant of an externally originated complaint in accordance with applicable state law.

VI. TIME LIMIT ON ACCEPTING COMPLAINTS

Personnel complaints shall not be accepted more than thirty days after the alleged incident except for the following exceptions:

A. When the complaint involves a criminal violation, the criminal statute of limitations will prevail. However, such limitations shall not prevent the Chief of Police from taking disciplinary action deemed necessary to preserve the integrity of the Department.

B. When the complainant can show good cause for not making the complaint within the specified time limit, the complaint may be accepted. This determination shall be made by the Chief of Police.

C. When otherwise authorized by the Chief of Police.

VII. ANONYMOUS COMPLAINTS

Anonymous complaints shall be investigated only at the specific direction of the Chief of Police. If a preliminary investigation identifies a violation, the formal complaint may be signed by the Chief of Police or his designee.

VIII. INVESTIGATION RESPONSIBILITY

A. All Level I complaints shall be formally investigated by personnel as assigned by the Chief of Police.

B. Level II complaints shall be initiated by Personnel Incident Form or approved documentation and conducted at the line supervisor level with prior approval and staff supervision of the Chief of Police. Chief may designate investigation process of all complaints. Level II complaints which are conducted at the line supervisor level shall be subject to non-disciplinary action only unless urgent circumstances exist. Level II complaints which are investigated at the line supervisor level may be subject to disciplinary action only at the authorization of the Chief of Police. Level II complaints may be subject to a formal investigation with the approval of the Chief of Police. Level II complaints which are formally investigated shall be subject to the full range of disciplinary actions including termination.

IX. AUTHORITY AND RESPONSIBILITY

A. All Employees

1. Non-supervisory personnel shall utilize their chain of command to report infractions. Non-supervisory personnel may report infractions directly to the Chief of Police or City Manager (only if the complaint involves the Chief of Police) if the infraction involves a person in their immediate chain of command or the infraction is of a Level I classification.

2. Any employee who gains knowledge of a reported infraction shall immediately submit a memorandum outlining the details of the reported infraction to his supervisor as soon as practical. Each participating employee in a complaint investigation shall submit all affidavits and memoranda that are required by the investigator of the complaint.

B. Supervisors

1. Supervisory personnel shall initiate a Personnel Incident Form when they become aware of an infraction by any member of the Department.

2. Violations designated as Level II infractions shall be investigated entirely at line supervisor level. Non-disciplinary action, unless forwarded to Chief of Police for a formal investigation, will also be conducted at the line supervisor level.

3. Violations designated as Level I infractions shall be forwarded *directly* to the Chief of Police in a detailed Personnel Incident Form.

4. Any employee who initially becomes aware of another employee's involvement in a Level I incident, shall inform the on-duty supervisor or his designee. If the violation is of a serious nature, the on-duty supervisor or his designee shall notify the Chief of Police. The Chief of Police or his designee will then determine whether to relieve the accused employee from duty.

C. Traffic Citations/Arrests

Complaints from citizens regarding a dispute over legal issues or their guilt or innocence in the issuance of a traffic citation or subsequent to an arrest shall be documented in a memorandum and forwarded to the Chief of Police by the supervisor or officer who initially becomes aware of the complaint. However, if a citizen can furnish sufficient evidence that a violation of law or Departmental policy has occurred, the complaint, at the discretion of the Chief of Police, may be investigated.

X. INVESTIGATION OF EXTERNALLY ORIGINATED COMPLAINTS

A. Level I Complaints

1. Citizens who telephone or appear in person between 0800 and 1700 hours on weekdays and wish to make a complaint against an employee shall be referred to the Chief of Police or his designee who shall:

   a. interview the complainant in person or by telephone to obtain all pertinent information so that the complaint may be placed on a Personnel Incident Form;

   b. advise the complainant that the complaint must be made in writing and signed by the complainant if it is to be formally investigated. If the complainant desires to sign the complaint, the supervisor shall advise him to appear in person so that an affidavit may be obtained. If the complainant cannot appear in person, advise the complainant to send a signed letter addressed to the Chief of Police;

   c. send the original affidavit (if obtained at the time of the initial complaint) and the Personnel Incident Form, without employee response, *directly* to the Chief of Police office and retain a copy. *No copies of the affidavit shall be forwarded to any other individual(s);*

2. The Chief of Police or his designee shall examine the content of the complaint to determine if it meets the requirements of a complaint, i.e. alleges a violation of the law or the regulations of the Department and/or the City of Seabrook.

3. The Chief of Police or his designee will assign a control number to the case and designate an investigator to examine the allegation.

4. The accused employee may be required to respond orally and in writing to the complaint.

B. Level II Complaints

1. Citizens who telephone or appear in person between 0800 and 1700 hours on weekdays and wish to make a complaint against an employee may be referred to the Chief of Police or designee.

2. When the Chief of Police is unavailable, complainants shall be referred to the next level supervisor or designee. The supervisor shall:

a. interview the complainant in person or by telephone to obtain all pertinent information so that the complaint may be placed on a Personnel Incident Form;

b. send the original Personnel Incident Form to the Chief of Police for further determination of complaint classification;

3. When a Level II complaint is to be resolved at the line supervisor level, the investigative file will be set up and delivered to the appropriate supervisor who shall investigate the allegation. The investigation will be properly documented and submitted to the Chief of Police for approval.

C. The accused employee may be required to report to the office of the Chief of Police at the outset of an investigation, and may be instructed to respond orally and in writing to the complaint.

XI. INVESTIGATION OF INTERNALLY ORIGINATED COMPLAINTS

A. The supervisor who initially becomes aware of an alleged or suspected Level I violation shall forward a Personnel Incident Form detailing the violation directly to the Chief of Police.

B. The Chief of Police will examine the content of the Personnel Incident Form to determine if the requirements of a complaint (alleges a violation of the law or the regulations of the Department and/or the City of Seabrook) are present.

C. The Chief of Police or his designee will assign a control number to the case and designate an investigator to examine the allegation.

D. At the discretion of the Chief of Police, if the investigation is to be conducted at the line supervisor level, the investigative file shall be delivered to the appropriate supervisor.

XII. EMPLOYEE'S RIGHTS DURING INTERNAL INVESTIGATION

A. Requirements to Answer Questions

1. An employee shall be required to answer questions relating to his duties and may be disciplined for refusal to answer such questions in accordance with the Garrity doctrine and applicable law.

2. Any such required statements could be used against the employee in a disciplinary action or civil proceeding. The statements *would not be admissible in subsequent criminal action.*

B. Supervisor's Presence During Interview

An accused employee may request that his immediate supervisor or other member of his chain of command be permitted to attend an interview regarding an investigation of non-criminal conduct. The supervisor may attend in an observation capacity only and shall not take an active part in the interview. An employee's supervisor shall not be permitted to attend an interview regarding an investigation of criminal conduct.

C. Counsel's Presence During Interview

1. The accused employee will *not* be permitted to have counsel present during an interview concerning an internal investigation. The Fifth Amendment right to counsel *does not apply* to administrative matters if a Garrity order has been issued to the employee.

2. An accused employee is not entitled to receive the Miranda warning during an administrative investigation. The employee shall be directed to read and sign the Internal Investigation Warning and shall be provided with a copy.

D. Search of Equipment

Reasonable searches of Departmental equipment (lockers, desks, vehicles, etc.) and facilities for the purpose of identifying and securing evidence that may be utilized as part of an administrative investigation. The search must be approved in advance by the Chief of Police or his designee and the circumstances shall be documented by the supervisor in a memorandum to the Chief of Police through the chain of command. Pursuant to these procedures and orders, no employee shall have any expectation of privacy in any Departmental equipment or facilities such as lockers, desks or vehicles.

E. Special Examinations

1. An accused employee may request, by memorandum, to undergo a behavioral cause investigation, blood test, or polygraph examination if he believes such would be beneficial to his defense. The Chief of Police shall authorize or deny all such requests.

2. The Department may *require* an accused employee to submit to a behavioral cause investigation or polygraph examination. The results of such examination would be limited to administrative use except as provided by law.

F. Polygraph Examinations

1. In some cases, a complainant may undergo a polygraph test to substantiate his allegations made against an employee in an affidavit. When the test reveals no deception on the part of the complainant, the accused employee may be ordered to submit to a polygraph test.

2. Should the accused employee refuse to take the test after being ordered by the Chief of Police, the accused employee may be subject to disciplinary action up to and including termination for refusal to obey a lawful order (insubordination).

3. Should the investigation originate from an internal allegation, the involved employee(s) may be ordered to take the polygraph test when in the best interest of the Department. Section F(2) above shall apply.

G. Medical and Laboratory Examination

The Chief of Police or his designee may, based on his observation, require a Department employee to submit to a test for alcohol or drug use while on duty. The results may be used in the disciplinary process. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

1. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator may administer the test. The Chief of Police or officer in authority shall witness the test and sign the report. (Portable breath testing instrument may be used to perform this test.)

2. If the employee has a blood alcohol reading of .04 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.

3. If the employee is believed to be under the influence of self administered drugs, or alcohol he may be compelled to submit to a blood and/or urine

test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample will be handled using the same safeguards as evidence in a criminal process.

4. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.

5. If an employee refuses to submit to a test, (alcohol or drugs) then the supervisor may relieve the employee from duty for failure to cooperate in an administrative investigation.

H. Identification Procedures

1. Photographs or videotape pictures of employees, with or without an employee's consent, may be taken for the purpose of internal investigations as related to the employee's job when the employee is suspected of misconduct.

XIII. COMPLETION OF COMPLAINT INVESTIGATION

A. Upon conclusion of an administrative investigation, the complaint will be classified as one of the following:

1. Unfounded - Allegation is false or not supported factually.

2. Exonerated - Incident complained of did occur but the officer's actions were lawful and proper.

3. Not sustained - Insufficient evidence either to prove or disprove the allegation.

4. Sustained - Allegation is supported by specific findings of facts under the totality of the circumstances.

5. VNR - Violation not related to initial complaint.

B. Upon completion of the investigation, the Chief of Police shall forward the file to the appropriate City Official for review.

C. The Chief of Police or his designee will notify the complainant in writing of the final disposition except when a pending criminal case might be compromised by disclosure of this information.

D. Regardless of disposition, the Chief of Police may forward the investigation to the appropriate supervisor so that preventive measures can be taken to avoid similar complaints in the future.

E. Internal investigations shall be completed within 30 days with an allowance of two 30 day extensions which must be approved in writing by the Chief of Police and which may be granted only for good cause.

XIV. CONFIDENTIALITY OF INVESTIGATIONS

A. All complaint investigations shall be considered confidential and, except as provided below, no portion of the investigations may be reproduced without the authority of the Chief of Police.

B. Any employee or external complainant, upon written request, shall be provided with a copy of his own work product. All copies, when the original has become part of the investigative file, must be stamped as “confidential”.

C. Investigative reports shall not be released except when required by law or authorized by the employee in writing.

D. The City of Seabrook must respond to any subpoena for internal investigation records, however, it is the policy of the City of Seabrook and the Department to contest all such subpoenas where non-frivolous grounds exist for such a position. If a court of competent jurisdiction orders the City to produce the records, the order will be complied with or appealed, after consulting the City Attorney’s Office or other appropriate legal advisor.

XV. TYPES OF DISCIPLINARY ACTIONS

A. All disciplinary action will be based on substantial evidence. “Proof beyond a reasonable doubt” or “a preponderance of the evidence” is not required.

1. Substantial evidence is defined as such evidence that a reasonable mind might accept as adequate to support a conclusion. It is that quality of evidence necessary for a court to affirm a decision of an administrative board.

2. Proof beyond a reasonable doubt is defined as such proof as precludes every reasonable hypothesis except that which it tends to support and which is wholly consistent with the defendant’s guilt and inconsistent with any other rational conclusion.

3. Preponderance of evidence is defined as evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it.

B. Level II Infractions

Level II infractions that are classified as sustained following an administrative investigation shall be subject to the following non-disciplinary actions only unless formally investigated or urgent circumstances exist and other disciplinary actions are authorized by the Chief of Police.

1. Verbal Warning - The purpose of a verbal warning is to allow a supervisor to bring to the employee's attention the need to improve his work performance, work habits, behavior, or attitude, and to serve as a warning against further unsatisfactory conduct. The supervisor shall utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved. The supervisor shall document the verbal warning on a Personnel Incident Form and forward it to the Chief of Police for disposition. Upon request of the employee, the documentation of the verbal warning may be removed from the file and destroyed after a period of one year.

2. Written Warning - The purpose of a written warning is to bring to the employee's attention the need to improve his performance, work habits, behavior, or attitude where a verbal warning has not resulted in expected improvement, or when action more serious than a verbal warning is warranted. The supervisor shall document the violation on a Personnel Incident Form and forward same to the Chief of Police through the chain of command with a recommendation for a written warning. Upon approval, the form and the written warning issued by the supervisor shall be placed in the employee's Departmental file. If not approved the supervisor shall retain the option to issue a verbal warning unless otherwise directed. Upon request of the employee the written warning may be removed from the file and destroyed after a period of one year.

3. Training - When additional training is warranted and approved by the Chief of Police.

4. Level I disciplinary action will be administered to Level II infractions that have previously occurred two (2) times within 12 months.

C. Level I Infractions

Level I infractions which are classified as sustained are subject to the following types of disciplinary action which can only be assessed by the Chief of Police or designee subject to appeal and approval by the City Manager then to City Council.

1. Written Reprimand - Upon request of the employee the form may be removed from the file and destroyed after a period of time;

2. Suspension;

3. Demotion;

4. Termination.

Disciplinary action involving potential monetary loss by the employee, including suspension, demotion and termination shall only be assessed subsequent to a formal internal investigation and subsequent to the affected employee being given an opportunity to provide any mitigating information.

The Chief of Police may solicit recommendations for disciplinary action as he deems necessary.

Sustained Level I infractions are also subject to the non-disciplinary actions that are described in paragraph B of this Section if so ordered by the Chief of Police.

XVI. SPECIAL PROCEDURES

A. Complaints Involving Criminal Violations

1. All criminal investigations or misconduct involving Department employees shall be conducted by the County Sheriff's Office or other appropriate law enforcement agency.

2. Any time that an employee of the Department learns that a law enforcement agency other than the Seabrook Police Department has arrested or issued an arrest warrant for another employee of the Seabrook Police Department, the employee shall immediately report the information concerning the arrest and/or the warrant to the Chief of Police.

B. Complaints against the Chief of Police

When a valid complaint is made against the Chief of Police, the complaint shall be handled in accordance with these General Orders except that the (appropriate City Official) or his/her designee shall, in that circumstance, act as the Chief of Police.

C. Departmental Vehicle Accidents

When the investigation of an accident involving a Departmental vehicle reveals misconduct of a Department employee, the act shall be investigated in accordance with the provisions of this General Order.

D. Emergency Relief From Duty, Suspension, or Discharge

1. Any supervisor has the authority to impose emergency relief from duty for an employee until the next business day when it appears that such action is in the best interest of the Department and/or the employee. Whenever an employee is relieved from duty, the Chief of Police shall be immediately notified.

2. Only the Chief of Police has the authority to place an employee on administrative leave with pay.

3. When an employee is temporarily relieved from duty, his supervisor shall collect the employee's badge(s), Department issued weapon(s) and police identification card. When an employee is discharged, the supervisor shall ensure that all city-issued property and equipment used by the employee is turned in. In either case, the supervisor shall forward, through the chain of command, a written report detailing the items that he has collected.

XVII. APPEALS AND GRIEVANCES

Appeals and grievances may be filed by any employee in accordance with the City of Seabrook Personnel Policies and Procedures.

Appeals and grievances of a Civil Service covered employee may be filed with Civil Service. In accordance to the adopted rules and regulations of Civil Service.

XVIII. BEHAVIORAL CAUSE INVESTIGATION

A. A behavioral cause investigation is an administrative investigation which is conducted when an employee exhibits unusual or abnormal behavior which affects his or her ability to perform her job in a proper or safe manner. This may either be observed behavior by the employee's supervisor(s) or a perceived behavioral deficiency which is claimed by the employee. The employee is referred, at the City's expense, to a licensed psychologist who will examine the employee and make a determination as to his fitness for duty in light of the observed/claimed behavior.

B. Authority and Responsibility

1. The Chief of Police may initiate a behavioral cause investigation whenever he believes it is in the best interest of the employee and/or the Department.

2. The employee's supervisor may recommend to the Chief of Police a behavioral cause investigation based upon the nature of the complaint and/or the accused employee's disciplinary record.

3. Any employee who is the subject of a behavioral cause investigation will be referred to the psychologist under City contract that the Department deems qualified.

C. Who May Undergo A Behavioral Cause Evaluation

1. Any Department employee who exhibits unusual or abnormal behavior which can reasonably be expected to prevent that employee from accomplishing his assigned duties in a safe or proper manner.

2. Any Department employee who exhibits unusual or abnormal behavior which, if not restricted, can reasonably be expected to place that employee or another person in danger.

3. Any employee who perceives a personal behavioral deficiency and requests such an investigation and has such a request approved by the Chief of Police.

D. Self-Injection Into A Behavioral Cause Evaluation

1. If an employee feels that he has an emotional or stress related problem that has resulted in a complaint, he may request a behavioral cause investigation by contacting the Chief of Police.

2. The purpose of self-injection into a behavioral cause investigation is to identify the cause of the unusual or abnormal behavior on the part of the employee and to provide him with professional assistance in redirecting or changing his behavior.

3. The final diagnostic evaluation will be presented to the Chief of Police for consideration in determining what action, if any, is to be taken as a result of the original complaint.

E. Interview With A Psychologist

All employees entering a behavioral cause investigation shall be interviewed by a psychologist licensed to practice in Texas, who may have the biographical and Departmental history of the employee plus any profile resulting from the applicant-level psychometric testing. Any information obtained by the psychologist who does not relate to the specific incident or problem under

investigation will be considered privileged communication and shall not be entered into any Departmental file or history on the employee.

F. Handling of Mentally Disturbed Employees

1. When a supervisor becomes aware that an employee has reported for duty exhibiting, or while on duty exhibits, abnormal behavior, indicative of a disturbed mental or emotional condition, the employee shall be removed from any assignment which necessitates contact with the public. If necessary, the employee may be temporarily relieved of duty by his supervisor. The supervisor shall notify the Chief of Police as soon as practical.

2. When a supervisor becomes aware of a suspected behavioral problem and/or any of the administrative actions have taken place as described in Section XVIII. paragraph F.1., he shall submit a confidential memorandum to the Chief of Police for his consideration.

PERSONNEL – OFF DUTY EMPLOYMENT

I. POLICY

The Chief of Police must ensure the continued efficiency and effectiveness of the Department while simultaneously reducing or eliminating conflicts of interest. To this end, the chief shall manage according to whatever reasonable controls he deems necessary to restrict or regulate the conduct of employees. It is the policy of the Department, therefore, to prohibit off-duty employment of employees when it may impair efficiency or conflict with their duties and responsibilities.

II. PURPOSE

To define regulations governing off-duty employment.

III. DEFINITIONS

A. Employment. Any work performed or services provided for compensation, including self-employment.

B. Police-related employment. Employment which may entail the use of police powers granted by the State of Texas or the City of Seabrook.

IV. PROCEDURES

A. Non-Police-Related Off-Duty Employment

1. Employment shall not constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of employment.

B. Police-Related Off-Duty Employment

1. Police-related employment shall not exceed 18 hours per day, including on-duty time: e.g., an officer working a 12-hour tour may work six hours of off-duty employment on the same day. An officer on a day off may work 18 hours.

a. For the purpose of computing allowable work time, court appearances constitute on-duty time as does sick leave.

2. Police-related off-duty employment is restricted to 32 hours a week . Officers may perform police duties beyond City boundaries if working in

conjunction with another jurisdiction's regular law enforcement agency or in circumstances permitted by State law and the general orders of the Seabrook Police Department.

3. Serving as an employment agent and receiving compensation for procurement of police-related jobs for other Police Department employees is prohibited.

4. No employee shall solicit any person or business for the purpose of gaining police-related off duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining non-police related off-duty employment.

5. Except for public school security activities and other employment where specifically authorized by the Chief of Police, the following regulations apply:

   a. The police uniform may be worn while engaging in off-duty employment.

   b. City-owned vehicles, radio, or other equipment may be used while traveling to and from or engaging in off-duty employment while in the city.

6. Officers, while engaged in police-related employment, shall be subject to the orders of the on-duty police supervisor.

7. Officers, while engaged in police-related employment, shall notify the department via dispatch the time and location of police-related employment.

C. Administration

1. Employees must submit a written request for approval of all off-duty employment to the Chief of Police. The request shall be maintained in the files of the Lieutenant along with related documents.

   a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the chief as soon as possible.

   b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action.

2. Jobs which the Chief of Police deems unacceptable, e.g., jobs at establishments where alcoholic beverages sales exceed 51%.

3. Arrests made while engaged in off-duty police-related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.

D. Liability, Indemnification, Insurance

1. All employees who wish permission to engage in police-related off-duty employment shall complete the application found at the end of this order. Permission must be granted by the Lieutenant before the employee may work off duty

2. The Department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.

3. The Department recognizes that an officer in police-related off-duty employment may undertake an action connected with the employment that the courts may construe as a law enforcement duty, and therefore a component of the police job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty police actions, whether for a private employer or not, must comply with these General Orders and applicable law.

APPLICATION FOR OFF-DUTY EMPLOYMENT

Name of Employee Requesting Off-Duty Employment	**Effective Date of Employment**
Expiration of Employment (indicate whether open-ended)	
Name of Business or Off-Duty Employer	**Telephone No.**
Address of Business or Off-Duty Employer	**Contact Person**
Type/Nature of Business	

Address and telephone number of employment sites if different from above:

1._____

2. _____

3. _____

Description of duties:
_____

_____

_____

Total Number of hours worked by employee: _____Per Day: _____Per Week: _____

Employee Signature: _____

Date of Application: _____

Contract or memorandum of understanding: Yes_____ No_____

Approved: _____ Disapproved: _____

_____ _____
Chief of Police Date

CHAPTER 3	OPERATIONS
Section 1	Patrol Operations
Section 2	Domestic Violence
Section 3	Alarm Response
Section 4	Traffic Enforcement and Vehicle Stops
Section 5	Mental Patients
Section 6	Ride Along
Section 7	Police Canine
Section 8	Video Systems
Section 9	Mobile Data Terminal (MDT)
Section 10	Taser

PATROL OPERATIONS

I. POLICY

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. On patrol, officers engage in a wide variety of activities including enforcement of traffic and criminal laws, answering complaints, conducting investigations, community relations activities, transporting prisoners, and preventing crime. The Department expects officers to conduct patrol vigorously to prevent crime, improve community relations, and detect and apprehend offenders.

II. PURPOSE

To define and outline procedures for handling commonly encountered patrol problems.

III. DEFINITIONS

Patrol can be defined in terms of its component activities:

A. Crime prevention activities;

B. Response to requested services;

C. Investigation of crime, offenses, incidents and conditions, including arresting offenders;

D. Traffic direction and control;

E. Regulation of certain business or activities as required by law;

F. Maintenance of public order;

G. Provisions of emergency services;

H. Development of relationships between citizens and the Department;

I. Reporting of information to appropriate entities.

IV. PROCEDURES

A. Patrol Coverage

1. Subject to staffing levels, the Seabrook Police Department seeks to operate 24 hours a day, seven days per week to provide citizens with law enforcement services. The Department will provide, generally, the same services at all hours of the day or night in relation to answering calls for service, emergencies, preventive patrol, or traffic enforcement. Staffing levels may require that law enforcement coverage be provided by off-duty officers who are on call for responding to requests for police service combined with dependence upon other law enforcement agencies for emergency response. It is a goal of this department to staff each shift with a minimum of three (3) patrol officers per shift.

B. Patrol Activities

1. Response to some calls may require several officers to deal effectively and safely with the problem. Situations which should, to the extent reasonably possible, be addressed by the response of at least two officers include:

   a. potential or actual assault on an officer;

   b. possibility of or actual on-scene arrest for a felony or violent misdemeanor;

   c. resistance to arrest;

   d. probability of or actual use of force;

   e. crime in progress;

   f. fleeing suspect;

   g. domestic disturbances;

   h. alarm calls.

2. An officer finding the circumstances listed above shall request back-up assistance, if reasonably possible under the circumstances. Two officers assigned to such a call shall, if reasonably possible, coordinate their simultaneous arrival, where possible. Officers from other agencies should be requested to assist where necessary.

C. Incidents Requiring Presence of a Supervisor

The Chief of Police or his designee shall be notified and he, or his designee, shall assume command of the following incidents. The Chief may, in his discretion, summon assistance from the County Sheriff Office, Department of Public Safety

or other appropriate agency to respond to and investigate the following types of incidents:

1. Serious injury to an officer;

2. Accident involving a police vehicle;

3. Major crimes to include murder, bank robbery, jail break, or a heinous crime or assault where death may occur;

4. Barricade/hostage situations;

5. Disasters, catastrophes, or severe weather producing emergency conditions;

6. Serious complaint or incident involving a police officer;

7. Serious accident, injury or incident involving city personnel or property; and

D. Hazards

A wide variety of hazardous situations such as bad road/weather conditions, unsafe structures, and potentially dangerous calls for service will normally be identified by patrol officers or announced by local media. Information about any of these hazardous or potentially hazardous situations shall be reported, shared among officers and other agencies, and passed on to subsequent shifts.

E. Special Notifications

1. Emergency/next-of-kin messages.

a. Subject to the availability of personnel, emergency messages of any legitimate type, as defined by the person receiving the message, may be delivered. Officers shall personally deliver any message pertaining to a death, serious injury, or serious illness.

b. Notifying next-of-kin where there is a death, serious injury or serious illness can place the officer in a delicate and uncomfortable situation. The following procedures shall be used whenever possible and practical:

(1) Notification shall be made as promptly as possible.

(2) The presence of a minister or relative/close friend (if known) shall be obtained whenever possible before notification.

(3) If notification has to be made alone, the officer shall offer assistance to the next-of-kin in contacting a relative, close friend or minister.

(4) Officers delivering emergency notifications shall tell citizens the source of information.

c. When requested by another agency to make notification of next-of-kin, the officer shall obtain whatever pertinent information about the situation is available in order to assist the relative receiving the message.

F. Highway Maintenance/Public Utilities

At any time when one of the below hazards exists, the officer shall notify the proper agency. Hazards may be grouped into two categories.

1. Hazards requiring immediate notification of the proper agency:

a. Essential traffic lights, rail road crossing signals in need of repair;

b. Large holes in road;

c. Electrical power lines down;

d. Large debris, etc.;

e. Breaks in water, gas, or other utility mains;

f. Snow/ice on road;

g. Fire hazards needing immediate attention.

2. Hazards requiring notification at beginning of next business day:

a. Non-essential traffic lights in need of repair;

b. Small (non-hazardous) holes in road;

c. Street lights in need of repair;
d. Telephone/video cables down but not creating hazard;

e. Dead animals in road;

f. Potential fire hazards not requiring immediate attention;

g. Excessive growth of weeds, grass, etc.

h. Guardrail damage.

i. Rail road damage.

3. Some hazardous situations may demand immediate notification of local radio stations in order to request public service announcements. Normally, the Chief of Police or his designee shall contact local media for this purpose.

V. PROCEDURES - CONDUCT WHILE ON PATROL

A. Officers shall acquaint themselves with traffic hazards, geography of their territory, and particularly the location of roadways. Officers shall also ascertain the names and addresses of habitual criminals and law violators, First Aid stations, hospitals, ambulances, magistrates, sheriffs, general district and circuit court Judges, prosecuting attorneys, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the providing of police services.

B. Officers shall employ the utmost care to protect themselves when stopping violators for infractions of laws. Consideration must also be given the stopping of vehicles from a safety standpoint, during inclement weather, on hills and curves, in dense traffic, or in any instance where life and property may be endangered.

C. When an officer observes a violation of the law, he or she shall either (1) warn, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.

1. Any controversy incident to the warning, arrest, or summons shall be avoided; the officer shall merely inform the offender:

a. the nature of the offense;

b. why the offense was detrimental to the safety of the public, if this is appropriate;

c. the specific charge if a charge is made; and

d. the procedure the violator must follow in order to bring the matter to a conclusion.

D. Without exception, male officers transporting females shall notify the dispatching agency, that they are transporting a female prisoner. The report shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving, the officer shall so notify the dispatcher and give the odometer reading. The communications operator shall log the information and record the time of each notification. The same procedure applies to a female officer and a male prisoner and all officers transporting juveniles.

E. Officers shall provide general and emergency assistance to motorists in accordance with their training and qualifications. This includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she shall take the reasonable and necessary steps to provide safety to the motorists or arrange for transportation. However, this does not preclude transporting the motorists to a place of safety when a need arises. Officers and employees of the Department are prohibited from recommending or suggesting any specific wrecker service or other private business to be hired by a motorist or other person in similar need. However, officers and employees may refer citizens to phone books, yellow pages, or other similar generic reference materials where assistance may be located. Officers and employees are also permitted to assist the citizen in making contact with a business or service selected by the citizen.

VI. PROCEDURES - SPECIFIC PATROL PROBLEMS

A. Mental Patients

1. In the absence of a court order for mental commission, or criminal charges of any nature, officers responding to any request for assistance in detaining a mental patient must not initiate such action. The responsibility for detaining such a patient rests with medical personnel. However, the officer responding shall provide assistance should the situation escalate to a confrontation where the safety or preservation of peace becomes a police problem.

2. When a valid court order for mental commitment is present, the officers may take whatever action is necessary to enforce the court order.

B. Handcuffed Prisoners

Unless necessary to remove handcuffs in order for a prisoner to receive medical treatment, the handcuffs or restraints shall remain.

C. Interviews of Patients/Employees

1. Officer(s) entering a hospital for the purpose of interviewing a patient in the emergency room shall notify hospital personnel on duty of their presence and the identity of the party to be interviewed.

2. Officer(s) entering a hospital for the purpose of interviewing a patient in the patient's room or ward shall notify hospital personnel on duty at the nurses' station responsible for the care of that patient of their presence and the identity of the party to be interviewed.

3. Officer(s) who must interview an employee of a hospital shall make every effort to conduct the interview away from the hospital unless the purpose of the interview is in conjunction with the person's employment.

D. Preliminary Death Investigations

1. After arriving at the scene and until convinced to the contrary, all officers shall consider every death call as a possible homicide, and shall be aware that a homicide may be "staged" to appear as a death by natural causes.

E. Responsibilities of First Officer on the Scene

1. If the death appears to be from other than natural causes, the officer shall direct attention to the following functions *in the order that his or her discretion dictates* after an evaluation of the situation.

   a. Assuring the safety of persons to prevent further injury or death.

   b. A preliminary determination that the subject is actually deceased.

   c. Preservation of the scene and possible evidence.

   d. Radio call for police or rescue assistance.

   e. Identification of witnesses.

   f. Requesting the presence of a supervisor.

2. All deaths must be pronounced by a physician or appropriate judicial authority, which may happen at the scene, at a hospital, or any other place designated by the medical examiner in medical examiner cases. The officer shall include in his or her report the time of pronouncement, the name of the physician, and where the body is to be taken.

3. Medical examiner's case - If the circumstances of death fall into any of the following categories, or if there is any doubt as to its inclusion in on one

of these classifications, it shall automatically be considered a medical examiner's case:

Classifications

a. By violence; that is, accident, suicide, or homicide.

b. Suddenly, when in apparent good health.

c. When unattended by a physician (M.D. or D.O.).

d. When in jail or in police custody.

e. By unusual, suspicious, or unnatural means.

f. When the body is to be cremated.

g. Fetal deaths.

4. Non-medical examiner's case - For the purposes of this procedure, a non-medical examiner's case shall be defined as:

a. A death resulting directly from a disease or illness which has been diagnosed and is actively being treated or attended to by a private physician, and;

b. The death is not within the classification of a medical examiner's case, as defined above.

5. When medical examiner is not immediately available:

a. If authority for removal of the body cannot be ascertained from the medical examiner within a reasonable period of time, a police supervisor, acting as an agent for the medical examiner, may contact the nearest funeral home, and have the body transported to the nearest hospital for pronouncement and custody. Family preference as to funeral director may be considered if transportation can be expeditiously handled.

b. If neither the attending physician nor the medical examiner can be contacted within a reasonable period of time, the body may be removed.

c. The assistance of the fire Department may be *requested* in emergency situations requiring the *immediate removal* of a body.

F. Residential Security Checks

The Department shall honor requests from citizens to conduct security checks of their homes when the owners are on vacation. To that end, any officer shall ask the citizen to complete an appropriate “Request for Security Check” form. Officers shall advise citizens that occasional security checks cannot guarantee that their property will be safe from vandalism or burglary. Citizens will also be notified that security checks may or may not be conducted depending upon the demand for other police services.

G. Funeral Escorts

1. Criteria - All funeral procession escorts must be approved by the Chief of Police. All such requests must be made at least 24 hours before the escort.

   a. Funeral homes are responsible for coordinating with other agencies if the procession passes into another jurisdiction.

   b. Funeral homes must inform all procession participants of any requirements and provide all equipment necessary.

2. Officers' responsibility -

   a. Officers shall have the authority to refuse to start any escort that presents a hazard to the safety of either the officer or the public. If an officer refuses to start a funeral escort for any reason, he should notify his supervisor.

   b. Officers shall choose the route to be taken based upon resources available, weather, time of day, traffic flow, road hazards, and any permits issued.

   c. In the event the procession is larger than anticipated, the officer in charge of the procession shall consider the following:

      (1) completing the escort as requested;

      (2) waiting until additional assistance can arrive;

      (3) escorting a manageable number of vehicles to include the family vehicle and funeral coach.

   d. The requesting party may choose to proceed without benefit of an escort.

e. All processions which proceed on an interstate highway shall be advised that interstate traffic will normally not be stopped for the procession.

3. Vehicle requirements -

a. Police

(1) a police vehicle escorting a funeral procession shall have emergency lights in operation at all times. Only marked police vehicles may be so used.

(2) The siren shall be used as appropriate to warn other drivers that the procession is proceeding through the area.

b. Other

All vehicles participating in a funeral procession shall have their headlights illuminated. While awaiting the passage of a funeral procession, uniformed officers shall stand at attention outside their vehicle.

H. Residential and Vehicle Lock-outs

The Police Department may assist citizens who are locked out of their residence or vehicles only in an emergency.

1. Persons requesting assistance in gaining access to a vehicle or residence from which they are locked out shall be directed to contact private businesses, unless one of the following circumstances exists:

a. medical emergency;

b. child or disabled citizen locked in the home;

c. child, disabled citizen or animal locked in the vehicle;

d. for a police related matter as authorized by a supervisor; or

e. when the welfare of a person could otherwise be in jeopardy.

2. If no emergency (as described above) exists, officers shall advise citizens:

a. that the Police Department has neither the expertise nor the special equipment necessary to enter the locked vehicle or residence; and

b. to call a locksmith for assistance.

c. Officers are reminded of the prohibition from recommending specific businesses or services to provide citizen assistance for a fee.

3. The above rules apply regardless of whether the request comes from a citizen, Fire Department, or animal control personnel.

4. When responding to a lock-out, the officer shall:

a. determine if an emergency exists;

b. obtain proper identification from the requesting party and make a reasonable inquiry to determine that the requesting party has a right to gain entry (except in life-threatening situations or emergencies where immediate action is necessary);

c. advise the requesting party that the city is not responsible for any damage incurred by the assisting officer;

d. call for assistance, when necessary, from the Fire Department or other appropriate agency; and

e. avoid forcible entry if possible unless appropriate to the emergency.

OPERATIONS – DOMESTIC VIOLENCE CALLS

I. POLICY

The Department assigns domestic violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership and caution in responding to domestic violence. An immediate police response can make a major difference in the disputants lives. With all due consideration for their own safety, Department personnel responding to a domestic disturbance call shall (1) end the conflict; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s), and; (4) refer participants to appropriate agencies to help prevent future occurrences.

II. PURPOSE

To specify Department guideline for action during incidents that involve family violence, protective orders, or both.

III. DEFINITIONS

A. Family. Texas Family Code. Section 71.0

B. Family Violence. Texas Family Code. Section 71.0

C. Household. Texas Family Code. Section 71.0

D. Member of a Household. Texas Family Code. 71.0

IV. FAMILY VIOLENCE

A. General Responsibilities

1. Department personnel shall refer victims and suspected or potential perpetrators of domestic violence to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs.) Referrals may help prevent future disturbances.

2. Department personnel shall be trained about domestic violence and its impact. Personnel must be prepared to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

B. Patrol Responsibilities

1. Arrival at scene –
   a. Obtain all available information from the dispatcher prior to and upon arrival.

2. Approaching the scene –

   a. When possible, officers should arrive in pairs;

   b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving officers;

   c. Observe the location of the dispute before contacting the complainant. Consider surroundings. Park the marked car a short distance away.

   d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons).

   e. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door when knocking. The unexpected may occur when the door opens.

3. Initial contact with occupant(s) –

   a. Officers must identify themselves as police officers, give an explanation of the police presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her.

   b. If entry is refused, the officer must explain that they must make sure there are no injured persons inside.

   c. Refusal of entry or no response to knock at the door may require a forced entrance *only* if a lawful basis for entry exists. In making the decision to make a forced warrantless entry, officers shall evaluate the following elements:

      (1) the degree of urgency involved and the time required to get a warrant;

(2) the possibility of danger to others, including officers left to guard the site;

(3) whether the suspected offense involved violence; and

(4) whether officers reasonably believe that persons may be armed.

d. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, *either one* may give a valid consent.

(1) A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried co-habitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

e. Officers may also make a warrantless entry to conduct a limited search if an emergency exists. Officers must have a reasonable suspicion that such an emergency does exist. (Example: A reasonable suspicion someone is in danger and in need of assistance.)

(1) Officers shall evaluate the following elements when considering a warrantless entry:

(a) the degree of urgency involved and the time required to get a warrant;

(b) the possibility of danger to others, including police officers left to guard the site;

(c) whether the suspected offense is serious or involves violence; and

(d) whether officers reasonably believe that persons may be armed.

(2) Finally, officers are reminded that they have a lawful right to investigate any situation that they might reasonably suspect to be an emergency.

f. Once inside, establish control by:

(1) Inquiring about the nature of the dispute;

(2) Identifying disputants;

(3) Being aware of potential weapons in surroundings;

(4) Determining if persons are in other rooms, whether children or adult, and the extent of their injuries. These persons should be separated from the parties involved and kept out of hearing range (so their status as possible witnesses won't be compromised).

(5) Protecting the victim from further abuse. Separate from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.

(6) Ascertain whether a protective order has been violated.

4. Interviewing the parties (disputants) –

a. Ensure safety and privacy by interviewing the victim in a place separate from the actor, if identifiable.

b. Critical to the success of the interview is the police officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.

c. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance along with appropriate facial and head movements demonstrates interest and encourages the victim to continue speaking.

d. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.)

e. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).

5. Interviewing witnesses –

   a. Interview any witnesses to the incident — children, other family members, neighbors — as soon as possible.

   b. Remember that witnesses may be experiencing significant emotional crisis that might influence the accuracy of their accounts.

   c. If witnesses provide information about prior assaults, document them to help establish a pattern.

   d. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

C. Requirements of Officers

1. Refer to Texas Code of Criminal Procedure, Article 5.03. Family or household relationship does not create an exception to official duties.

2. Refer to Texas Code of Criminal Procedure, Article 5.04. Duties of Peace Officers. (The Notice to Adult Victims of Family Violence Form shall serve as “written notice” as required by Article 5.04 (b)).

3. Refer to Texas Code of Criminal Procedure, Article 14.03 (a) (4). Authority of Peace Officers. (To make arrest without warrant in family violence incidents.)

D. Reporting

1. Refer to Texas Code of Criminal Procedure, Article 5.05. Reports and Records.

2. If the officer discovers that a state or municipal law has been violated while the family violence was in progress, the report shall allege the proper criminal charge and shall be followed by the phrase “Family Violence” in parentheses.

3. Each Family Violence report shall be accompanied by, but not attached to, the completed Uniform Crime Reporting (UCR) Family Violence Form. These forms should be mailed to the UNIFORM CRIME REPORTING Bureau at the Department of Public Safety in Austin as prescribed by law.

4. If an officer responds to a report of any disturbance between members of a family or household and no criminal offense is discovered or alleged, *no*

report need be completed. An officer may, at his own discretion or at the order of a supervisor, write an information report for internal use if there is some need to document the incident. *A Uniform Crime Reporting (UCR) - Family Violence Form shall not be completed in disturbances between members of a family or household where no use of force, threat of force, or other criminal violation is discovered alleged.*

E. Issuing of Emergency Protective Order

Any officer who has probable cause to believe that violence will continue shall make application to a magistrate for the issuance of an Emergency Protective Order.

F. Detention of Certain Persons

1. If any person who has been arrested or held without a warrant in the prevention of family violence and, if there is probable cause to believe that violence will continue once released, the officers of this Department shall hold the person for a period of up to four hours *after bond has been posted.*

2. At the discretion of a supervisor, or a supervisors designee the Department may solicit a magistrate, based upon probable cause, to extend the detention period for up to another twenty-four hour period.

3. A copy of all magistrate's orders will be maintained in the communication office.

G. Release Notification

It shall be the responsibility of the on-duty supervisor or his designee to notify the victim of a family violence incident prior to the release of the arrested person(s). The notification shall be documented on the arrest sheet as described:

Time, Date and Officer:

V. RECEIPT OF PROTECTIVE ORDERS

A. Any protective order received at the Department shall be immediately delivered to the Chief of Police or his designee. He shall immediately interpret the protective order. The purpose of the interpretation is to assist officers in the field in determining what provisions are criminally enforceable and contains the following:

1. Name of applicant;

2. Name of respondent;

3. Date of issue;

4. Date of expiration;

5. Issuing court;

6. Issuing judge;

7. Issuing attorney;

8. Criminal restrictions and provisions; and

9. Names of all members of the family or household protected by the order.

VI. WHAT CONSTITUTES A VIOLATION OF A PROTECTIVE ORDER

Refer to Texas Penal Code, Section 25.07. Violation of a Protective Order.

Note that the criminal provisions which constitute a violation of a protective order are separate from one another, and any one of them may constitute a violation.

VII. PATROL OFFICER'S INITIAL RESPONSE

A. Officers who respond to calls for service and are informed that any person involved is subject to a protective order shall, without leaving the scene, attempt to verify the information and investigate to discover whether or not an offense has taken place. Verification can be made by:

1. Examining a certified copy at the scene, if available; and/or

2. Contacting the Communications Center and obtaining the information from the copy on file.

B. Refer to Texas Code of Criminal Procedure, Article 5.05 (d). Reports and Records. (Acceptance of certified copy and verifying validity.) If an officer is presented a certified copy of an order that has not yet been interpreted by the Chief of Police or his designee, he shall examine the order with the assistance of a supervisor to determine exactly what provisions are criminally enforceable. The officer/supervisor shall consider the following guidelines in making that determination:

1. If the order is a "temporary ex parte" order, generally no arrest can be made for violation of its provisions.

2. The spelling of the names of the applicant and respondent should be checked against the identities of the parties alleged to have been involved.

3. The order may prohibit the respondent from engaging in numerous activities, however, the only actions which are criminally enforceable are those described in Texas Penal Code, Section 25.07 (a), " Violation of a Protective Order." The order must state that one or all of these acts is prohibited.

4. If the order prohibits the respondent from going to or near the residence, place of employment, business, child care facility, or school of a person protected by the order, the officer/supervisor should check to make sure that the order does not contain a provision allowing such approach for child visitation reasons.

5. To be criminally enforceable, the order must contain the three warnings described in the Texas Family Code. Section 85.026(b), " Warning on Protective Order," which reads:

   A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000.00 OR BY CONFINEMENT IN JAIL FOR AS ALONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST 2 YEARS.

6. If there is no expiration date, the officer/supervisor shall check to see that the order's date of issue is not more than two years old. Texas Family Code §85.025 If the order was issued more than two years prior to the officer's review, the order is not enforceable.

C. If a person has violated one of the criminal provisions in a protective order [Texas Penal Code § 25.07(a)], a criminal offense has been committed and action shall be taken by the responding officer.

1. Offense in the officer's presence:

   An arrest shall be made and a complete report shall be written including the taking of field statements when appropriate.

2. Offense not in officer's presence:

Refer to Texas Code of Criminal Procedure, Article 14.03 (a) (3). Authority of Peace Officers. (To make arrest without warrant when probable cause exists to believe that a protective order has been violated.)

a. A complete report shall be written including the taking of field statements when appropriate.

b. An attempt to locate shall be broadcast and enforcement action can be taken if the respondent is located within a reasonable amount of time. A "reasonable amount of time" will vary according to the circumstances and will rely on normal standards of probable cause and the ability to procure a warrant.

D. An officer shall consult with his supervisor or the appropriate prosecuting authority in any case in which there is some doubt as to whether an arrest is appropriate and shall, as soon as practical inform a supervisor that an arrest has been made for Violation of a Protective Order.

VIII. TYPES OF PROTECTIVE ORDERS

A. There are four basic types of protective orders which can be criminally enforced Texas Penal Code § 25.07.

1. Family Violence Protective Order - Orders issued under Texas Family Code, Chapter 85.

a. May have same criminal provisions as Texas Penal Code § 25.07(a).

b. Valid up to, but not more than, two years.

c. If no expiration date appears on the order, presume it to expire two years from date of issue.

d. Agreed Order - Refer to Texas Family Code, Section 85.005 Agreed Orders.

(1) Two or more parties agree in writing to do or refrain from doing any act that the court orders.

(2) Criminally enforceable in the same manner as protective orders.

2. Protective Order in Divorce Proceeding - Refer to Texas Family Code, Section 6.504. Protective Order.

a. Used during the term of divorce proceedings and usually included in divorce temporary orders issued by the judge. Should be in a separate document entitled "Protective Order." Texas Family Code §85.004.

b. Has available the same criminal provisions found in orders issued under Chapter 85 of Texas Family Code.

B. Modified Protective Orders

Refer to Texas Family Code, Section 87.001. Modification of Orders. (With exception of period of validity, order may be modified by the court and still be valid and criminally enforceable.)

C. Ex Parte Orders

A temporary ex parte order is generally *not* criminally enforceable and no arrest can be made for any of its provisions. Texas Family Code § 83.001.

D. Exclusion Orders

1. An ex parte order may be entitled "Exclusion Order" and may order the Chief of Police to carry out the provisions described in the Texas Family Code, Section 86.003 Court Order for Law Enforcement Assistance Under Temporary Orders.

2. If an exclusion order applies to our Department, it shall be treated as a protective order.

3. If a respondent refused to vacate after he is informed that the court has ordered his exclusion, the officer shall write a report entitled "Violation of a Court Order" and a copy shall be forwarded to the appropriate judge. The officer shall *not* make an arrest for violation of the order until a warrant of arrest has been issued *unless* the court order is pursuant to Texas Family Code Section 86.004, *Court Order for Law Enforcement Assistance Under Final Order*, and orders respondent to vacate the residence and respondent refuses in violation of the order.

FAMILY VIOLENCE PROTECTIVE ORDERS

I. GENERAL DEFINITIONS

A. Emergency Protective Order – An order issued by a magistrate at the time of a defendant's appearance after an arrest for an offense of family violence or an offense of stalking. An emergency protective order remains in effect until at least

the 31st, but no more that the 61st, day after issuance. Texas Code of Criminal Procedure §17.292.

B. Family Violence – An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, or assault, or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, or assault, excluding the reasonable discipline of a child by a person having that duty; OR family violence may refer to the abuse of a child of the family or household by a member of the family or household.

C. Protective Order – An order issued by a court after a formal hearing, against a specifically named individual; valid for a period of time not to exceed two years. Texas Family Code § 85.025.

D. Temporary Protective Order – An order issued by a court against a specifically named individual, valid for a period of time not to exceed 20 days; legally known as a "Temporary Ex Parte" order; may be reconsidered by the court for an extension of another 20 days on a specific date listed in the order. Texas Family Code § 83.001.

II. PROCEDURES

A. Characteristics of Family Violence Protective Orders

1. Temporary Protective Order (Temporary Ex Parte Order)

a. *IS NOT* enforceable by peace officers under Section 25.07 of the Texas Penal Code *unless* the Temporary Ex Parte order pursuant to the Texas Family Code Chapter 83 has been served on the respondent.

b. Violation of a Temporary Protective Order is a violation of a court order.

c. *May require police involvement on a restricted basis depending upon the wording of the order. Example: Civil Standby, Texas Code of Criminal Procedure § 5.045.*

2. Emergency and Protective Orders

a. *ARE* enforceable by peace officers under Section 25.07, if the order specifically stipulates the action as a violation of the order AND the action is a violation of Section 25.07 of the Texas Penal Code.

b. A person commits an offense if, in violation of a protective order, the person knowingly or intentionally:

(1) Commits family violence, or

(2) Directly or indirectly communicates with a member of the family household in a threatening or harassing manner, or if the order prohibits any communication with a member of the family or household, communicates in any manner except through the person's attorney or a person appointed by the court, or

(3) Goes to or near any places specifically described in the protective order. Texas Code of Criminal Procedure §17.292 and Texas Penal Code §25.07.

c. Officer's duty to enforce

(1) The officer's duty to prevent a criminal offense is not waived because of a household relationship between the potential violator and the victim. Texas Code of Criminal Procedure §5.03.

(2) Officers MUST accept a certified copy of a permanent protective order as proof of validity of the order, regardless of whether the order is on file with the Department. Texas Code of Criminal Procedure §5.05(d).

(3) A protective order issued from another state shall be enforced as if it were issued from a Texas Court, as long as the protective order has not expired, and a person protected by the order states that it is still in effect. Texas Family Code §§ 86.005 and 88.004.

(4) Any peace officer may arrest, without warrant, persons who the officer has probable cause to believe have violated Section 25.07 of the Penal Code if the violation is not committed in the presence of the officer. Texas Code of Criminal Procedure §14.03(a)(3).

(5) A peace officer shall arrest, without a warrant, a person the peace officer has probable cause to believe has committed an offense under Section 25.07, Penal Code, if the offense is committed in the presence of the peace officer. Texas Code of Criminal Procedure §14.03(b).

d. Request for an Emergency Protective

(1) The law allows a magistrate to issue an order for emergency protection of a victim(s) when the defendant of an offense of family violence or stalking appears for arraignment after arrest. The magistrate may do so on his own motion or at the request of the victim, the victim's guardian, a peace officer, or an attorney representing the state. Texas Code of Criminal Procedure §17.292.

B. Administrative Procedures

1. All Family Violence Protective Orders received at the Department are forwarded to the Chief or the Chief's Designee. Copies of the order are sent to Communications and the Field Operations Bureau.

2. Information is maintained on file in the following areas:

a. Public Safety Communications – entered by name of the person the order was issued against into the "locals" file and the "index" file of the CAD system by Communications, and

b. Legal Advisor's Office.

C. Operational Procedures Regarding Family Protective Orders

1. Information concerning protective orders is forwarded to appropriate sector and beat personnel.

2. Officers must notify Communications of valid protective orders not on file with the Department as they become aware of them on service calls. Officers should obtain sufficient information including the "cause number" and issued court, for entry into the CAD system.

3. Reporting Procedures

a. An Offense Report must be completed if:

(1) A violation of a valid emergency or permanent protective order has occurred; or

(2) Any other violation of state law is to be filed by the officer or the complainant Texas Code of Criminal Procedure Art. 5.05.

b. An Information Report must be completed if a temporary protective order is in place and no violations other than those stated in the temporary order are observed and the complainant does not wish to file other charges.

c. A Call Response Card should be completed if the Department has received a family or associated disturbance call but neither an Offense Report nor an Information Report is required

d. Article 5.05 of the Code of Criminal Procedure mandates our agency report all incidents of family violence within our jurisdiction. A Family Violence Report (Attachment) must be complete for all incidents of family violence.

e. All family violence calls are to be cleared “R-9" with a suffix indicating the type of report, e.g. “R-9, Offense,” “R-9, Information,” “R-9, Call Card.”

4. Notice of Assistance Available

a. Officers responding to calls that may involve family violence are required to advise any possible adult victim of all reasonable means to prevent further family violence including:

(1) written notice of a victim’s legal rights and remedies, and

(2) available shelters or other community services for family violence victims Texas Code of Criminal Procedure Art. 5.04.

b. Such notification is contained on printed handouts provided to all Field Operations Bureau personnel

5. Upon the request of a licensed firearms dealer, the Department will provide information on the existence of an active protective order on a “Prospective Transferee” in order to prevent a prohibited handgun transfer. Texas Family Code §86.002.

OPERATIONS – ALARM RESPONSES

I. POLICY

Alarms are a means of notifying the local law enforcement agency that a robbery or burglary is in progress when the use of a telephone is impractical or impossible. Officers shall exercise sound judgment and proceed with extreme caution when answering any type of alarm call.

II. PURPOSE

To establish a plan of action to be taken in response to activated alarms.

III. PROCEDURES

A. Activated Alarms

Dispatching/response/notification:

1. When a silent alarm signal is received, two units, if available, shall proceed immediately to the alarm location. Officers from other agencies will be requested if only one unit is on duty to respond.

2. Sirens should be turned off within hearing distance from the location of the alarm.

3. The responding officer will request the appropriate dispatcher or communications personnel to attempt to establish telephone contact with persons at the alarm location except for business alarms during non-business hours.

4. If the telephone call goes unanswered, responding units shall be so advised.

B. Bank Alarms

1. Before arrival, responding units shall communicate sufficiently to know which unit will cover the front and which will cover the rear.

2. Units shall attempt to arrive simultaneously and position themselves at opposite corners of the building, but not in front of entrances or windows, if possible. Suspects leaving the building should not be able to see police vehicles.

3. Officers shall approach entrances with caution using available cover to their best advantage, but shall not enter the building.

4. A bank officer should appear outside with proper identification. Officers shall not approach the bank officer. The bank officer shall approach the officers.

5. If no bank officer approaches in a reasonable time and the dispatcher has telephone contact with the bank, then officers shall consider the alarm to be a robbery in progress. In this event, maintain a safe position, advise the dispatcher, and ALWAYS KEEP RADIO CONTACT. Additional assistance, from other agencies if needed, should be summoned immediately.

6. If the officer determines that the alarm is false:

   a. Only one officer shall enter the bank and the backup officer will stand by maintaining radio contact with dispatch; and

   b. The officer entering the bank must be independently satisfied that no robbery is taking place. Officers shall not rely solely on the teller or bank official statement that the alarm was false.

C. Business Alarms

1. All possible exit areas should be covered.

2. If the business is closed, the owner or other person on the call list shall be notified immediately.

3. A business, showing no physical signs of break-in, shall be entered only after the owner arrives. Officers shall conduct a complete, thorough search of the premises.

4. Officers at the scene knowing that a break-in has taken place and the perpetrator is still inside the building shall take the appropriate action to apprehend the suspect(s).

D. Residential Alarms

1. Officers shall try to contact the owner or person left in charge of the residence before entering.

2. Officers shall check for suspicious persons or vehicles.

3. Unescorted entry shall be made if a possible suspect or suspects are suspected to be on the premises.

E. Robbery/Burglary

1. If a robbery or burglary has taken place and dispatch has the victim or reporting person on the telephone, they shall obtain any available information about suspect's description, mode and direction of travel, and shall advise the business or home to keep everyone out except police personnel.

2. Officers shall proceed with caution in the event the suspects are nearby.

3. Secure crime scene and all physical evidence and summon appropriate personnel.

F. False Alarms

1. If responding officers determine the situation to be a false alarm, they shall so advise dispatcher by telephone or radio and leave the written notice.

2. The Chief of Police or his designee shall confer as appropriate with businesses showing repeated false alarms.

TRAFFIC ENFORCEMENT AND VEHICLE STOPS

I. POLICY

Traffic law enforcement involves all activities or operations that relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, but includes warnings to drivers and pedestrians which help prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

Off Duty Enforcement: It is the policy of the Seabrook Police Department that officers who are off duty or out of uniform shall not enforce minor traffic violations and shall not attempt to stop violators for minor traffic violations. Furthermore, Officers are prohibited from using a non-City vehicle for enforcement of minor traffic violations.

II. PURPOSE

To prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

III. PROCEDURES

A. Types of Enforcement Actions

1. Warnings:

Officers may, in the exercise of their discretion, issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. A properly administered warning can be more effective than any other type of enforcement. For minor traffic violations, the officer may determine, in the exercise of his discretion, that a warning will accomplished enforcement goals equally as well as a citation.

2. Citations:

A citation to appear (ticket) may be issued to a vehicle operator who has committed a violation of any traffic law or statute regulating the operation and movement of vehicles on public streets and alleyways.

3. Physical arrest:

Officers may make a physical arrest, in compliance with the Texas Code of Criminal Procedure in the following circumstances:

a. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants.

b. Whenever a felony has been committed involving a vehicle.

c. When the operator refuses to sign the promise to appear on the traffic summons.

d. Whenever the violator is licensed by a non-reciprocal state.

e. When the officer has specific reason to believe that the person will not comply with the summons if issued.

f. In other circumstances in which arrest is allowed by the Texas Code of Criminal Procedure and Fourth Amendment jurisprudence.

B. Handling Special Categories of Violators

1. Juveniles:

Officers issuing a traffic summons to a juvenile offender shall advise them as to their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

2. Foreign/diplomats/families/servants, and other consular officials:

a. Diplomatic immunity is granted by the United States Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two classes of immunity:

(1) Diplomats and members of their families enjoy full immunity.

(2) Employees of diplomatic missions and with respect to acts performed in the course of their official duties.

b. The burden is on the diplomat to claim immunity and show valid credentials.

3. The lieutenant governor and members of the Texas Legislature:

a. During the session of the Texas Legislature, the lieutenant governor, a member of the Legislature shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace. Officers may issue traffic summonses for a moving offense or for a DUI offense.

4. Military personnel:

Military personnel who are passing through the city may be treated as non-residents or, if from this area, as residents.

5. Members of Congress:

a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.

b. If a member of Congress is stopped for a traffic infraction, he shall, upon presentation of valid credentials, be immediately released. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress, or on official business.

C. Information Regarding Traffic Citations

The citation shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following information:

1. court appearance schedule;

2. whether court appearance by the motorist is mandatory;

3. whether the motorist may be allowed to prepay the fine before court and enter a guilty plea; and

4. any other information necessary before release of the motorist.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed Violations

Officers shall clearly demonstrate the violator's speed in court. Appropriate speed may depend on location of violation (congested area, city, school zone, etc.).

B. Other Hazard Violations

Consider the degree of hazard, place, previous accident history of location, current directed patrol emphasis.

C. Equipment Public Carrier/Commercial Vehicle Violations

Consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

D. Other Non-Hazardous Violations

Consider a warning unless repetitive or flagrant.

V. TRAFFIC LAW ENFORCEMENT PRACTICES GENERAL

A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.

1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.

2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.

3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.

4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

B. Objectives of Traffic Stops

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures shall minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:

1. to take proper and appropriate enforcement action; and

2. to favorably alter the violator's future driving behavior.

C. Traffic Violator/Officer Relations

1. Followed in all traffic stops:

   a. Be alert at all times for the unexpected;

   b. Be absolutely certain the observations of the traffic violation were accurate;

   c. Present a professional image in dress, grooming, language, bearing, and emotional stability;

   d. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available; and

   e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The officer may then decide to issue a warning rather than a citation.

2. Before making a vehicle stop:

   a. Maintain a reasonable distance between the vehicle and the police unit;

   b. Locate a safe spot to stop the vehicle;

   c. Activate emergency lights and, when necessary, siren to signal the vehicle to stop;

d. Advise the appropriate dispatcher of the intention to stop the particular vehicle, giving:

(1) location of the stop; and

(2) vehicle's license tag number and/or other description when necessary.

e. Officers shall position the police vehicle at a safe distance behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. Generally, when the violator stops on the right side of the roadway, this position shall be two feet to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic.

3. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the officer's safety:

a. request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;

b. train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable; and

c. when necessary use the unit's public address system to give the occupant(s) of the vehicle instructions.

4. Hazards:

a. On multi-lane roadways, the officer shall insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him to move to a safer location. Officers shall use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly, but safely, leave the patrol vehicle and instruct the violator.

5. Approaching the violator:

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:

a. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.

b. The officer shall approach from the rear of the violator's car, looking into its rear seat and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him only in a position of tactical disadvantage and at the same time keep all occupants of the vehicle in view.

c. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.

d. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow officer.

e. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight shall not be used except in what officers perceive as dangerous situations), and positioning the police vehicle. After the stop, the head lights shall be on low beam for the safety of oncoming traffic, and emergency bar lights and emergency flashers in use on the patrol vehicle (as well as during the day).

6. Communicating with the violator:

In transacting his business with the violator, the officer shall observe the following rules.

a. Greet the violator courteously with an appropriate title;

b. Inform the violator what traffic law he has violated and the intended enforcement action (the violator shall not be kept in suspense);

c. Ask for the violator's driver license and proof of financial responsibility, and accept only these forms. If the driver offers money, the officer shall refuse the money and advise the driver of the illegality of the offer;

d. If the driver has no driver's license, obtain another document of identification;

e. Do not argue, berate, belittle, or otherwise orally abuse the violator;

f. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate;

g. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him;

h. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court; and

i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Concluding the violator contact:

a. Return the violator's driver's license, proof of financial responsibility, and a copy of the warning.

b. Release the defendant after he:

(1) signs the summons, and

(2) receives a copy of the summons.

c. Assist the violator in safely re-entering the traffic flow.

Do not follow the violator.

D. Stopping a Known or Suspected Felon

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by an officer, he or she shall notify the appropriate dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance in making the stop.

The officer shall keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle shall not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.

The following procedures shall be used in effecting the stop:

1. The officer shall plan to stop the suspect vehicle in a location that presents minimal danger to other citizens.

2. When conditions are appropriate and support units available, the officer shall move into position to the rear of the suspect vehicle.

3. The officer shall signal the violator to stop, using all emergency equipment to warn other traffic.

4. The violator shall be stopped on the extreme right side of the road.

5. If the violator is known to be armed and dangerous, the officer shall have his weapon easily accessible and ready for immediate use.

6. When the suspect vehicle begins to stop, the officer shall turn off the siren and turn on the public address system.

7. The officer shall park the police vehicle so that it provides maximum protection and cover.

8. At night, the officer shall focus all lights on the interior of the suspect vehicle.

9. The officer shall leave the police vehicle quickly but remain behind the door and accessible to the public address system microphone.

10. The officer making the stop is in command and shall direct each occupant, using the public address system, to get out of the vehicle and into the

appropriate search position. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside his door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Officer shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants shall then be ordered to lie face down on the ground.

11. If a public address system is not available, the lead officer shall give voice commands if they can be heard; if this fails, the lead officer shall cautiously approach the vehicle, keeping all occupants in view, to a point where he can be heard.

12. To reduce confusion, the lead officer shall instruct support officers, as appropriate, and shall be the only officer to direct the suspects.

13. The support officers shall cover the arresting officer and remain on the curb side of the vehicle until all occupants are in the search position.

14. Officers shall exercise extreme caution to avoid one another's line of fire.

15. When all occupants have been removed from the vehicle, a support officer shall clear the vehicle by visual inspection to insure no other suspects are hidden inside. Once the vehicle is cleared, the support officers shall move to cover the arresting officer while the persons are searched.

16. Arrestees shall be searched and handcuffed before transportation.

17. Occupants who are not to be arrested may be detained for a reasonable time under applicable Fourth Amendment Jurisprudence.

E. Persons Charged with Revoked/Suspended Operator’s License

1. A citation may be issued when an officer has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license.

2. An officer who sees a person driving who is known to be under suspension or revocation may swear out a warrant if not able to stop the violator.

F. Speed Enforcement

Excessive speed is the second greatest cause of death and injury on the American highways. An officer shall uniformly enforce speed laws within the City Limits of Seabrook. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing:

   The officer shall follow the vehicle being paced at a constant interval for a distance adequate, normally two or more city blocks, to obtain a speedometer reading. This method should only be used with a certified speedometer and only when enforcing serious violations and no other method to record the violator’s speed is available.

2. Radar/Laser:

   Radar/laser shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar/laser, which shall always be operated in compliance with manufacturer's instructions.

   a. The radar/laser unit must be properly installed in the vehicle and connected to the appropriate power supply.

   b. Operators must thoroughly understand the effective range of the radar/laser unit so observations can support the speed meter readings.

   c. The operator must choose an appropriate location relative to traffic accident experience in which speed has been identified as a contributing cause. The location must also be conducive to the effective and safe operation of radar/laser.

   d. The radar/laser unit shall be properly calibrated to insure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking calibration without exception. Any problems with the operation of radar/laser units or apparent malfunction shall be promptly reported to the Chief of Police. When possible, the radar/laser unit should be calibrated before and after the issuance of each speeding citation with the times noted on the citation.

   e. In court, officers must establish the following elements of radar/laser speed:

      (1) the time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar/laser speed check;

      (2) officer qualifications and training in use of radar/laser;

(3) proper operating of radar/laser unit;

(4) that the unit was tested for accuracy before use and after use by an approved method;

(5) identification of the vehicle and operator; and

(6) speed limit in the zone in which officer was operating and where the signs were posted.

f. The Chief of Police or his designee is responsible for the proper care and upkeep, maintenance, and calibration of radar/laser units, maintenance of records, and that appropriate certificates are filed with the clerks of the appropriate courts.

VI. D.U.I. ENFORCEMENT PROCEDURES

A. General

Various courts have interpreted driving under the influence to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does imply that the operator of a motor vehicle be in a state of alcoholic or drug-induced stupor or be entirely incapable of exercising physical control of his vehicle. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end. Although the intoxicated driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests.

B. Laws

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol, or while under the influence of any narcotic drug of any nature. The term motor vehicle shall include pedal bicycles with helper motors (Mopeds), while operated on the public highways of this State.

C. Responsibilities

Each officer shall be alert for suspected DUI offenders, both on patrol and in selective enforcement areas. He/she shall use standardized roadside sobriety tests. In addition, standard blood-alcohol measuring procedures, if available, shall be offered to each suspected driver.

D. Breathalyzer/Intoxilyzer

1. The breathalyzer/intoxilyzer is located at the City of Seabrook, County Sheriff's Office, Department of Public Safety office and other local municipalities.

2. Officers shall summon a certified breathalyzer/intoxilyzer operator to administer any test to which the violator has consented.

E. Sobriety Tests

1. Officers shall attempt to administer a series of standardized field sobriety tests from the following list. The list names the most commonly administered tests.

   a. Horizontal Gaze Nystagmus (only if properly certified).

   b. Walk and turn.

   c. One-leg stand.

   d. Reciting of alphabet.

   e. 10 count.

   f. Nose find/finger touch.

   g. Coin lift.

   Officers may employ additional tests.

2. If the operator fails the roadside tests, he/she may be arrested for driving under the influence and taken before the magistrate.

3. If an officer suspects that the vehicle operator was driving under the influence of both alcohol or drugs, or drugs alone, he may require the operator to have a blood or urine tests performed *in addition to* testing for alcohol. Blood samples shall be analyzed for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.

4. The officer shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations. This will include all required DPS forms in addition to those required of this agency and the appropriate prosecuting authority.

F. Arrest

The arresting officer shall:

1. Advise the arrestee that any person, who operates a motor vehicle in this state who refuses that consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of alcohol may be subject to a petition for suspension of his Driver License.

2. Advise the arrestee that he may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs

3. If the arrestee refuses the available test, advise him that unreasonable refusal of the test constitutes grounds for the revocation of the privilege of operating a motor vehicle in Texas, and that a separate charge shall be placed to which he will have to answer in Court.

G. Blood Test Procedure

1. Take the arrested person to a physician or registered professional nurse who shall withdraw blood for the purpose of determining its alcoholic content and drugs.

2. The arresting officer shall also witness the doctor or nurse taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer shall initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers. The initial shall be placed on the label where it shall not interfere with the date written by the doctor or technician who took the blood sample.

a. The medical person taking the sample shall place the name of the medical person taking the sample and the name of the accused on the label of each vial with the date and time the blood was taken.

b. The arresting officer shall take possession of the two vials and seal them in two containers designed to hold them. The officer shall, place in evidence.

H. Breath Analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Texas Department of Public Safety. This may include the arresting officer or anyone participating in the arrest. In the event the breathalyzer/intoxilyzer machine is inoperable or a licensed operator is not available, this test is deemed not available.

2. The type of equipment and the methods used to perform breath analysis shall be in accordance with the regulations of the Texas Department of Public Safety.

3. The arresting officer is responsible for insuring that all appropriate paperwork and reports are obtained from the testing officer and transmitted to the appropriate court or prosecuting authority.

VII. SPECIAL TRAFFIC PROBLEMS

A. Identification and Referral of Driver Recommended for Reexamination

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the officer shall notify the Department of Public Safety of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description for the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and Bicycle Safety

1. The Chief of Police shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Chief may recommend enforcement measures including steps to:

   a. reduce or eliminate human environmental factors leading to accidents;

   b. reduce or eliminate the behavior, decisions and events that lead to the accidents.

C. Off-Road Vehicles

1. Accidents involving off road vehicles that do not occur on a public highway do not require a traffic accident report.

2. Any officer observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed, and enforce appropriate laws.

3. Officers shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.

4. Officers shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.

MENTAL PATIENTS

I. POLICY

It is the policy of this Department to provide for the safe, humane and considerate treatment of persons in need of mental health treatment and detention. Detention and transportation shall take place only under circumstances and conditions authorized by applicable State or Federal Law. Use of force to accomplish detention of mental patients, absent criminal charges, is permitted only in accordance with the general orders of this Department governing use of force; only where detention is the only reasonable alternative under the circumstances known to the officer; and only as necessary for the protection of persons from injury or from major property damage.

II. PURPOSE

To provide guidelines on transportation of mental patients that are in the custody of a law enforcement officer.

III. EMERGENCY MENTAL DETENTIONS

Officers may, pursuant to State Law (Health and Safety Code, Section 573.001), detain persons whom the officer reasonably believes is mentally ill and, due to the mental illness, presents a substantial risk of serious harm to the person or others unless the person is immediately restrained and there is insufficient time to secure a warrant for the detention. When such detentions are made, the detained person shall be immediately transported to the nearest inpatient mental health facility or to another mental health facility designated by these general orders. The detained person will not be placed in a jail or detention facility except in an extreme emergency.

Immediately upon transferring the detained person to an appropriate medical or mental health facility, the detaining officer shall make an Application for Detention in compliance with the terms of Section 573.002 of the Health and Safety Code.

The Communications office and/or the patrol supervisor will maintain a current listing of mental health facilities which are approved for mental health detentions under Section 573.001 of the Health and Safety Code. The listing will be available to communications and to all on duty officers at all times.

IV. TRANSPORTATION

Transportation of persons detained under the provisions of the Texas Health and Safety Code applicable to mental patients is governed by Section 574.045 of that Code.

1. Where possible, transportation of detained mental patients shall be conducted by the patient's relatives, appropriate State or mental health authorities or the County Sheriff's Office.

2. In circumstances where transportation of detained mental patients by officers of this department is necessary:

    a. Such transportation shall be direct to the designated mental health facility;

    b. Absent an emergency, the patient shall be accompanied by an officer or relative of the same gender;

    c. Unless other means are available, the transporting officer may not be uniformed. This requirement may be fulfilled, if necessary, by covering the officer's uniform with a coat or other garment which does not indicate the officer is a law enforcement officer;

    d. Unless other means are available, the patient will not be transported in a marked police vehicle.

CIVILIAN RIDE ALONG

I. POLICY

The observer program allows citizens to voluntarily accompany officers and to observe law enforcement activities to better understand the problems of policing. The observer may request to ride in any area at any time or with a particular officer. If convenient to the department and conditions permit, permission may be granted. Safety of non-police personnel shall be the primary concern.

II. PURPOSE

To establish guidelines and procedures for persons, peace officer and civilian riding in a (n) Seabrook Police Department vehicle.

III. PROCEDURE

PERSONS AUTHORIZED TO RIDE

A. Persons authorized to ride *without the Seabrook Police Department Release of Claims:*

1. Seabrook Police Department Police Officers who are off-duty;

2. Seabrook Police Department Reserve Officers;

3. Any person riding for the furtherance of an official police duty; i.e., prisoners, witnesses, victims, etc.

4. To courteously serve the public, citizens in need of assistance of a non-official capacity, upon approval of a supervisor, may be transported to a reasonable location *within 15 miles of City of Seabrook*;

5. Active duty and reserve duty officers of other agencies in the performance of official duties; and

6. Non-sworn Seabrook Police Department employees in the performance of official police duties.

B. Persons authorized to ride *upon execution of a Seabrook Police Department Release of Claims:*

1. Off duty peace officers from other agencies;

2. News media, upon written approval of the Chief of Police; and

3. Any other person, upon approval of the Chief of Police.

IV. GUIDELINES FOR PERSONS RIDING ON A RELEASE OF CLAIMS

A. Request

1. Persons who are eighteen (18) years of age or older and wish to ride in a(n) Seabrook Police Department police unit must complete and submit the Seabrook Police Department Rider Information Form and the Release of Claims Form.

2. The Rider Information Form and the Release of Claims Form shall be submitted to the Administrative Sergeant during normal business hours and must allow a minimum of twenty-four (24) hours advance notice.

3. In the discretion of the Chief of Police, this requirement may be waived in the case of full-time off-duty peace officers from other agencies.

B. Process Written Request/Release of Claim

1. The written request form, which includes the Release of Claims Form, will be utilized to evaluate the need for the person to ride and to screen the rider to insure that the person does not have an unacceptable criminal record and/or outstanding warrants or other conditions deemed unacceptable.

   (The person requesting to ride must never have been convicted of a felony or any offense involving moral turpitude).

   (The person requesting to ride must notify the department of any significant mental, physical or medical conditions).

2. The record and warrant check, when completed, will be attached to the written request form.

3. Once the written request form has been approved by the Chief of Police or his designee, the approved time period by which the citizen may ride will be documented on the form.

4. The approved rider will be notified and given a copy of the written request form and a copy of the citizen observer instructions and rules. The approved rider must present his/her copy of the written request form and a photo I.D. to the on-duty supervisor who accommodates the rider’s request for an observation ride.

5. The written request form and all record/warrant checks will be maintained by the records clerk.

6. Only one rider will be allowed to ride during each shift.

7. Citizen observers will normally be allowed to ride four times per year, unless otherwise approved by the Chief of Police. (The records office shall maintain accurate records indicating the number of times each citizen observer rides in each calendar year.)

8. Citizen observers will normally ride for a four (4) hour period, unless circumstances justify otherwise. Additional time may be approved by the supervisor on the shift to which the rider has been assigned.

C. Dress and Grooming Standards

1. Observers in the Ride Along Program must dress and groom themselves in an appropriate and business-like manner. The on-duty supervisor or designee will make final approval of the observer's dress and appearance while riding in a police vehicle.

2. Minimum requirements consist of slacks or dress jeans and a collared shirt for males, slacks or dress jeans and blouse for females. T-shirts, tattered or unsightly blue jeans are not considered to be acceptable attire.

3. Riders will be clean and neat in appearance; hair will be neatly groomed at all times without presenting a ragged, unkempt, bushy or extreme appearance.

4. No observer shall wear on their clothing, anything that advertises any product, business or organization, nor shall they wear any sign, logo, symbol or word(s) that are inflammatory in nature.

5. Off-duty officers from other law enforcement agencies *may not wear* their agency's uniform when off-duty and riding, and must adhere to the specified attire and grooming standards. If a weapon is to be exposed, the off-duty officer's badge shall be displayed in a prominent manner.

D. Citizen Observer Instructions/Rules

Observers in the Ride Along Program are guests of the Police Department and shall conduct themselves in an appropriate manner. Observers will:

1. Not use alcoholic beverages immediately prior to or during the watch in which they are authorized to ride;

2. Not use profane or abusive language or behave in any manner that would provoke or escalate tension;

3. Not enter into any investigation or converse with any citizen, witness or prisoner concerning a police incident or investigation;

4. Not make known to unauthorized persons the identity of persons arrested, detained, confined in jail or suspected of an offense;

5. Not operate or use any police equipment or vehicle, or any item in police custody or control except during the case of an extreme emergency when instructed to do so by a police officer;

6. Not carry a firearm (unless they are commissioned peace officers) or convey the impression to anyone that they are peace officers;

7. Remain in the police vehicle during routine traffic stops and disturbance calls of serious nature. They shall not enter a residence, building or other building, public or private, from which the public would be excluded due to a police incident or by the owner of the property; and

8. Obey without question any instructions in the furtherance of the police missions given by a police officer.

V. RESPONSIBILITY OF SEABROOK POLICE OFFICERS

A. It will be the responsibility of the patrol officer who is assigned a rider to advise dispatch of the citizen observer. Each officer shall insure that all precautions are taken for the safety of the rider.

B. For the safety of citizen observers, an officer may, under certain circumstances, determine that their presence at a scene in not advisable. In such case, the officer may leave the citizen observer at a safe location within the City of Seabrook If for any reason the observer must be left for a long duration, another officer or Seabrook employee will be notified, and the rider picked up.

C. Officers will immediately report to their supervisors any interference with their duties or willful non-compliance with instructions, rules or regulations on the part of observers.

D. Any supervisor, at his or her discretion, may cause or permit termination of the privilege of an observer to ride along when the effectiveness of the police mission and/or police operations is deterred. The supervisor terminating the privilege shall submit a memorandum to the Chief of Police citing the reason for termination.

E. Officers will immediately notify their supervisor if any observer is injured while riding, and they will submit a written report of the incident to the Chief of Police.

VI. EFFECTIVE DATE

A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violations which occur prior to the effective date of this Order.

B. If any section, sentence, clause or phrase of this Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

C. The effective date is stated in the header block of this General Order.

SEABROOK POLICE DEPARTMENT
Citizen Observer Instructions and Rules

The Seabrook Police Department welcomes you to ride, as an observer, with one of our officers. As a professional law enforcement organization, we constantly strive to improve the level of service to our community. To that end, it is necessary to establish and maintain certain rules which govern the conduct and activities of citizens who ride with our officers to ensure the integrity of our Department is protected. In order for a citizen to ride, as an observer, with the Seabrook Police Department, he/she:

1. Must be eighteen (18) years of age or older.

2. Must complete and submit the Rider Information Form and the Release of Claims Form to the Chief of Police, during normal office hours, a minimum of twenty-four (24) hours in advance.

3. Must be willing to undergo a background check, by the Department, to ensure the rider does not have an unacceptable criminal record and/or outstanding warrants.

    a. Must never have been convicted of a felony or any criminal offense involving moral turpitude.

4. The approved rider must present their own copy of the written request form and a picture I.D. to the on duty supervisor that accommodates the rider's request for an observation ride.

5. Observers in the Ride along Program are guests of the Police Department and shall conduct themselves in an appropriate responsible manner. Observers will:

    a. Not use alcoholic beverages immediately prior to or during the watch that they are to ride;

    b. Not use profane or abusive language or behave in any manner that would provoke or escalate tension;

    c. Not enter into any investigation or converse with any citizen, witness, or prisoner concerning a police incident or investigation;

    d. Not make known to unauthorized persons the identity of persons arrested, detained, confined in jail or suspected of an offense;

    e. Not operate or use any police equipment or vehicle or any item in police custody or control except in case of an extreme emergency when instructed to do so by a police officer;

f. Not carry a firearm (unless they are commissioned peace officers) or convey the impression or state to anyone that they are police officers;

g. Remain in the police car during routine traffic stops and disturbance calls of a serious nature and they shall not enter a house, building, or other property, public or private, from which the public would be excluded because of a police incident or by the owner of the property; and

h. Obey without question any instructions in the furtherance of the police mission given by a police officer.

6. Dress and Grooming Standards:

a. Observers in the Ride along Program must dress and groom themselves in an appropriate and businesslike manner. The on duty supervisor or his designee, will be the final judge of whether or not an observer's attire and/or grooming is appropriate for riding in a police car.

b. Minimum requirements are slacks or dress jeans and a shirt with a collar for males, slacks or dress jeans and a blouse for females. T-shirts and worn or unsightly blue jeans are not acceptable attire.

c. Riders will be clean and neat in appearance, hair will be groomed in such a manner that it can be maintained under all, but the most adverse conditions and does not present a ragged, unkempt, bushy or extreme appearance.

d. No observer shall wear, on his/her clothing, anything that advertises any product, business, or organization, or any sign, symbol, or word(s) that are inflammatory in nature.

7. Citizen observers will be allowed to ride for a four (4) hour period, unless circumstances justify otherwise. Additional time must be approved by a supervisor.

On behalf of all the Seabrook Police Department and myself, I hope that you find this as an educational, but enjoyable experience which serves to provide you with a better understanding of the law enforcement profession.

_____
Chief of Police

SEABROOK POLICE DEPARTMENT
RELEASE OF CLAIMS

STATE OF TEXAS §
§ RELEASE
COUNTY OF HARRIS §

Known all men by these present that I, _____, of _____ County, Texas in consideration of being allowed to accompany the Seabrook Police on official patrols, do by these presents for myself, my heirs, executors, administrators, and assigns, hereby release and agree not to hold liable, the City of Seabrook, its officers, agents and employees from any and all actions, causes of action, claims, demands, costs or damages arising from or resulting from property damage, personal injuries or death sustained by me or my property while accompanying them even though any such damage, injury to death may result from the negligent or grossly negligent act or omission or any other act or omission of the City or any City employee, official or agent.

I further agree by these presents for myself, my heirs, executors, administrators, and assigns, to indemnify, hold and save harmless the City of Seabrook, its agents, officers and employees, from any liability, action, claim, damage, award or judgment incurred or suffered by the City or individuals as a result of any act or omission by me or caused by me while accompanying any employee, agent or officer of the City.

In addition, I make the following representations and acknowledgments upon which I intend the City of Seabrook to rely:

1. I understand and agree that while accompanying any officer, agent or employee of the City during his law enforcement rounds, I am to be only ***an unarmed lay observer*** and bystander with no active role whatever and that I will have and am given no duties, rights, powers or authority whatever other than those conferred by law upon any other person in like or similar circumstances as may arise from time to time and will under no circumstances interfere with the officers or offer any advice or counsel to any person being questioned, investigated, taken into custody or arrested by any officer;

2. Neither will I be considered an agent, servant or employee of the City of Seabrook and thus, I will not be covered by the City for any workers' compensation, death or disability benefits;

3. I realize that I may and will, at unpredictable times, be placed in both foreseeable and unforeseeable positions of considerable danger that could cause injury, severe injury, permanent disability, death, mental anguish, stress disorder, mental disability, permanent mental disability, and agree that neither the City of Seabrook nor any of its officers or employees shall be obligated to take any steps or action to protect my person or provide a means of withdrawal or retreat for me, and I hereby release them of any

duty to do so intending hereby to willfully and voluntarily assume all risk inherent in any situation and under any circumstances that may arise incident hereto; and

4. I agree that any information I may gain will be used by me only for my personal educational purposes except where I am summoned as a witness in any administrative or court proceeding.

Witness my hand this the _____ day of _____, 20____.

_____

BEFORE ME, the undersigned authority, this the _____ day of _____, 20____, personally appeared before me the said _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he freely and voluntarily executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20____.

_____
Notary Public in and for
the State of Texas

_____
Printed or Typed Name of Notary

My commission expires:

_____

SEABROOK POLICE DEPARTMENT

CITIZEN RIDE-ALONG REQUEST

Dear Sir or Madam:

I would like to ride-along on (*date)* _____, accompanying Officer (*name)*_____ for the following reason:

_____

_____

_____.

I give the Seabrook Police Department authorization to run a criminal history on me prior to allowing me to participate in the ride-along program.

I have read and signed the release form and I understand the provisions.

Name: _____ Date of Birth: _____/_____/_____

Address: _____

_____

Phone: _____ Best Time of Day to Contact:_____

Date: _____/_____/_____ _____

Signature

From: (Law Enforcement Official)

To: (Officer)

Subject: Authorization

Request is Approved ☐ Denied ☐ (*check one)*

Observer Authorized to Ride (*hours)* _____ On (*date)*_____

With Officer (*name)*_____ In (*area)* _____

SEABROOKPOLICE DEPARTMENT

RIDE-ALONG APPLICATION

Name (*Last)*_____ *(First)*_____ *(MI)*_____

Address: _____

_____

City: _____ State: _____ Zip: _____

Home Phone: _____ Business Phone:_____

Driver's License: _____ Social Security: _____

Law Enforcement Affiliation *(if any)*: _____

_____

Reasons for Request: _____

_____

_____

I certify that the foregoing is true and correct to the best of my knowledge and belief:

Reviewed by:_____ Rank:_____

Time/Date:_____

Disposition: Approved ☐ Denied ☐ (*check one)*

Signature: _____

Remarks (*Reasons for denial, or Officer and Beat Assignment*)_____

_____

_____

Unit Number Assigned: _____ Officer Assigned: _____

SEABROOK POLICE DEPARTMENT

Subject: Evaluation – Ride-Along Program

TO:

_____

(Commanding Officer)

FROM:_____

NAME: _____

ADDRESS: _____

_____

PHONE NO.: _____ AGE: _____

OCCUPATION: _____

On *(date)* _____ I was given the opportunity to ride-along with Officer _____ of the Patrol Division.

The following is my evaluation of the program:

_____

_____

_____

_____

_____

(Signature)

Please mail this evaluation to:

(Division): _____

(Dept. Head) _____

(Address) _____

_____

SEABROOK POLICE DEPARTMENT

SUBJECT: Officer's Evaluation of Participant in Ride-Along Program

TO: Administrative Division

FROM: Officer _____

EVALUATION OF: _____

ON *(date)*_____, I participated in a Ride-Along Program with the above-named person.

My impressions of this person and his/her conduct during the Ride-Along are as follows:

_____

_____

_____

_____

_____

_____

_____

(Officer)

_____

(Patrol Supervisor)

_____

(Lieutenant)

_____

(Captain)

Forward through Chain of Command to Administrative Lieutenant, Administration

POLICE CANINE

I. POLICY

Because of their superior senses of smell and hearing and physical capabilities, the trained law enforcement canine (K-9) is a valuable supplement to police manpower. However, utilization of canines requires adherence to procedures that properly control their use-of-force potential and that channel their specialized capabilities into legally acceptable crime prevention and control activities.

II. PURPOSE

The purpose of this policy is to provide guidelines for the management and tactical deployment of canines for a variety of operational purposes.

III. DEFINITIONS

K-9: Shall mean a certified animal of the canine species that has completed training in specific law enforcement related field(s), and serves the Department for utilization in the field(s) for which it is certified.

Patrol K-9: A canine, which can be aggressive on command and is specially trained in apprehension, tracking, handler protection and searching.

Bloodhound Canine: A canine that is non-aggressive and specially trained in trailing.

Narcotic Detection K-9: A canine, which can be non-aggressive and has been specially, trained in the detection of narcotics, contraband and other items of an evidentiary value.

K-9 Handler: Shall mean a person who has been trained and certified to read and understand, command and interpret those actions of his/her assigned K-9.
Dual-trained K-9: A canine that has been certified in patrol functions and narcotics detection.

Canine Team: An officer/handler and his or her assigned police canine.

IV. PROCEDURES

A. Canine Team Utilization for Location/Apprehension of Suspects

1. The deployment of a police canine for the location and apprehension of a suspect is a use of force that must be consistent with this agency's principles of escalation and de-escalation of force.
2. Decisions to deploy a canine shall be based upon the following:
   a. The severity of the crime;

Whether the suspect poses an immediate threat to the safety of the officers or others; and whether the suspect is actively resisting arrest or attempting to evade arrest at the time.

3. Canine teams are available on a 24-hour, on-call basis. Their use includes but may not be limited to:
   A. conducting building searches for what are believed to be serious felony or armed misdemeanor suspects in hiding;
   B. assisting in the arrest or prevention of the escape of serious or violent offenders
   C. protecting officers or others from death or serious injury; and engaging in assignments not listed here with the approval of the canine team supervisor.

4. A canine team may be used to respond to minor complaint situations but the canine may not be deployed.
5. Canine team assistance may be requested from any officer through an immediate supervisor to the communications center. Communications center personnel shall forward requisite information concerning the incident to the canine unit supervisor or an available canine handler.
6. Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol if no other crime is involved, nor the mentally disturbed if no other crime is involved.
7. Where a tactical deployment is justified by agency policy, the tactical measures used shall be at the discretion of the canine handler and must be objectively reasonable
8. Police canines shall not be handled or given commands by anyone other than the assigned handler. Only under emergency conditions shall another handler command the canine.

B. Team Qualifications and Training

1. Applicants for police canine teams must have:
   a. At least three years of law enforcement experience with satisfactory work performance, disciplinary, and medical leave records;
   B. a willingness to remain with the unit for at least five years;
   C. a willingness (together with other family members) to care for and house the canine at the officer's residence;
   D. a strong desire to work with canines and a willingness to care for and train the animal.

2. All department narcotic canines must meet narcotic K-9 certification standards as set forth by the National Police Canine Association, United States Police Canine Association or National Narcotic Detector Dog Association.
3. All department dual purpose canines should receive an outside certification in patrol work along with having the narcotic K-9 certification from one of the above mentioned organizations.

4. New canine handlers must complete the prescribed canine training course and successfully meet all course requirements.
5. It is the duty of the canine supervisor to ensure that basic and in-service training and certification is conducted on a regular basis.
6. Canine handlers are required to demonstrate acquired abilities to the canine supervisor on a periodic basis as prescribed in departmental regulations.
7. Failure to participate in or qualify under established training standards will result in de-certification of the team. The team may not be deployed until re-certified.

C. Canine Bites and Injuries

1. Use of specially trained police canines for law enforcement responsibilities constitutes a real or implied use of force. In this as in other cases, officers may only use that degree of force that reasonably appears necessary to apprehend or secure a suspect as governed by the department's use-of-force policy. Whenever a canine bites an individual, whether or not in the line of duty, the handler shall;
   a. Summon the on-duty patrol supervisor to the scene;
   B. examines the affected area to determine the seriousness of the bite or injury;
   c. Obtain medical treatment for the person-medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury. If medical treatment is declined a copy of the declination should be received from the EMS personnel and attached to the use of force report.
   d. Take color photographs of the affected area, if possible prior to and following medical treatment.
   e. Complete the use of force report whenever it has been alleged that a canine has bitten or otherwise injured an individual. The report must detail the circumstances surrounding the incident, the identity of the individual involved and any witnesses, the extent of injuries if known, and measures taken in repose to the incident. The original report shall be filed in accordance with the department's use of force policy.

D. Building Searches for Suspects in Hiding

1. A primary use of departmental canines is for locating suspects in buildings or related structures. These searches should be governed by the following.
   a. The building perimeter shall be secured by police personnel.
   b. Whenever possible, the building owner should be contacted to determine whether there may be tenants or others in the building and to ascertain the building layout.
   c. When a canine building search is anticipated, a preliminary search by officers should not be conducted as this will interfere with the canine ability to discriminate scents.
2. The on-scene supervisor shall also take the following steps in preparation for the canine search.

a. Evacuate all tenants, workers, or others from the facility.
b. Request that all air conditioning, heating, or other air-blowing systems be shut off so as not to interfere with the canine's scent.

3. Upon entrance to the building, all exits should be secured and communications limited to that of a tactical nature.
   a. The canine may be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the facility.
   b. Generally, the canine should be released once a backup officer is available to work with the canine team.
   c. Except in exigent circumstances or where there is an imminent danger of death or serious injury, the canine should be kept in visual contact by the canine handler.
4. The canine should not be used to search facilities that contain substances potentially harmful to the animal unless overriding risk to human life is present.
   a. Before commencing the search, the handler or other appropriate personnel shall make an amplified and recorded announcement and repeat the statement.
   b. The announcement shall say that there are police officers on the premises and that a trained police canine will be released and may bite you if you do not surrender.
   c. A reasonable amount of time shall be allowed for the suspect to respond.
   d. This warning shall be repeated on each level of all multilevel structures.
5. When apprehending suspects, the canine shall be commanded to disengage as soon as the suspect is subdued or readily complies with officer direction.
   a. Arrestees shall not be transported in the same vehicle with a police canine unless alternative transportation is not available and immediate transport is essential for safety or security reasons.

E. Crowd Control
1. Canine teams shall not be used for crowd control at peaceful demonstrations.
2. Canine teams may be used upon approval of the Chief of Police or designee to protect life or property during a riot or other major unlawful assembly after an order to disperse has been made.
   a. In these situations, canines shall
      Be short-leashed at all times to protect individuals from serious I injury, and
   B. not initiate any offensive action, unless to guard against imminent loss of life, serious bodily injury, or substantial property damage.

F. Narcotic Detection
1. Without consent, canine searches (sniffs) for drugs are authorized only when there is no reasonable expectation of privacy in the item(s) to be searched. If not specifically addressed in the following guidelines, officers shall use the foregoing principle to determine the permissible scope of canine searches.
2. Public Facilities and Places
   a. Police canines may not be used to sniff luggage or related
      Personal items *in the physical possession* of (i.e. control of
      Or close proximity to) an individual in a public facility or place unless:

(1) There is reasonable suspicion that the personal Possession contains illegal drugs or evidence of a Crime, and

(2) The time required to conduct the sniff is limited in duration.

b. Police canines may be used to sniff luggage or other personal effects of an individual on either a random or selective basis if the items are not in the possession of the owner (for example, on conveyor belts, in the possession of baggage handlers, etc.).

c. Whenever possible, exploratory sniffing in public facilities should be conducted with the advance knowledge of the facility manager. It should be conducted without interference or annoyance to the public or interruption of facility operations.

3. Canine searches of the exterior of residences—either individual dwellings or the common areas of multiple dwellings—are not permitted without a search warrant or as otherwise permitted by state or federal law.

a. Drug detection canines in public schools are permitted if:
(1)The school's principal is notified of the use of the canines in advance; and the handler(s) abide by all relevant laws as mandated by State and Federal laws.

4 Canine drug sniffs of motor vehicles may be conducted when there is reasonable suspicion to believe that the operator or passengers are in possession of illegal narcotics, or

A. the canine sniff is limited to the exterior of the vehicle.

G. Apprehension

1. Canine officers may use canines to apprehend fleeing suspects when it is objectively reasonable to believe that;

A. the suspect has committed a felony, or a serious or high-grade misdemeanor as defined by this department; and

B. the suspect is actively resisting arrest or attempting to evade arrest by flight.

H. Tracking

1. Where trained police canines are available for tracking, they may be used with supervisory approval to track missing persons or criminal suspects.

2. To locate evidence that the supervisor has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

a. When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine team, shall

B. stop and pinpoint the location where the suspect was last seen;

C. shut off engines of vehicles in the area if possible; and

D. avoid vehicle or foot movements in the area where the suspect or subject was last seen.

3. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.

4. On-scene supervisory personnel shall
   A. secure the perimeter of the area to be searched;
   B. secure the integrity of the area to be searched by keeping all personnel out of the area; and
   C. protect all items of clothing that will be used for scent from being handled.

I. Canine Use and Care
1. Police canines shall not be used for breeding, participation in shows, field trials, exhibitions or other demonstrations, or on- or off-duty employment unless authorized by the Chief of Police or designee.
2. Canine handlers are personally responsible for the daily care and feeding of their animal to include
   A. maintenance and cleaning of the kennel and yard area where the canine is housed;
   B. provision of food, water, and general diet maintenance as prescribed by the department's authorized veterinarian;
   C. grooming on a daily basis or more often as required by weather, working conditions, or other factors;
   D. daily exercise (police canines are not permitted to run at large); and
   E. general medical attention and maintenance of health care records.
3. Where the handler is unable to perform these and related duties due to illness, injury, or leave
   A. another canine handler may be assigned to temporarily care for the dog; or
   B. the canine may be housed in a departmentally approved kennel.
4. Teasing, agitating, or roughhousing with a police canine is strictly prohibited unless performed as part of a training exercise.
5. Handlers shall not permit anyone to pet or hug their canine without their prior permission and immediate supervision. Should a civilian express a desire to do so, he or she should be informed that police canines are serious working dogs and that they can be dangerous if improperly approached.
6. A canine handler may apply to take possession of his dog where
   A. the dog is retired from duty or relieved due to injury; or
   b. The handler is transferred or promoted or retires and a decision is made not to retrain the dog for another handler.

J. COMPENSATION AND RESPONSIBILITES OF K9 HANDLER
1. Each K9 handler will be issued a take home vehicle and is on call 24 hours a day.
   a. The k9 handler is responsible for his vehicle and will be required to make his vehicle available for routine inspection.
2. Each k9 handler will be compensated one hour a day for daily maintenance of their k9.

USE OF IN CAR VIDEO AND POLICE STATION RECORDING DEVICES

I. POLICY

A . The Department requires the use of in-car audio/visual patrol media for the purpose of:

1. Enhancing officer safety
2. Supplementing and supporting officers' written police reports
3. The collection of evidence
4. Documenting the activity of the officer in situations that may arise
5. To provide future training aids
6. To facilitate the investigation of complaints against officers or of the Department.

Use to be as follows:

Patrol media shall be used to randomly spot-check officer performance and in accordance to the racial profile statue and department policy. However, if the media is reviewed in conjunction with a citizen's complaint, investigation, or pending court case and a violation of Department policy is observed, the appropriate corrective action may be taken. The patrol media may be used in conjunction with the Field Training Officer program to assist the Field Training Officer(s) with the evaluation of a Probationary Police Officer.

II. PURPOSE

To establish Policy guidelines for the operation, use and management of departmental audio and visual patrol media equipment installed within the Department's patrol vehicles and where applicable the similar recording system located in the police station room numbers 120, 128, 129, 130. The procedure outlined will support the integrity of the system and its acceptance by the courts.

III. PROCEDURE

A. The audio and visual patrol media equipment will be installed and used as authorized by the Chief of Police or Chief's designee.

B. Before using the equipment, officers must be fully trained in its use, care and applications as authorized by the Department through proper policy.

C. At the start of the shift, officers shall check the system for proper operation. The system will remain on throughout the shift.

D. Any damage or malfunction shall be reported as soon as practical to their Sergeant and or to the Chief of Police or Chiefs designee. The unit will be red tagged as malfunctioning.

E. The audio / video shall be activated whenever the officer is making a traffic stop, involved in a vehicle pursuit or any citizen contact, during an incident or investigation. The use of the recording equipment should be used at all times when practicable.

F. Officers are not to cease audio/visual recording of an incident or any investigation. It is permissible to protect the anonymity of an informant, or any other confidential source of information and for officer safety and to protect any witness or complainant.

G. Other than during a Department authorized law enforcement purpose, officers shall not activate audio/visual recording devices at the Department.

H. Officers shall operate the audio/visual patrol media during the entire shift. The following are exceptions to the activation requirement and require a verbal notation of the reason for stopping the recording:
   1. Calling out of service for reports, etc.
   2. At breaks – example; Meal times
   3. At court
   4. Traveling to training outside of the city.

I. Officers should not attempt to conceal the fact that the media is in use. However, there is no expectation of privacy when the police are present, when in a public place or in the patrol vehicle, so disclosure is not necessary.

IV. SYSTEMS MANAGEMENT

A. The Chief of Police is the Systems Manager and the Chief's designee is the assistant Systems Manager.

B. The Systems Managers will be in charge of the overall operation of the Department's in-car audio/visual patrol media recording system. These duties shall include:
   1. Officer training
   2. Equipment maintenance and inventory
   3. Policy and procedure maintenance
   4. Proper handling of supplies and of the media devices.

C. The Systems Managers shall ensure equipment is installed and set as specified.

D. The Systems Managers shall see that an adequate number of batteries are available for the audio mikes, etc.

E. The Systems Managers will manage the digital archived files.

V. SERGEANT'S DIRECT RESPONSIBILITIES

A. Ensure that officers in the vehicles use the systems in accordance with departmental policy and within the manufacturer's recommendations.

B. For quality assurance purposes, each month Sergeant shall audit ten minutes of video of each officer from a shift during the month.

C. Ensure that damaged or non-functioning in-car media systems are taken out of service and make arrangements to have them repaired.

D. Is responsible to monitor the equipment and forward a list for order supplies and maintenance as needed to the Chief designee.

VI. DEVICE MAINTENANCE AND STORAGE

A. Officers shall only use the issued equipment. They shall not attempt to erase, record over, re-use, or alter in any way any recording in accordance with this policy.

B. No recorded patrol media shall be removed from this Department without the written approval of the Chief of Police or in the Chief's absence, the Chief's designee.

C. All audio/visual patrol recordings generated or captured by an employee of the Department when acting in the capacity of their employment or made on Department equipment, shall remain the sole property of this Department.

D. A secure storage area will be provided by the Systems Managers to store the media recordings. Only the Chief of Police or Sergeant will have access to the storage area.

E. If the officer believes there are recordings that should be preserved for other than reasons of evidence, a "hold" or "Flag" (property sheet) form should be with the report on the incident or event. The form will be reviewed by either the Chief of Police the Chief's designee who will then authorize that the recording should be held.

F. All media shall be secured in storage in accordance to the department's policy, normally for a period of no less than 90 days or until a proper Court disposition has been obtained if applicable.

VII. DEPARTMENTAL USE AND/OR RELEASE OF AUDIO/VISUAL RECORDINGS

A. Duplication or release of Departmental audio/visual recordings is prohibited without written authorization of the Chief of Police or Chief's designee.

B. Use of audio/visual patrol recordings is intended only for official Departmental business. Any other use is expressly prohibited without the authorization of the Chief of Police or the Chief's designee.

C. All recordings, while in the performance of an employee's duties or on Departmental audio/visual equipment shall remain in their original state and shall not be duplicated, altered or erased except as covered by this policy.

D. The displaying and viewing of recordings is intended for official Departmental business. Officers shall not allow anyone other than employees of the Department to view recordings produced in the performance of their duties or by a Departmental recorder except with prior authorization by the Chief of Police or the Chief's designee.

E. Requests to view a recording by a defendant, defense attorney, suspect or a member of the public shall be treated as a request for information under the Public Information Act and the department policy will dictate procedure.

F. When a CD/DVD is made for court purposes the CD/DVD will carry a label indicating it is a duplicate of the original stored on the Department storage device. The label will also carry the complaint identification numbers. It will be held/stored in the same fashion as other digital and/or photo media.

G. A record shall be kept by the Systems Managers documenting the release of media from the storage system. The record will contain the following information on all media:

1. Identification of recording released
2. Name of person authorizing and releasing the recording
3. Reason for release
4. Name of person to whom the tape was released.
5. Name of officer releasing the media recording

H. Any media and or segment released outside the Department shall be appropriately identified as property of the Department. The recording and/or segment shall be labeled as to its contents including date and time of recording. These recordings shall remain the property of the Department. They shall be returned to the Department as soon as it is practical after the completion of the official business.

I. The Department retains all property rights, including copyright, to all images recorded by or on behalf of the Department and on released copies.

VIII. OPERATION OF EQUIPMENT

A. At the beginning of the shift, the officer driving the patrol unit shall be responsible for the proper setup of the audio equipment.

B. The officer shall ensure the equipment is accurate and operational.

C. Officers are encouraged to provide a voice narration with the visual recording describing the reasons for each stop or contact.

D. At the end of each shift, the properly working device will wirelessly download the media files.

E. Equipment (Video Camera) shall be utilized during all traffic stops.

F. Equipment (Video Camera) should be utilized when dealing with individuals during the shift when practicable.

G. Data Entry on Video: At all times when the video camera is utilized the first and last name of the driver or the subject of the video must be entered into the data entry fields of the system. This includes all traffic stops, field interrogations and any time the video system is activated.

IX. REQUIREMENTS FOR COMPLIANCE

A. Any abuse, misuse, alteration, sabotage, intentional obstruction or intentional destruction of the in-car audio/visual system's equipment will result in a disciplinary action, up to and including dismissal.

B. Recordings made by an in-car audio/visual system of this Department are considered official reports of the Department. Any theft, intentional misplacement, alteration or sabotage of any recording or recording device is prohibited and will result in disciplinary action up to and including dismissal/prosecution. The editing or distribution of any recording device or recording assigned to an officer without consent of the Chief of Police will be considered a falsification of an official police record, evidence tampering or other rule violation that will result in disciplinary action up to and including dismissal/prosecution.

C. Any recording made, no matter what the method or electronic device used, by an employee of this Department while in the performance of their duties or when acting in the capacity of their employment is considered as an official record of the Department. Any theft, intentional misplacement, alteration, sabotage of any recording device or recording is prohibited and will result in disciplinary action up to and including dismissal/prosecution. The distribution or editing of any media recording device or a recording assigned to an officer without the consent of the Chief of Police will be considered a falsification of an official police record, evidence tampering or other rule violation that will result in disciplinary action, up to and including dismissal/prosecution.

D. Violations of this policy, or portions thereof, may result in disciplinary action.

X. OFFICERS ASSIGNED TO OTHER AGENCIES

Officers of this Department assigned to or assisting other law enforcement agencies will be guided by this policy.

XI. APPLICATION

This order constitutes Departmental policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.

MOBILE DATA TERMINAL

I.PURPOSE.

This order provides standards and guidelines for the proper and authorized use of the mobile data terminal (MDT) by department members as a means of communicating with dispatch and other members, and maintaining the status of field units.

II. Policy

This order provides standards and guidelines for the proper and authorized use of the mobile data terminal (MDT) by department members.

III. Definitions

1. MDT: A Mobile Data Terminal is a mobile communication device that provides for communication with the Computer Aided Dispatch (CAD) system and field units, between field units, or between fixed terminal locations.
2. AUTHORIZED USERS: A member of the department will use an MDT unless they have received the following training:

    a. TLETS certification as required by TEXAS DPS. 3807 Training TCIC/NCIC Inquiry Only

IV. Procedure

The MDT will be used as follows:

Priority Calls. All calls will be sent through the Radio.

The following guidelines apply to the dispatching of calls:

Priority One and Priority Two calls will be dispatched via voice over the radio.

A. Safe Vehicle Operation.

When operating a vehicle, the safe operation of the vehicle is an operator’s primary responsibility. Use of the MDT is always of secondary importance, and the member should consider the need to safely stop the vehicle before using the MDT if the use is going to divert the member's attention from the safe operation of the vehicle.

B. DMV/CCH CHECKS.

The MDT will be used for Department of Motor Vehicle (DMV)

and Computerized Criminal History (CCH) and wanted checks when a member has an MDT available, unless the member is out of the vehicle, or the use of the MDT cannot be done safely.

C. USE FOR OFFICIAL BUSINESS ONLY.

All communications between or among field
or fixed units are permitted for official business only. MDT communications may be monitored and are a matter of public record.

D. STATUS CHANGES.

Unit status changes will be accomplished via Radio or MDT.

1. Officers will go in-service, out-of-service, and will acknowledge Priority One and Priority Two calls by voice.

2. Tactical information will be relayed via voice communication.

E. TRAFFIC STOPS.

Traffic stops will be initiated by voice radio communication and be cleared by voice in addition to using the MDT.

F. OTHER USES. If time and circumstances permit, and the MDT can be used safely, self initiated activities.

G. TLETS INFORMATION. Members shall not release any TCIC & NCIC activated information obtained via the MDT to the public that is subject to the TLETS Agreement and is not subject to public disclosure. Any requests of this nature should be referred to the supervisor.

H. CAR TO CAR MDT USE.
Car to car communication via the MDT is permitted, subject to the same restrictions as those between field units and dispatch.

I. CONFIRMING WANTS.
Any wanted person or vehicle information received via MDT must be confirmed through dispatch or Police Records.

J. IMPROPER USE OF THE MDT. Proper use includes the following:

1. PROFESSIONALISM. All communications via the MDT will be professional and conducted in a businesslike manner.

2. PROHIBITED COMMENTS. The transmittal of any sexist, racist, vulgar, derogatory or discriminatory messages is specifically prohibited.

3. MODIFICATIONS TO EQUIPMENT. No officer, unless specifically authorized to do so by the department, will make any modification to the MDT, the vehicle MDT set-up, or to the MDT software, except for the user defined options such as screen intensity.

4. UNAUTHORIZED INTERNET USE IS PROHIBITIED.

K. SUPERVISOR RESPONSIBILITY. Supervisors will monitor MDT messages to review call response and work load, and to ensure MDT use conformance to department standards.

L. RESPONDER SAFETY. No portion of this General Order is intended to prohibit or limit the member from making safety conscious decisions. If there is a comprise of safety in a particular situation related to the use of the MDT, the member is expected to use voice communications.

M. DO NOT RUN THE PRESIDENT, VICE PRESIDENT, OR ANY OF THEIR FAMILY MEMBERS.

N. SECURITY

1. All vehicles with MDT's shall remain locked at all times when Officer not in use of vehicle,
2. Do not attempt to add software or change configurations of MDT.

3. Are malfunctions or repairs are to be reported to supervisor, do not attempt to trouble shoot the computer.

TAZER

I. Purpose

The purpose of this policy is to direct officers in the appropriate use of force with respect to the deployment of electronic control devices.

II. Policy

The policy of this agency is to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in use of force events. It is the policy of this agency that officers will use only reasonable force to bring an incident or event under control. Reasonable force is only that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable.

III. Definitions:

A. Deadly Force: Any force that is likely to cause serious bodily harm or death.
B. Non-Deadly Force: All uses of force other than those that is likely to cause serious bodily harm or death.
C. Imminent: Impending or about to occur.
D. Objectively Reasonable: The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented with.
E. Reasonable Belief: Reasonable belief means that the person concerned, acting as a reasonable person believes that the prescribed facts exist.
F. Serious Bodily Harm: (18 U.S.C. § 1365 (h) (3)): the term "serious bodily injury" means bodily injury which involves

a. a substantial risk of death;
b. extreme physical pain;
c. protracted and obvious disfigurement; or
d. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

G. Electronic Control Device: Electronic Control Devices or stun guns (electronic control weapons) that disrupt the central nervous system of the body.

H. Active resistance: a subject actively resists when they take affirmative action to defeat an officer’s ability to take them into custody.

IV. Procedure

A. In addition to compliance with this agency's use of force (response to resistance) policy, all deployments of an electronic control device as a response to resistance must comply with the provisions of this electronic control device policy.

B. An electronic control device as a force option is the same level of force as chemical spray.

C. Electronic Control Device must be worn on the weak-side in either a weak-hand draw or cross-draw position.

D. Electronic Control Device deployment shall not be considered for the passively resistant subject. Active resistance or active aggression shall be required.

a. Flight from an officer, standing alone, is not a justification for the use of an electronic control device. Officers should consider the nature of the offense suspected the level of suspicion with respect to the person fleeing, and the risk of danger to others if the person is not apprehended immediately. Additionally, officers should consider the type of area, i.e. asphalt, railroad tracks, grass etc.

b. Officers must be trained concerning ability of electrical charge to act as an ignition for combustible materials. (Note: Officers have been seriously injured and or killed after deploying a Electronic Control Device in the presence of open natural gas during suicidal person call)

c. Multiple Electronic Control Device deployments against an individual may increase the likelihood of serious injury where the individual is suffering from other symptoms such as cocaine intoxication. Policy and training should encourage officers to minimize the successive number of discharges against an individual where possible.

d. The agency recognizes however, particularly where back-up officers are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual.

e. No more than one officer should deploy an electronic control device against a single individual at the same time.

f. A contributing factor to serious injury or death is the level of a subject's exhaustion. Studies recommend that when an officer believes that control of a subject will be necessary and met with resistance, deployment of the Electronic Control Device should be considered early on in the event so that the person has not reached a level of exhaustion prior to the Electronic Control Device's use.

g. In cases where subject is actively resisting an officer's attempt to take them into custody but not threatening the officer with an assault-it is recommended that the Electronic Control Device be used in the "push [drive] stun mode."

h. The preferred targeting is the center mass of the subject's back, however it is recognized that it is not always possible to get behind the subject.
i. Where back-targeting is not possible officers should target the frontal area below the chest region and the legs and avoiding the groin area.

j. Officers who are aware that a female subject is pregnant shall not use the Electronic Control Device unless deadly force would be justified due to the danger created by the secondary impact or the possibility of muscle contractions leading to premature birth.

k. Officers shall make all reasonable efforts to avoid striking persons in the head, neck, eyes or genitals.

l. Officers are prohibited from using the device as punitive measure.

m. Electronic Control Devices shall not be used against person who is in physical control of a vehicle in motion unless deadly force would be justified based on an existing imminent threat.

n. A warning prior to discharge is preferred but not always necessary for this type of force to be considered reasonable, model policies as well as courts have noted that giving a subject, who is assaultive toward the officer, a warning may enhance the danger to the officer and the subject by giving the subject time to avoid the deployment.

o. Officers shall make all efforts to warn other officers that a deployment is about to occur.

p. The device shall never be used on a handcuffed person to force compliance unless the subject is actively resistant and control cannot be otherwise accomplished.

q. Officers should consider the location and environment of the subject. i.e. Is the subject at the top of a stairwell such that when incapacitated by the Electronic Control Device-they fall down the stairs causing a collateral injury. Officers shall avoid using Electronic Control Device in cases where the subject is elevated i.e. roof, fire escape, tree, bridge, stairwell, etc. etc. such that the secondary impact may cause serious injury.

r. Officers should be aware that a subject's heavy clothing may impact the effectiveness of the electronic control device.

s. Officers should consider whether the subject has been exposed to combustible elements that may be on their person such as gasoline. The use of an Electronic Control Device on such persons may cause an ignition and fire.

t. Officers should consider the particular subject and any vulnerabilities they may have such as: a person who is small in stature or very frail will be more dramatically impacted; some agencies have been criticized as well as sued for use on pregnant women, the very young and the elderly.

u. Alternative tactics shall be utilized where the officer has prior information that the subject suffers from a disability which would increase the danger to that person by using the Electronic Restraint Device. i.e. A person at the scene tells an officer that the subject has a heart condition.

v. Deployed probes that have been removed from a suspect should be treated as a bio-hazard.

w. Where EMS is available, their services may be utilized for the removal of darts that have penetrated the skin as long as such removal can be accomplished without causing further injury or pain to the subject.

x. All persons who have been the subject of a Electronic Control Device deployment shall be monitored for a period of time with a focus on symptoms of physical distress. Any person who appears to be having any form of physical distress following the deployment of an ECD, shall be transported to a medical facility for a medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of difficulty may occur a period of time after the police control event.

y. Mandatory Medical Clearance at Hospital:

i. Persons struck in a sensitive area-eyes, head, genitals, female breasts.
ii. Where the probes have penetrated the skin and Officers/EMS cannot safely remove darts in accord with this policy.
iii. Persons who do not appear to have fully recovered after a short period of time (Model Policies use a ten-minute time limit however officers who observe unusual physical distress should immediately call for medical assistance and should not wait the ten-minute recovery period recommended by some of the model policies)
iv. Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are small in stature, persons who officers become aware have a pre-existing medical condition that increases danger and the elderly.
v. Subject who request medical assistance.

z. Documentation:

i. All deployments of an Electronic Control Device shall be documented including those cases where a subject complies once threatened with such a device. By documenting the non-discharge uses, an agency establishes officer judgment and control as well as the deterrent effect of this tool.

ii. Photographs of the affected area, shall taken following the removal of darts from the subject to document any injury. Where the push-stun method has been used, photographs are extremely important due to the increased potential for this method to cause scarring.

iii. Supervisory personnel shall be notified and review all Electronic Control Device deployment for consistency with policy and training.

iv. Darts/Cartridges shall be properly stored and maintained as evidence following a discharge.

v. Officers are required to complete a “use of force” report which shall be reviewed by a supervisor following the ECD use.

vi. All deployments shall be reviewed by the agency as well as training personnel.

vii. Where there is any indication of lasting injury, claim or complaint internal data from device shall maintained.

viii. All ECD units will be audited monthly to ensure that all deployment/activations have been reported as required.

CHAPTER 4	INVESTIGATIONS
Section 1	Investigations
Section 2	Crime Scene
Section 3	Child Abuse
Section 4	Sexual Assault
Section 5	Officer Involved Incident
Section 6	Wanted and Missing
Section 7	Property and evidence

INVESTIGATIONS

I. POLICY

The primary purpose of a police investigation is to collect facts leading to the identification and, if appropriate, arrest and conviction of an offender and to organize and present the facts for a prosecution. The single most important criterion that determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness after the crime. The Department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first unit arrives at the scene of a crime (or a citizen requests assistance in a telephone call) and continues through the intervention of specialized detectives or other officers.

B. A preliminary investigation consists of, but is not limited to, the following activities:

1. Providing aid to the injured;

2. Protecting the crime scene to ensure that evidence is not lost nor contaminated;

3. Determining if an offense has actually been committed and, if so, the exact nature of the offense;

4. Determining the identity of the suspect or suspects and effect an arrest if it can be accomplished either at the scene or through immediate pursuit;

5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspect or suspects or vehicles;

6. Obtaining complete identification of all witnesses;

7. Determining in detail the exact circumstances of the offense;

8. Arranging for the collection of evidence;

9. Legally obtaining written statements from victim, witnesses, and from the suspects;

10. Deciding the necessity of follow-up surveillance of the crime scene; and

11. Accurately and completely recording all pertinent information on the prescribed report forms.

C. Follow-up

The initial stages of all preliminary investigations, including crime scene processing, shall be conducted by responding officers.

In certain serious crimes, investigators from the County Sheriff's Office, the Texas Department of Public Safety or other appropriate enforcement agency may, at the discretion of the Chief of Police, be requested to assume responsibility for completion of investigation.

D. Supervisory Responsibilities

The sergeant or the senior officer on duty shall ensure that an adequate and complete preliminary investigation has been made to review, screen, and approve the officer's report. Screening shall include a review of facts to ensure that all essential information indicating a criminal act is included, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports.

E. Crime Scene Control

Officers shall limit access to crime scenes to those persons immediately and directly connected with the investigation. Investigating officers shall apply this rule to other officers of the Department, other agencies, the media or the community regardless of rank or position.

F. Status of Cases

A patrol officer making an initial report of a crime shall indicate in the report status. The detective assigned shall notify the reporting party of the status of the case. Such a recommendation shall be based on the following:

1. availability of witnesses;

2. naming of a suspect;

3. information about suspect's location;

4. information about suspect's description;

5. information about suspect's identification;

6. information about suspect vehicle;

7. information about traceable property;

8. information about significant *modus operandi*;

9. information about significant physical evidence;

10. presence of evidence technician who indicates that usable physical evidence is present;

11. a judgment by the detective assigned that there is enough information available that, with a reasonable investment of investigative effort, the probability of case solution is high; and

12. a judgment by the detective assigned that there is sufficient information available to conclude that no one other than the suspect could have committed the crime.

IV. PROCEDURES - FOLLOW-UP INVESTIGATIONS

A. Homicides, rapes, and robberies, major disasters, hostage situations, bombings, and kidnappings shall be followed up by investigators. Officers conducting preliminary investigations of such offenses shall contact the investigator as soon as practicable. The Chief of Police may request other agencies to assist in, or assume responsibility for, these and other offenses.

B. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In such cases, the assigned officer's immediate supervisor shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty or continued by the investigating officer, or an officer on the relieving shift.

C. Except in cases where the investigation would be jeopardized by its temporary discontinuance, it shall remain the responsibility of the assigned officer.

D. A supplemental report must be prepared by each officer who works on the case.

E. On major reportable offenses, each officer who responds shall submit a supplement detailing what that officer saw and heard as it pertains to the offense.

F. A follow-up investigation consists of, but is not limited to, the following activities:

For a Non-Criminal Case:

1. Interviewing complainants and witnesses.

2. Locating missing persons.

3. Determining if information or suspicious activity relates to criminal activity.

4. Distributing information to the proper persons or agencies.

5. Locating lost property and returning same to the owner.

6. Investigating deaths, overdoses, suicides and injuries to determine if a crime was committed.

7. Making necessary notifications, conducting necessary inspections, etc.

8. Recording information obtained.

For a Criminal Case:

1. Reviewing and analyzing reports of preliminary investigations.

2. Recording information obtained during a follow-up investigation.

3. Reviewing Departmental records for investigative leads.

4. Seeking additional information (from other officers, informants, contacts in community, other investigators/agencies, etc.).

5. Interviewing victims and witnesses.

6. Interrogating suspects.

7. Arranging for the dissemination of information as appropriate.

8. Planning, organizing, and conducting searches.

9. Collecting physical evidence.

10. Recovering stolen property.

11. Arranging for the analysis and evaluation of evidence.

12. Reviewing results from laboratory examinations.

13. Identifying and apprehending the offender.

14. Checking for suspect's criminal history.

15. Determining if other crimes may have been committed by the suspect.

16. Consulting with the State and County attorney office in preparing cases for court presentation and assisting in the persecution thereof.

17. Notifying victims and witnesses when their presence is required in court.

18. Attendance to testify in court.

19. Plan, organize, obtain warrants for, and conduct searches.

20. Arrange for polygraph examinations, if necessary.

V. SOURCES OF INFORMATION

A. General

Officers, through their routine performance, must cultivate sources of information from which to draw in an investigation.

B. Informants

Information is available from many sources, e.g., concerned citizens who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in criminal activities. These sources shall be kept in mind when conducting investigations and related interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it.

1. Informants, when used in any investigation, must be documented. Consideration of information from informants, and an examination of their reliability shall involve the Chief of Police or his designee in consultation with appropriate prosecuting authority.

2. Requests for money to pay informants shall be handled case by case. Payments to informants will be carefully documented and witnessed by a supervisor. Regularly paid informants will be interviewed periodically by a supervisor independently of the handling officer.

3. Informant confidentiality shall be maintained in *all* circumstances – regardless of the identity of the informant. Officers shall not discuss cases involving informants with anyone not participating on the case.

4. Officers may not use-un-corroborated information from informants as a basis for the probable cause determination. In order to form the basis for probable cause for an arrest or search, information from an informant must be independently corroborated.

C. Interviews and Interrogation

1. Field interviews:

Field interviews are a productive tool and source of information for the police Department. They shall be used only in the pursuit of legitimate goals for the Department and not to harass citizens. When used properly they can discourage criminal activity, identifying suspects, and add intelligence information to the files of known criminals.

2. Victim-witness interviews:

a. The trauma/stress to which the victim or witness has been subjected shall be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.

b. The age, physical limitations, and credibility of witnesses shall also be considered.

3. Interrogation of suspects:

Interrogations to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interrogation is to be used in court later.

Detailed notes or a recorded tape shall be made of the interrogation for court use giving time, date, location, officers present, waiver of rights, and time interrogation ended. Statements obtained during an interrogation must not be based on coercion, promises, delays in arraignment, or deprivation of counsel. In order to use a statement in court, a suspect shall be advised of his *Miranda* rights, and the officer must be able to demonstrate that the suspect understood those rights. Juvenile victims,

witnesses, and suspects must be given the same constitutional protection as adults. The following additional safeguards shall be followed:

a. Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged.

b. The number of officers engaged in the interrogation shall be kept to a minimum. The interrogation shall be short.

c. A brief explanation of the juvenile justice system and Departmental procedures shall be provided.

D. Collection, Preservation and Use of Physical Evidence

Officers must realize that physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.

1. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

VI. RELATIONSHIP WITH PROSECUTORS

A. All personnel are required to make appointments in advance, be on time, have subject for discussion ready, and keep conversations brief.

B. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to prosecuting attorney. Questions on police procedures shall be addressed to the Chief of Police.

C. Any criminal cases referred to the County attorney which result either in a decision of declined to prosecute or dismissed due to Department mishandling must be carefully reviewed by the County attorney.

VII. ORGANIZED/VICE CRIMES AND POLICE INTELLIGENCE INFORMATION AND COMPLAINTS

A. Officers may receive information on or complaints regarding organized crime, vice, or matters of law enforcement intelligence involving criminal activity. Organized crime and vice activities and areas of police intelligence interest may include any of the following:

1. Corruption, extortion, bribery;

2. Illegal sale and distribution of liquor, tobacco, firearms, on controlled substances;

3. Prostitution, pornography;

4. Gambling;

5. Theft/fencing rings;

6. Loan sharking or labor racketeering; or

7. Terrorism, subversive activities, civil disorders;

B. Officers receiving such information shall prepare an incident/information report that shall include the following information:

1. Type of illegal/suspected activity, location, names and addresses of suspects involved and information concerning the activities.

2. If complainant, name, address, and telephone number.

VIII. DISPOSITION OF CASES

A. The investigating officer shall maintain files of all cases assigned to him. All case files shall be appropriately labeled with the date of incident, name of victim, name of suspect or arrested person.

1. The file shall contain the original incident report, any supplementary reports, statements, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, plus arrest reports, and anything else the investigator deems pertinent.

B. When the investigation is complete, the investigator shall close the case under (and include in the file a statement giving) one of the following labels:

1. Cleared - an arrest has been made in this case.

2. Exceptional Clearance - the identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; County attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the Department.

3. Closed Inactive - all leads have been exhausted. No further investigation is possible or practical until new leads develop.

4. Unfounded - the offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open. This category also applies to reports from citizens where criminal activity is questionable and is ruled out only after further investigation.

INVESTIGATIONS – CRIME SCENE

I. POLICY

It is the policy of this law enforcement agency that all officers understand and follow applicable procedures established herein to effectively protect, collect and preserve evidence of a crime and conduct initial investigative and other essential tasks at major crime scenes.

II. PURPOSE

The actions taken by patrol and investigative officers at crime scenes often determine the course and success of a criminal investigation. Initial responding officers play the lead role by protecting the crime scene, rendering emergency services and initiating the investigation. Thus, it is the purpose of this policy to provide officers with guidelines for responding to and dealing effectively with the operational demands at crime scenes.

III. PROCEDURES

A. Initial Response

Initial responding officers shall initiate the preliminary investigation and perform tasks as designated below until otherwise directed by a superior officer, detective or other officer specifically assigned to investigate the offense.

1. In transit to crime scenes, officers shall be cognizant of suspects/vehicles that may be in flight.

2. Upon arrival, verify that a crime has been committed and relay essential information to other responding officers and other agencies.

3. Administer first aid and/or summon emergency medical assistance if required and take those steps necessary to protect victims or others.
4. If appropriate, arrest the perpetrator if at the scene. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs of victims and others against the safety of the public if the perpetrator were allowed to escape.

5. Provide other officers and agencies with such information as:

    a. nature of the crime committed;

    b. description of the perpetrator and mode/direction of flight;

    c. description of any vehicle used by the offender and any accomplices;

d. use of firearms or other deadly weapons; and

e. any support required at the crime scene.

6. Identify any witnesses to the crime, secure their identities and request that they remain present at the crime scene until they can be interviewed.

a. Where reasonably possible, obtain the identities on any other persons who were present upon arrival at the crime scene.

b. Note the license tags of vehicles parked near the crime scene and be aware of suspicious persons on hand at or near the crime scene.

7. Provide officers and any other investigative personnel arriving on the scene with complete information on the offense and the measures taken thus far by officers and others.

8. Officer at crime scene notify supervisor (Sgt.) and follow chain of command.

B. Preservation of the Crime Scene

1. Responding officers shall enter crime scenes only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending perpetrators or securing the area. Other entries shall be permitted only under direction of a supervisor or officer in charge of the investigation.

a. Officers making initial entries for the above purposes shall, where feasible, avoid touching, walking upon, moving objects using tobacco products or otherwise altering or contaminating the crime scene.

2. Define the boundaries of the crime scene to include all areas that may reasonably be searched for evidence. As necessary, considering the nature and seriousness of the crime, officers should:

a. request backup assistance to restrict access to the crime scene and control any on-lookers;

b. erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters;

c. record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, handling of any items of evidentiary value or other actions; and

d. If feasible, photograph overall views of the crime scene so that its condition may be recorded in the event of spoliation.

3. Restrict all persons from the crime scene who are not directly involved in the investigation. In the case of homicides or other major crimes the officer in charge of the scene shall ensure that the identity of all persons entering the crime scene is recorded. Media representatives may not enter crime scene unless the scene is a publicly accessible area with no privacy expectations.

4. Homicides and other major crime scenes should be approached only as needed in a single defined line in order to avoid destruction of footprints and other impressions and the contamination of scent trails that may be useful in canine searches. The “place last seen” of kidnapped or missing persons should also be protected in a similar manner.

C. Collection of Evidence

Unless urgent circumstances exist or authorization of a supervisory officer is received, initial responding officers at major crime scenes shall not engage in collection of items of potential evidentiary value. Officers may engage in the following tasks as directed by the incident commander (OIC) of the scene.

1. The chain of possession of all evidence shall be clearly and completely documented in accordance with agency policy beginning with initial collection, packaging and labeling at the crime scene.

2. Officers shall search the crime scene—in a manner or method prescribed by the OIC—for any items that may establish how the crime was committed or who committed the crime. This may include but is not limited to:

a. unusual objects or objects found in unexpected or unusual locations; and

b. weapons, tools, clothing, stains, blood spatters, fingerprints, footprints, tire or tool mark impressions, broken glass, fibers, soil or other items or substances.

3. Officers shall comply with this agency's policy and procedures on “Evidence Handling” for purposes of properly photographing, preserving, packaging and labeling criminal evidence.

D. Interviewing Witnesses

Witnesses at the crime scene shall be identified and preliminary interviews conducted as soon as possible. As soon as possible, the neighborhood surrounding the crime scene should be canvassed in order to identify additional witnesses or others who may have some knowledge of the crime. The purpose and scope of these interviews is to gather as much basic information as possible about the crime at the earliest point possible in order to identify the perpetrator and establish the basis for the follow-up investigation.

E. Crime Scene Reporting

Officers conducting the preliminary and follow-up investigations shall complete appropriate reports in accordance with agency policy. At a minimum, reports shall include:

1. date and time of arrival at the scene;

2. any relevant weather or situational conditions at the scene to include the status of the crime scene upon arrival (e.g., fire, crowds, and initial observations);

3. how the crime was discovered and reported and the relationship of reporting individuals to victims or others if appropriate;

4. identity of other officers or emergency personnel present upon arrival and those who responded to the crime scene thereafter;

5. physical evidence discovered and officers responsible for collection (special note should be made of any valuables collected at the scene, such as currency or jewelry);

6. name, address and telephone number, or other appropriate identification of witnesses to the crime;

7. results of interviews with victims and witnesses to include in particular the identity or best possible description of suspects, method of operation, means of escape and any other pertinent identifying information;

8. diagrams, sketches, photographs, video tape or other similar information made at the scene or the identity of officers or civilians who made such recordings; and

9. recommendations for further investigation such as the names of witnesses or others who may be able to provide additional information.

INVESTIGATIONS – CHILD ABUSE

I. POLICY – CHILD ABUSE

It is the policy of the Department to protect and ensure the safety and welfare of the children in this jurisdiction. All police officers must be knowledgeable about child abuse and neglect, their effect on children, and help the children who become victimized. Coordination with other criminal justice and social service agencies is a necessity. Initial responsibility for investigation of such cases lies with the Police Department. Law enforcement must assume leadership in the prevention of child victimization and in the prosecution of offenders.

II. PURPOSE

To establish guidelines for investigating crimes in which the victims are children.

III. PROCEDURES

A. General Responsibilities

1. "Child" refers to any person under the age of 18 years.

2. Department personnel shall be aware of local social service agencies for cases involving child victims. Officers shall know how and when to contact agency representatives, especially Child Protective Services (CPS) and Juvenile and Domestic Relations Court.

    a. In circumstances involving no imminent danger to a child, a police officer shall record complainant's name, address, telephone number, and pertinent information concerning the alleged abuse or neglect and transmit this information immediately to CPS, and they shall jointly determine the proper course of action.

    b. If the officer finds a child in a situation that presents an imminent danger to the child's health or life, the officer should immediately notify the appropriate State agency – usually Child Protective Services. The officer should also be alert to violations of family violence provisions which may allow for arrest and protection from further harm.

3. All officers shall maintain a working knowledge of the Texas Penal Code and Family Code that pertain to crimes most commonly committed against children.

4. The Department shall work with local schools and agencies to educate children to identify and prevent their own victimization and to provide community awareness.

B. Patrol Responsibilities

1. Arrival at scene: Obtain all pertinent information from any available witnesses or sources.

2. Initial contact:

a. If the patrol officer suspects child abuse, he or she shall explain the police role in ensuring the health and safety of the child.

b. If entry to the home is refused and the officer reasonably feels entry is necessary to insure the safety of any person, he/she may gain entry in one of several ways:

(1) In a non-emergency, obtain a court order or a search warrant.

(2) In an emergency, forced entry without a warrant is legal when there is probable cause that a child is in danger.

c. The officer shall immediately ensure the safety of the child. Summon an ambulance or administer First Aid, if necessary. Reassure the child that he or she is safe now and that the child has done nothing wrong. The officer is encouraged to solicit assistance from competent persons in communicating to the child in a reassuring manner.

3. Transport the child victim to a safe place, if necessary. This may include a local, court-approved juvenile shelter.

4. If the child is a victim of sexual assault, refer to sexual assault procedures.

5. Interviewing the victim:

a. Child victims require special treatment. To minimize the number of times the child will have to tell his story, coordinate with other agencies (example: CPS, the courts) before interviewing. If the child is the victim of possible parental abuse, some strategies to consider include the following.

(1) The child's age - he may be too young to interview (a child's capacity to deal with information differs from an adult's).

(2) Interviewing the child may deteriorate even further the parent-child relationship.

(3) Observe and note child's reactions during the initial contact.

(4) Interviewing the victim of child sexual abuse requires particular skills (see sexual assault).

(5) Usually the parents should not be present during the interview of the child (the child may be afraid to tell the truth).

(6) The officer must be sensitive to the emotional stress of the child due to the interview itself (some children may not even understand that the behavior of the parents has been abusive or neglectful).

(7) Inform the child of the parents' awareness of the interview.

(8) The officer shall not appear to be taking sides against the parents. Children will generally become defensive if someone criticizes their parents, even if they agree.

(9) The interview shall be conducted in language the child understands.

(10) The interview shall always include what will happen next and how the officer will use the child's information.

(11) Provide reassurances to an anxious child victim by expressing belief in the child's story and an understanding of the child's dilemma.

b. Allow a supportive person to be present during the interview for a child's emotional comfort (e.g., non-abusive parent or child advocate).

c. At the beginning of the interview, the officer shall attempt to gain the child's confidence. The officer shall introduce himself or herself to the child, give the purpose of his or her presence, and attempt to conduct the interview on an informal, friendly basis

with the child. If the interview is tape-recorded, allow the child to test his or her voice before it begins.

d. The officer must try to determine the emotional state of the child. Is the child ready to tell the truth and to talk about the incident? If not, delay the interview to a more appropriate time. *Whenever doubt exists, the officer should delay the interview until specially trained personnel are available to speak with the child.*

e. Investigators should be aware of the principal of "contamination". This is when a child's rendition of facts may be based upon what someone else -- especially an adult – has told the child rather than the child's personal knowledge. Officers and investigators should be alert to the possibility that a child's description of events has been contaminated as well as to avoiding contamination opportunities.

f. Encourage young child victims to be active (play with a toy, draw a picture, hold a stuffed animal) during the interview. This will relax the child and allow for a more thorough interview.

g. If the officer decides that the child is in need of supervision he cannot or is not getting in the home, the officer shall so inform the child. In deciding whether protective custody is needed, the officer shall be guided by:

(1) the maltreatment in the home, present or potential;

(2) evidence of abuse, torture, or neglect by the parent;

(3) the parents' refusal to obtain needed medical or psychological care of the child;

(4) parental anger and discomfort by the officer's investigative efforts which are directed toward the child;

(5) evidence that the parents cannot provide for the child's basic needs;

(6) a history of prior offenses/allegations in which the child is the victim.

6. Interviewing witnesses (including the parents/guardians):

a. Create an atmosphere of support and understanding. Remain non-judgmental until all the facts are known.

b. The officer must communicate in a friendly manner and allow the adults to express their anger and fears concerning the incident.

c. Assess resistance to the interview. It may be in the form of denial, uncooperative attitude or explanations of how uncontrollable the child is.

d. If the officer prepares to interview a suspect, he shall give *Miranda* warnings in accordance with applicable law.

e. If parental child abuse is suspected, interview each parent separately and be alert to any apparent vagueness or inconsistencies in the explanations each gives for the allegation. Parents shall be told the reason for the interview and be treated with respect.

f. Witnesses may be reluctant to discuss a family incident with an officer (due to fear of retaliation or because of breaking confidentiality). Officers shall explain the use of any information provided and that efforts will be made to maintain the identity of witnesses in confidence.

INVESTIGATIONS – SEXUAL ASSAULT

I. POLICY

The Department recognizes the fact that sexual assaults (rape, forcible sodomy, incest, child molestation, exploitation of children, and attempts thereof) are personal violent crimes that have great psychological or physical effects on the victims. It is the policy of the Department to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills. Because of the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the Department to ensure that diligent investigations in order to increase the reporting of these crimes. Reducing recidivism through the apprehension and prosecution of the assailants is a Department priority.

II. PURPOSE

To establish guidelines for investigating crimes of sexual assault.

III. PROCEDURES

A. General Responsibilities

1. “Sexual assault” means those offenses involving sexual penetration or contact with any person by force or threat of force, fear, or intimidation, or any attempts to force sexual penetration or contact on any person.

2. Department personnel shall be aware of community services available (sexual assault crisis centers/hotlines, mental health centers, medical clinics, victim assistance program) to victims of sexual assault.

3. Department personnel shall be trained and knowledgeable about sexual assault investigation and its impact on victims.

4. Department personnel shall use appropriate communication skills when interacting with sexual assault victims.

B. Patrol Responsibilities

1. The patrol officer has certain immediate responsibilities, as follows.

   a. The primary concern is the victim's physical well-being. Give attention to the victim's emergency medical needs. Ensure safety.

   b. Preserve the crime scene for examination.

c. The officer shall be alert to any suspect in the vicinity. Give crime broadcast, if applicable.

d. The officer shall explain to the victim his or her role and what will be done at the scene and through follow-up.

2. The patrol officer shall obtain detailed information essential to determine what offense (or offenses) actually occurred. Obtain preliminary statements from victim and witnesses. Try to establish rapport and get only the needed information.

3. The officer shall inform the victim, preferably in writing, of counseling services available in the area. Ask whether the victim would prefer to have a support person (sexual assault worker, family member, or friend) present if this has not already been done.

4. Unless a specialized investigator requests otherwise, the patrol officer shall arrange for transportation or transport the victim to the hospital for a sexual assault examination, if appropriate (if the assault occurred within the last 72 hours). Explain the medical and legal necessity of this exam. Inform the victim to take a change of clothing along. The officer may provide transportation back home following the exam only if other support persons or family members are not available.

EVIDENCE COLLECTION - SEXUAL ASSAULTS

General Rules:

1. Safeguard crime scene and evidence that is collected.
2. Call a crime scene unit or evidence technician, if available.
3. Use caution not to damage, mark, or contaminate evidence.
4. Initial and date all items seized.
5. Document chain of evidence in report.
6. Place all evidence in appropriate containers, seal, and initial.

At the Crime Scene:

1. Protect undergarments, clothing, bedding, rugs, or other appropriate items which may contain semen, blood or be damaged. Normally, the scene should be preserved in its original condition pending the arrival of a trained investigator.
2. Locate and protect wash cloths or towels that may have been used.
3. Locate and protect bottles, glasses, or other objects that may contain latent prints.
4. Search scene for foreign objects (buttons, hair, pieces of torn clothing).
5. If crime occurred outdoors, protect the scene so that soil samples may be taken from several areas and sketch the location of each potential sample.
6. If crime occurred in a car, preserve the condition of the vehicle without disturbance. Be aware that excessive heat or cold may alter evidence inside the vehicle.
7. If entry was forced into the victim's house, locate and protect samples of broken glass, paint samples, and note any pry marks.
8. Photograph crime scene.
9. Photograph bite marks, scratch marks, or other signs of brutality or injury to victim. Only female officers or medical personnel should photograph private areas for female victims and male for male victims.

Notes to be Prepared:

1. Description of exact location where each piece of evidence was found.

2. Description of victim's appearance and behavior. Note bruises or marks, facial discoloration, disarrayed clothing, smeared makeup, hair disheveled, confused or dazed behavior, bewilderment or disorientation, apparent hysteria or crying, incoherent speech.

3. Description of victim's clothing. Note locations of torn garments, dirt, stains--blood, semen, grass.

4. Description of suspect. Physical description as provided by victim with special attention to items which would not be readily visible if the suspect were clothed: scars, tattoos, moles.

5. Have all signs of trauma or injury, as well as emotional state of the victim, recorded on hospital record. Be certain that smears are taken from vagina, anus, and mouth of victim.

INVESTIGATIONS – OFFICER INVOLVED INCIDENT

I. POLICY

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations have the potential for disabling emotional and physical problems. It has been found that officer-involved actions resulting in death or serious bodily injury to a citizen or a fellow officer may precipitate such stress disorders. It is the goal of this department to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it shall be the policy of this department to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel and public safety.

II. PURPOSE

To provide guidelines that shall be uniformly applied following any officer-involved shooting incident or other use of force which has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

III. DEFINITIONS

A. Post-Traumatic Stress Disorder. An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

B. Officer-Involved Incident. A line-of-duty incident where shooting or other use of force causes death or serious bodily injury to an officer or other person.

IV. PROCEDURES

A. Handling of Officers at Scene of Incident

1. The Chief of Police or his designee shall be dispatched to the scene of the incident, and shall assume primary responsibility in caring for involved personnel. Appropriate training in this area will be provided to supervisors.

2. The Chief of Police or his designee shall make appropriate arrangements for all necessary medical treatment.

3. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. A peer counselor or other

supportive friend or officer should remain with the involved officer(s), but should be advised not to discuss details of the incident.

4. The Chief of Police or his designee should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting.

5. Where possible, the Chief of Police or his designee shall briefly meet with the involved officers.

    a. No caffeine or other stimulants or depressants should be given to the officers unless administered by medical personnel.

    b. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time.

    c. Any standard investigations that will occur concerning the incident should be discussed with the officers.

    d. The officers should be advised that they have the right to seek legal counsel.

    e. The officers will be ordered not to discuss the incident with anyone except a personal or department attorney, or Departmental investigator, until the conclusion of the preliminary investigation.

6. The Chief of Police or his designee shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the Chief of Police or his designee shall:

    a. Take custody of the officer's weapon in a discreet manner; and

    b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.

7. Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, an department official shall personally notify his family, and arrange for their transportation to the hospital.

8. At all times, when at the scene of the incident, the Chief of Police or his designee should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.

B. Post-Incident Procedures

1. Involved personnel may be removed from line duties pending evaluation but shall remain available for any necessary administrative investigations.

2. All officers directly involved in the incident shall be required to contact an department designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the department:

   a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;

   b. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;

   c. What will be the best continued course of counseling.

3. The department strongly encourages the families of the involved officers to take advantage of available counseling services.

4. Any department investigation of the incident shall be conducted as soon and as quickly as practical.

5. The department should brief other department members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.

6. All personnel involved in an incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated department spokesperson, unless otherwise authorized to release a statement pertaining to the incident.

7. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.

8. Officers directly involved in an incident shall be required to re-qualify with their firearm as soon as practical.

C. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.

2. The Chief of Police may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance.

D. At the discretion of the Chief of Police, any incident may be referred to the appropriate County or State law enforcement department for investigation.

INVESTIGATIONS – WANTED AND MISSING PERSONS

I. POLICY – WANTED PERSONS

The Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC) communication networks provide several different information files, two of which assist law enforcement in locating wanted persons and those reported missing. The effectiveness of the system and Departmental liability depend on accurate and prompt entry of accurate information, as well as immediate cancellation of entries when no longer required.

Each officer is responsible for dealing with reports of missing or wanted persons to conduct proper investigations, prepare necessary reports, and request appropriate TCIC/NCIC entries. Each officer submitting an entry must ensure that the entry contains accurate and complete information and that necessary delays in making or removing the entry are avoided.

II. PURPOSE

To establish Department guidelines explaining investigation of wanted/missing persons and the making of appropriate entries into TCIC and NCIC. In addition to these procedures, the requirements and procedures of TCIC and NCIC shall be followed. These procedures shall be followed should he department participate in any regional or other data sharing arrangements with other law enforcement agencies.

III. PROCEDURES

A. Wanted Persons

1. In order for a person to be entered into TCIC/NCIC files as wanted, one of the following criteria must be met:

    a. a federal warrant is outstanding;

    b. a felony or serious misdemeanor warrant is outstanding;

    c. probation and parole violators meeting the criteria listed in a. or b. above; or

    d. any juvenile meeting the criteria in a. and b. above, provided he or she will be tried as an adult for the charges placed.

2. Making the entry:

a. The requesting officer shall complete a TCIC/NCIC entry request form and forward it to the Chief of Police.

b. Upon his review of the request, the Chief of Police shall contact the county attorney to confirm or decline extradition if the suspect is located.

c. If the county attorney confirms that he will authorize extradition, the TCIC/NCIC entry shall be submitted to the County Sheriff's Office for entry.

d. If extradition is declined, no TCIC/NCIC entry shall be made and outstanding warrants/detention orders shall be filed in the warrant file should the subject be located at a later date.

e. City warrants on which extradition is not contemplated may be entered into TCIC or into regional databases at the discretion of the Chief of Police.

3. Retention of wanted person records:

a. The Chief of Police or originating officer is responsible for taking action to clear an entry when a wanted subject is located or when a decision is made by the prosecuting attorney not to extradite a wanted person who has already been entered into the system.

I. POLICY – MISSING PERSONS

Many missing person reports involve individuals who have voluntarily left home for personal reasons, while other reports are often unfounded or quickly resolved. However, there are many instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The roles of the complaint taker and initial responding officer are critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of this agency that (1) all reports of missing persons be given full consideration and attention by members of this agency to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy, and (2) that particular care be exercised in instances involving missing children and those who may be mentally or physical impaired or others who are insufficiently prepared to take care of themselves.

II. PURPOSE

To establish responsibilities and guidelines for the investigation of missing persons.

III. PROCEDURES

A. Reporting/Classification of Missing Persons

1. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.

2. A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

3. An individual may be considered "missing-critical" who meets the foregoing criteria and who, among other possible circumstances:

   a. may be the subject of foul play;

   b. because of age (young or old), may be unable to properly safeguard or care for himself/herself;

   c. suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;

   d. is a patient of a mental institution and is considered potentially dangerous to himself or others;

   e. has demonstrated the potential for suicide; or

   f. may have been involved in a boating, swimming or other sporting accident or natural disaster.

4. Reports of juveniles who have voluntarily left home (i.e., "runaways") should be classified as such only after thorough investigation.

5. Based on the outcome of initial inquiries, a decision may be made concerning the potential danger posed to the missing person and the urgency of police response.

B. Initial Report Taking

1. The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:

a. Name, age and physical description of the subject and relationship of the reporting party to the missing person;

b. Time and place of last known location and the identity of anyone accompanying the subject;

c. The extent of any search for the subject;

d. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans;

e. Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness; and

f. The current physical condition of the subject and whether the person is currently on prescription medication.

2. If the missing person is a child, inquiry should also determine if the child:

a. is or may be with any adult who could cause him/her harm;

b. may have been the subject of a parental abduction; and/or

c. has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time.

3. A supervisory officer shall be notified immediately upon classification of a report as “missing-critical.”

C. Preliminary Investigation

The preliminary investigation is intended to gather additional information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:

1. Complete description of the subject and a recent photograph.

2. Details of any physical or emotional problems identified in items B-1-e and f of this policy.

3. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.

4. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.

5. Indications of missing personal belongings, particularly money and other valuables.

6. Any suggestions of foul play or accident.

7. In the case of missing children, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as:

    a. the presence of behavioral problems;

    b. past instances of running away;

    c. signs of an abusive home environment or dysfunctional family situation;

    d. whether the child is believed to be with adults who may pose a danger; and,

    e. the name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.

8. When possible, officers should gain permission to search a missing child's home and school locker, as appropriate.

9. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made in state and national information databases in accordance with established procedures (e.g.: NCIC and The National Center for Missing and Exploited Children). Pursuant to State Law, the Department of Public Safety (DPS) Missing Child report form shall be completed and immediately forwarded to the DPS Clearinghouse missing children database.

10. In the case of persons designated as "missing-critical," a supervisory officer may direct that:

    a. the dispatcher broadcast to all persons on duty all information necessary to identify the missing person, and

b. request that the shift commander authorize mobilization of resources necessary for an area search.

D. On-going Investigation

On-going investigations of missing persons should include but should not be limited to the following actions and activities:

1. Request release of dental records, blood type, DNA sample and any fingerprints available.

2. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.

3. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.

4. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away.

5. Provide identification and related information to all elements of this agency, the state police missing persons' authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the Federal Bureau of Investigation (FBI).

6. Decisions to use local media to help locate missing persons shall be made with the approval of the Police Chief *and* the missing person's family.

7. The lead investigator shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.

E. Recovery of Missing Persons and Case Closure

1. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:

a. advise them that they are the subject of a missing person investigation;

b. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and

c. make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.

2. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.

3. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

4. In cases involving juveniles, officers shall ensure that

a. the juvenile receives medical attention if necessary in a timely manner;

b. initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/or whether an abusive or negligent home environment was a contributory factor, and

c. that parents, guardians and/or the person reporting the missing youth are notified in a timely manner.

5. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated. This will include NCIC/TCIC and any other local, regional, State or national databases into which the information has been entered.

6. Where indicated, follow-up action shall include filing of an abuse and neglect report with the state youth service agency.

7. The case report shall include a complete report on the whereabouts, actions and activities of children while missing.

8. Where indicated, criminal charges shall be filed with the prosecutor's office.

PROPERTY AND EVIDENCE

I. POLICY

It is the policy of the Department that all evidence and property recovered or turned into this agency be properly packaged, handled, recorded, stored, and accounted for. All personnel shall maintain strict accountability for all property held as property and evidence. In no way shall these policies and procedures be interpreted to supersede any federal or state statute. These policies and procedures are intended to comply with existing law.

II. PURPOSE

To establish a lawful system for the safe and efficient storage and retrieval of evidence or other valuable items that enter the custody of this Department.

III. PROCEDURES

A. Officer Responsibilities

1. The recovering officer shall be responsible to properly package and label all items collected or recovered as property or evidence to prevent any tampering, contaminating, or destruction of same.

2. Upon return to the Police Department, the recovering officer shall immediately list and describe all items recovered on the property and evidence form. All processing shall be conducted in the processing room.

3. All property and evidence and all related property and evidence forms (except those articles which may be sent to the lab) must be delivered immediately to the property locker.

4. Reporting officers shall, when possible, check all property against National Crime Information Center (NCIC) or Texas Crime Information Center (TCIC) records as well as with other appropriate databases.

5. For property that may be lawfully released to the owner, the property officer immediately shall attempt to notify the owner (by telephone or letter) that the Department is holding their property and make arrangements to return the property to the rightful owner.

6. The Chief of Police, or his designee, shall check the files monthly for property and evidence that is unclaimed or of no further evidentiary value, and to obtain from the property officer a signed release for disposal. Officers shall then make arrangements for returning the property to the owner.

7. The Chief of Police, or his designee, shall ensure that final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied.

B. Use of Property and Evidence Form

1. The Departmental property and evidence documentation shall be used for all property coming into custody of the Department.

2. When handling lost/found property, a copy of the documentation shall be made and given to the citizen (when a citizen turns over property to the Department).

3. Each property and evidence form shall receive a case number which shall be recorded on respective offense/incident reports or in the narrative of addenda.

4. The officer who finds the property, completes the necessary paperwork, and deposits the property in the property/evidence locker. The property officer is responsible for the property and all relevant paperwork once deposited and until the property leaves Departmental custody permanently.

C. Temporary Release of Property and Evidence

1. Officers are responsible for checking out needed evidentiary materials for investigative cases, laboratory analysis, or testimony purposes.

2. When receiving evidentiary materials from the property room or property officer, officers must sign for the property on the designated form and on the evidence tag (affixed to the property). The officer's signature acknowledges receipt and full accountability for the property, agreeing that the property shall be returned the same day unless an alternative date is set with the releasing custodian. To minimize delay in picking up property, officers shall advise the evidence custodian one working day in advance of items they wish to obtain.

3. When returning property or evidence, the property officer shall sign in the items as appropriate. The officer shall obtain the prosecutor's or judge’s authorization if needed. Further, the property officer shall ascertain from the prosecutor or judge when contraband may be destroyed and, upon approval, arrange for destruction or other disposal as soon as possible.

4. Extended release of property for use in official police business shall be permitted only upon written authorization of the Chief of Police, or his

designee. This authorization shall specify the person and the property and shall fix a date on or before which the property must be returned. Copies of such authorization shall be maintained in the records section.

D. The property and evidence form shall be amended every time property or evidence is disposed of or returned to the owner.

E. Evidence Custodian (EC) Responsibilities

1. Shall be accountable for control of all property and evidence stored in the property and evidence storage room, and shall ensure that all stored property is properly documented.

2. Shall maintain a locker room that is clean, orderly, secure and shall take necessary steps to insure that property and evidence in custody is being protected from damage or deterioration or theft.

3. Access to the property room or locker shall be restricted only to the designated evidence custodian and the Chief of Police, or his designee. Access by all other persons is normally prohibited. The date, time and identity of all persons accessing the property storage area shall be documented. Said documentation shall be maintained by the EC.

4. All property and evidence shall be stored in a designated area.

5. Shall maintain a means for the storage of items of perishable nature needing refrigeration.

6. Shall be responsible for the maintenance of records on recovered property indicating continuity of property and evidence from entry into the system to its final disposition.

7. Shall release property and evidence only to authorized persons and may demand proof of authorization or identification of the owner or investigating officer to whom they are releasing property.

9. Shall insure that appropriate records of all property and evidence are maintained in duplicate and in a manner to insure accuracy and preservation of chain of custody. The records system will be developed in consultation with the appropriate prosecuting authority.

9. Shall insure that all hazardous materials are stored in accordance with hazardous materials guidelines of this agency as well as those of applicable State and federal authority.

11. Shall, when equipment is available to do so, photograph valuable property, drug evidence and weapons as an additional means of documenting the property and its condition.

F. Weapons

1. Officers and employees of this Department without authorization by Chief or Chief's designee shall keep in their personal possession any weapon that is found, turned in or confiscated and after released to the department for use.

2. All weapons coming into the custody of this Department shall be immediately inspected to insure their safe storage. It is imperative that all firearms be unloaded and rendered in a safe condition before placing them in the locker.

3. All firearms coming into custody of the Department shall be checked by the recovering officer against NCIC/TCIC stolen files.

G. Drugs and Narcotics

1. In the case of drug property or evidence, the recovering officer shall obtain a gross weight (content and package) for quantitative and quality control.

   a. Scales for weighing are provided at the offices of the Chief of Police, or his designee, or the County Sheriff's Office. Before using the scales, officers shall check to insure the scale is at zero balance and correctly set.

   b. The gross weight shall be witnessed by at least one other officer.

   c. If the drug is a tablet or capsule, a count may be substituted for gross weight. This exception is permissible when the drug is sealed in tamper-proof protective packages.

2. Each time narcotics property is removed, the package or container shall be inspected for tampering and weighed.

H. Alcohol

1. All property and evidence consisting of alcoholic beverages and their containers must be sealed so that there is no chance of leakage while in police custody.

I. Periodic Inventory

1. The Chief of Police, or his designee, shall conduct an unannounced inventory of all property and evidence in the custody of the Seabrook Police Department. This inventory will be conducted at irregular intervals; but will, at a minimum occur at least once every calendar quarter. The inventory will be conducted in the presence of at least one other observer which shall be either (1) an official from City Administration or; (2) an officer from the County Sheriff's Office, Department of Public Safety or the County Attorney's Office.

2. The inventory will compare all records of property/evidence along with the actual physical items in the custody of the Seabrook Police Department. Any discrepancies shall be turned over to the County Sheriff's Office or the Texas Department of Public Safety for investigation.

J. Evidence Destruction.

1. When there is no longer a need to maintain custody of evidence or property which is either:

   a. illegal contraband; or
   b. the owner cannot be located by reasonable means, the evidence may be destroyed.

2. Evidence or property may be destroyed ONLY under these guidelines:

   a. Evidence which is required by law to be destroyed only at approved incineration facilities shall be transferred to such facility by the evidence custodian and one other officer who shall both witness the transfer and sign the chain of custody form and any other documentation regarding the transfer.

   b. Evidence or property which may be destroyed otherwise shall be destroyed in the presence of the evidence custodian, another officer and at least one witness from outside the department. All three persons shall sign the destruction forms and the destruction shall, where feasible, be recorded by video and the recording shall become part of the permanent evidence record.

   c. The Chief of Police, with the approval of the City, may make appropriate arrangements for the public sale or auction of evidence or property which is subject to destruction.

K. Property and Evidence Facility.

1. Property and evidence shall be maintained in a locked and secure facility which complies with all applicable law concerning the storage of hazardous material which might be contained in the facility. The facility's environment shall be controlled to prevent the deterioration of property and evidence inside. Drugs and cash shall be stored in a separate locked area within the facility with access documented and witnessed by at least one other person.

2. The facility shall be accessed only by the evidence custodian and specific officers designated in writing by the Chief of Police. All access to the facility shall be documented and logged.

CHAPTER 5 DETENTION

Section 1 Jail and Detentions

Section 2 Prisoners

Section 3 Custodial Statements and Confessions

Section 4 Juveniles

JAIL AND DETENTIONS

I. POLICY

It is the policy of this law enforcement agency to provide secure temporary holding cells for prisoners awaiting interrogation, arrest processing, transfer to the county jail or other administrative procedures and to maintain these facilities in a sanitary and safe manner. As such, personnel assigned to or using holding cells shall adhere to the following procedures and shall be alert to any problems or conditions that may compromise security, safety or the well-being of detained prisoners.

II. PURPOSE

To establish guidelines for the management and administration of this agency's prisoner holding facility to include the security, control and care of prisoners housed therein.

III. PROCEDURES

A. Administration

1. Supervision

The Chief of Police will assign a supervisor of the prisoner holding facility.

a. The Supervisor shall be responsible for all aspects of the holding facility to include prisoner processing, record keeping, staff training, security, sanitation and maintenance, safety, supervision and the designation of such personnel necessary to safeguard the overall well-being of prisoners.

b. When off-duty, the supervisor shall ensure the safe and efficient operation of the holding facility as provided in this agency policy.

2. Training

a. Any personnel assigned duties at the holding facility shall first receive training in safety and security procedures, holding facility operations, supervision and physical restraint of prisoners and such other matters consistent with assigned responsibilities, or deemed necessary by the holding facility supervisor or as required by State Law.

b. All agency personnel shall receive basic training and in-service training as required on the application of physical restraints, searching and booking prisoners into holding cells.

3. Inspections

a. The holding facility supervisor and/or his designee shall conduct periodic scheduled and unscheduled inspections of the holding facility sufficient to ensure continued adherence to agency operating policy and procedures.

b. Such inspections shall include but are not limited to security, safety, sanitation and emergency equipment considerations.

c. Reports of these inspections shall be forwarded to the Chief of Police or his designee.

B. Safety and Emergency Operations

1. Fire

a. The holding facility shall be equipped with smoke detection devices approved by local or state fire officials.

b. The type and location of fire suppression equipment shall be approved by local or state fire officials.

c. All fire detection and suppression equipment and fire alarm devices shall be tested and/or certified on at least a monthly basis.

2. Evacuation Plan

a. An evacuation plan shall be approved by the Chief of Police to meet fire emergencies as well as flood, tornado, earthquake or other natural disasters.

b. All personnel assigned to the holding facility shall be trained in emergency evacuation procedures, equipment and emergency first aid.

3. Death, Suicide and Homicide

The holding facility supervisor shall develop and the Police Chief shall approve contingency plans and procedures for suicide prevention—including physical facility design and improvements—and agency response to the death of prisoners.

4. Prisoners with Illness, Injury or Disability

The holding facility is not intended for or equipped to handle arrestees who require immediate or sustained medical attention. Therefore:

a. No prisoner shall be booked into the holding facility or otherwise held for interrogation or other purposes who has injuries or illnesses that require hospitalization or immediate attention of a health care professional. This includes obvious cases of injury or illness as well as situations in which arrestees

(1) suffer from extreme alcohol intoxication or possible drug overdose;

(2) exhibit symptoms of severe mental disorder, or

(3) have talked about committing suicide or shown signs of being a suicide risk

b. If the severity of medical conditions is unclear or if a prisoner requests medical attention for an apparent or potentially serious medical need, he shall be transported as soon as reasonably possible to the Department designated emergency care provider.

(1) The department shall be responsible for transporting the prisoner to and security of the prisoner while at a designated medical care facility.

(2) Subsequent detention of such prisoners is permitted only with approval of a physician or qualified medical care professional. Transporting officers shall communicate any and all information relating to arrestee injuries or illnesses not requiring immediate medical attention to the booking officer or other appropriate holding cell personnel.

c. The nature of injuries or medical conditions of arrestees shall be noted on the booking form and arresting officers shall fully describe the circumstances surrounding those injuries on their arrest report.

d. Any detainee who displays a need for attention or treatment of a serious medical need or any detainee who complains of symptoms which might reasonably indicate such a need shall be transported to the designated Department medical provider as soon as reasonably possible in accordance with 4.b above. If warranted under the circumstances, emergency personnel should be called to the detention facility for examination, treatment and transportation as appropriate.

e. All detention officers shall watch for and detect conditions that might warrant medical assistance under this general order. Training in recognizing symptoms will be provided at the direction of the Department.

5. Riot and Assault

a. The holding facility supervisor shall develop and the Chief of Police shall approve contingency plans or procedures, as appropriate, for quelling disturbances by prisoners and/or assaults upon officers, other agency personnel or fellow prisoners.

b. The plan shall include authorization for use of various levels of force (e.g. baton, pepper spray, taser, etc.) in response to the level of threat encountered. All personnel assigned to the holding facility shall be trained to effectively and appropriately employ physical restraint and any use of force options authorized by the agency under these circumstances.

c. Officers are authorized to restrain uncontrollable prisoners in accordance with this agency's use of force policy and in accordance with applicable Federal and State Law.

6. Prisoner Escape

a. Prisoner escapes shall be reported immediately to the officer-in-charge and the agency's communications center.

b. Descriptions, identities and offenses of escapees shall be relayed to all duty personnel as quickly as possible and to adjoining jurisdictions.

c. The patrol supervisor on duty shall coordinate intelligence gathering and search procedures among agency personnel and other law enforcement authorities as appropriate.

d. The holding facility shall be secured as soon as possible, all prisoners accounted for, and all security doors and devices inspected to ensure proper functioning.

e. The patrol supervisor on duty shall initiate investigation of the circumstances surrounding the escape and provide a full report with recommendations to the Chief of Police.

C. Sanitation

1. The holding facility shall be maintained at all times in a clean and sanitary condition. When occupied, the facility shall be cleaned on a daily basis in accordance with routines and procedures established by the holding facility supervisor.

2. Periodic inspection reports shall identify any conditions that are unsanitary or conducive to infestation by vermin and provide time frames for correction or recommendations for equipment or facility improvements necessary to rectify the problem.

D. Security and Control

The holding facility supervisor shall be responsible for security of the lockup.

1. All keys to cells shall be strictly controlled and shall be used only in accordance with procedures established by the facility supervisor.

2. Officers in the jail or booking facility at any time when prisoners are out shall secure their firearms, pepper spray canisters and related weapons in accordance with agency policy.

3. The booking officer or arresting officer shall assume control of all arrestees brought into the facility for detention and shall be responsible for all security decisions. No prisoner shall be left unattended at any time unless in cell, holding cell or cuffing bench.

   a. A property inventory report shall be completed reflecting all items brought by the prisoner into the holding facility and should be signed by the prisoner. All containers found on the arrestees person shall be opened for inventory, items tagged, and securely stored.

   b. A strip or body cavity search may be performed if criteria for the search meets this agency's policy and the search is conducted in accordance with established agency procedure. (See "Strip and Body Cavity Searches" section in the “Searches and Search Warrants” agency policy.)

   c. Only arresting and booking officers or those otherwise directly involved in the booking process shall be allowed in the booking area.

   d. Handcuffs or other restraining devices may be removed at the discretion of the booking officer based upon the conduct of the

prisoner, the offense for which the arrest was made and related circumstances.

e. All cellblock and entry/exit doors shall be secured during the booking process.

4. Prior to placing a prisoner in a cell, a search of the cell shall be conducted for weapons or contraband. Prior to release, a similar search shall be conducted that will also include inspection for property damage. Problems uncovered in these searches shall be brought to the attention of the officer-in-charge prior to cell assignment or release of a prisoner.

5. When cell assignments are made, assigning officers shall ensure that all locking mechanisms are operative and that audio and video monitoring devices are operative.

a. Audio/video monitoring devices are employed for security and safety purposes. They shall not be used for monitoring inmate conversations with clergy, mental health or medical personnel or attorneys.

6. Agency personnel shall not enter an occupied cell alone unless emergency circumstances exist.

7. Any tools, forks and knives, or similar items brought into the cell block shall be disposed after use.

8. Smoking is not permitted within the cellblock by either prisoners or agency personnel including the sally port.

9. The holding facility supervisor or officer-in-charge shall take those steps necessary to keep the number of prisoners within designated limits. This includes efforts to:

a. expedite the bail of prisoners accused of less serious offenses;

b. release (after consultation with arresting officers and their supervisors) of prisoners being held during interrogation; or

c. transfer of prisoners to the county jail or to the holding facilities of neighboring law enforcement agencies.

E. Booking and Visitation

1. The booking officer shall complete a detention record of all persons detained in the holding facility in accordance with agency policy. The

report shall include biographical information on the prisoner, offense charged or purpose for detention and a complete physical description of the prisoner.

2. Holding cells shall be used for holding juveniles and females only in accordance with established agency policy.

3. All prisoners booked into the facility under arrest shall be photographed and fingerprinted. Fingerprints shall be processed and forwarded for identification purposes to state and federal authorities. A thumb print shall be retained for identification purposes upon release.

4. A computer check shall be made to determine if the prisoner has outstanding warrants.

5. Prisoners shall be informed that they may utilize the telephone and shall be allowed to do so following the booking process or within a reasonable amount of time after being brought to the holding facility.

6. Prisoners detained at the holding facility shall be brought before a magistrate as soon as possible and those being held following their appearance shall be given every reasonable opportunity to secure bail/bond or otherwise gain their release as authorized.

7. All prisoners being held pending release decisions shall be given reasonable visitation privileges.

    a. Visiting relatives shall be granted access to prisoners (no more than one at a time) two visits a day during designated hours for a reasonable length of time.

    b. Attorneys shall be permitted access to their clients at a reasonable hour.

    c. All persons seeking access to the cell block shall be required to show proper identification and their visit shall be properly recorded in the visitation log.

    d. All persons seeking access to the cell block are subject to search. Containers may not be carried into the cell block.

F. Feeding Prisoners

1. The officer-in-charge or his designee shall ensure that all prisoners detained in holding cells are provided with sufficient food during meal hours. Meals shall be ordered by assigned personnel from the designated

agency supplier for all prisoners detained during the breakfast, lunch and dinner hours as established by the holding facility supervisor.

2. Special diets shall be accommodated when prescribed by a physician.

3. No food or beverage shall be brought into the holding facility by visitors.

G. Prisoner Release

1. Prisoners charged with a crime shall be released from custody only:

   a. when directed by proper legal authority;

   b. when prisoners have been positively identified.

2. Prisoners shall be requested to sign the receipt for their personal property after items have been compared against the original inventory log and found to be complete.

   a. Any discrepancies shall be reported immediately to the holding facility supervisor or the officer-in-charge.

   b. Refusal of the prisoner to sign shall be noted by the releasing officer.

   c. Items held as contraband or evidence shall be noted separately on the inventory report.

3. Authorities taking custody of released prisoners shall be provided with all relevant information on the prisoner, to include information on pending charges, illness or injury, suicide attempts or potentials, drug use, use of prescription drugs, records of medical treatment or diagnosis, and potential for violence or escape.

   a. Prisoner property shall be released to and signed for by the accepting authority after it has been audited.

PRISONERS

I. POLICY

The Seabrook Police Department does operate a jail or detention facility. Persons who are arrested shall be transported as soon as reasonably practical to the Seabrook jail for booking and incarceration.

Prisoners shall be transported as soon as reasonably practical. The arresting officer is generally responsible for such transport. If demands for police service necessitate seeking assistance, the officer may request another officer or another law enforcement agency to assist in transport.

II. PURPOSE

To outline and describe the procedures for handling prisoners.

III. PROCEDURES - INTERVIEWS AND INTERROGATIONS

A. Definitions

1. An interview, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or the citizen.

2. An interrogation, according to the Supreme Court, includes the following, per Rhode Island v. Innis, “. . . express questioning or its functional equivalent . . . any words or conduct on the part of police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect.”

3. Officers are reminded that an interrogation does not rely solely or exclusively on words: conduct can be the "functional equivalent" of asking questions.

B. Searching and care of prisoners

1. All prisoners shall be searched prior to being placed into a vehicle for transport. The search shall be sufficient under the circumstances to insure the prisoner has no weapons or illegal contraband in his possession. Strip searches in the field and cavity searches are not authorized for this purpose.

2. All prisoners shall be provided emergency medical aid if their condition or circumstances suggests that serious harm could result from the lack of

medical attention. Prisoners shall be observed by officers to detect the need for medical attention.

C. Rights Admonition

1. In order to achieve uniformity in administering *Miranda* warnings, police officers will be issued cards with the *Miranda* warnings and waiver on them. Officers will advise suspects, verbatim:

   a. "You have the right to remain silent."

   b. "Anything you say can and will be used against you in a court of law."

   c. "You have the right to talk to a lawyer and have him present with you while you are being questioned."

   d. "If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one.

   e. "You may cease talking at any time."

2. After the warning, in order to secure a waiver, the officer shall ask and receive affirmative replies to the following questions:

   a. "Do you understand each of these rights I have explained to you?"

   b. "Having these rights in mind, do you wish to talk to us now?"

3. After the rights have been read, understood, and the person wishes to waive them, the officer will document the issuance of Miranda warning and or rights. Officers *must cease* questioning whenever the suspect invokes the right to silence or requests the presence of counsel.

   a. After the suspect has been charged, officers shall not try to elicit incriminating evidence unless the suspect waives the right to counsel.

   b. If a suspect, once in custody, requests counsel after being advised of *Miranda* rights, he or she *will not* be interrogated again unless (l) the counsel is present during the interrogation or (2) the suspect himself initiates the interrogation. Officers therefore cannot obtain a waiver under these circumstances unless the suspect initiates interrogation. If the suspect initiates the interrogation, the officer must carefully document all facts which indicate such initiation

and which establish that the suspect has voluntarily submitted to further interrogation.

4. Magistrates will advise juveniles of their rights to ensure that the rights are understood before obtaining a waiver or giving a statement.

D. The Fifth Amendment Against Self-Incrimination

l. When *Miranda* applies:

The voluminous case law covering *Miranda* (Miranda v. Arizona) warnings has established several guidelines for officers to help decide when warnings must be administered. *Miranda* applies only to custodial interrogation. As to what constitutes custody, if a reasonable person in the suspect's position would believe that he or she is not free to leave, then *Miranda* applies. Note that the officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the suspect is determinative.

2. Circumstances for administering *Miranda*:

In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation: if police questioning is conducted in a police car or at a police station, the environment *may* be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and *Miranda* warnings must be administered before the officer asks questions about the offense. In short, then, *Miranda* warnings must be given when:

a. The suspect reasonably believes that he/she is in custody; and

b. The suspect is interrogated.

3. Voluntariness of confessions:

The courts have provided officers with much latitude in interrogating suspects. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the totality of the circumstances. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. Officers must:

a. carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and

b. coupled with the background characteristics, choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. Note that *Miranda* warnings would have been given before the interrogation takes place, in most instances.

E. Exemptions/Special Cases

1. *Miranda* warnings do not apply to the following situations:

a. brief on-scene questioning;

b. identification procedures such as fingerprinting, conducting a line-up, sobriety tests;

c. volunteered, spontaneous statements (Once the officer has heard the suspect express spontaneous incriminating statements, the officer shall then advise the suspect of *Miranda* rights and obtain a waiver before undertaking additional questions.);

d. brief investigative detention;

e. roadside questioning during routine traffic stops;

f. routine booking questions attendant to arrest; or

g. questioning by private persons.

2. Public safety exception:

When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving *Miranda* warnings *until* the officers have received information sufficient to dispel the emergency. Officers must reasonably believe that a genuine, life-threatening emergency must exist. In such a circumstance, the statements of the suspect may not be admissible at trial.

3. No firm guidelines exist governing when fresh warnings must be given. In considering whether previously-administered *Miranda* rights have become legally stale, investigators must consider:

a. the length of time between first warnings and later interrogation;

b. whether warnings and later interrogation were given in the same place;

c. whether warnings and later interrogation were by the same or different officers;

d. the extent to which the later statement differed from a previous one; or

e. the apparent intellectual and emotional state of the suspect.

F. Compliance with Constitutional Requirements During Criminal Investigations

1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers will ensure that:

a. All statements or confessions are voluntary and non-coercive;

b. All persons are advised of their rights in accordance with this general order;

c. All arrested persons are taken promptly before a magistrate for formal charging;

d. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney;

e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

G. Constitutional Rights of Arrested Persons

1. Detentions shall occur only based upon reasonable suspicion and arrests shall occur only upon probable cause or upon warrants that have been confirmed by the issuing agency.

2. No officer may use force which, under the circumstances, is deemed excessive under the U. S. Constitution and applicable case law.

3. Officers will be cognizant of and protect the Constitutional rights of all persons detained or arrested.

H. The Use of Discretion by Officers

1. Officers, by the nature of their job, are required to exercise discretion in the performance of their duties. The Department provides officers with

written policies, rules, Departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.

2. With the exception of Departmental rules and regulations, Departmental policy generally gives officers guidelines to consider in exercising their discretion. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

I. Alternatives to Arrest/Pre-Arraignment Confinement

1. Under certain circumstances, officers are faced with situations where an arrest and pre-arraignment confinement will not be possible or feasible under the circumstances. In this case, officers may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply a warning. Examples may include:

a. Mentally or emotionally disturbed persons;

b. Domestic situations where counseling may be appropriate. (Except where applicable law requires an arrest.);

c. Juvenile offenders;

d. Transient persons who need shelter and food; or

e. Certain misdemeanor cases.

2. Authority to issue citations in lieu of arrest/confinement:

a. Officers may issue citations to appear in lieu of arrest in appropriate circumstances authorized by law.

b. The use of summonses by officers:

In determining whether a summons should be used, the officer should:

(1) Decide whether the offense committed is serious.

(2) Make a judgment as to whether the accused poses a danger to the public or himself.

(3) Decide, based on circumstances, whether the person may disregard a summons.

3. Informal handling of criminal matters:

Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should consider such alternatives.

4. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the Department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

a. The seriousness of the offense.

b. The likelihood that the violator will heed the warning.

c. The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.

5. Custodial arrests for Class C offenses:

a. Officers are authorized by applicable law, with certain statutory exceptions, to arrest persons for violations of class C offenses which carry a fine only penalty upon conviction. Officers will use good judgment and discretion in determining whether to arrest or issue a citation for such violations. As a rule, Officers will issue citations for non-jail offenses unless the violator refuses to sign the promise to appear or other extraordinary circumstances are present.

b. The following factors must be considered and documented by the officer upon making an arrest for any offense which carries a fine only penalty upon conviction:

(1) Danger to others if the violator is released;

(2) Probability that the violator will or will not appear for court;

(3) Whether the violator is a repeat offender;

(4) Other charges or aggravating factors; or

(5) Whether enforcement goals may be equally achieved with a citation rather than with a custodial arrest.

PRISONERS – CUSTODIAL STATEMENTS AND CONFESSIONS

I. POLICY

Custodial interrogations of suspects and the statements and confessions that are elicited are vitally important in the preparation of criminal cases. However, to be admissible as evidence, statements and confessions must be given freely and voluntarily and with due consideration for the suspect's right to silence and right to counsel. Therefore, it is the policy of this law enforcement agency that all officers understand and follow this agency policy in order to observe the legal and constitutional rights of suspects and to guard against any charges of police coercion or intimidation during interrogation.

II. PURPOSE

To provide officers with legally sound procedures for conducting custodial interrogations.

III. DEFINITIONS

Custody. A custodial situation exists when an officer tells a suspect that he is under arrest. A functionally equivalent situation exists when a "reasonable person" in the suspect's position would feel that his freedom of action has been restricted to the same degree as a formal arrest.

Interrogation. Interrogation includes direct questioning of a suspect about a crime or suspected crime, as well as any words, statements or actions by officers that the officers should know are reasonably likely to elicit an incriminating response from the suspect.

IV. PROCEDURES

A. Custodial Statements and Confessions

1. *Miranda* warnings are required and shall be administered prior to "custodial interrogation," as defined above.

2. The following represent examples of situations that are *not* "custodial" and do not require issuance of *Miranda* warnings.

    a. Investigatory stop and frisk.

    b. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins.

c. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.

d. During voluntary appearances at the police facility.

e. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

B. Administering *Miranda*

1. *Miranda* warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it may preclude officers from testifying in court as to the precise wording used.

2. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.

a. Waivers of one or both of the *Miranda* rights must be performed affirmatively.

b. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.

c. When feasible, providing of warnings, waivers and subsequent questioning should be recorded by audio or video in felony cases.

3. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in order to question the suspect. Suspects who are not conversant in English should, where possible, be questioned in their native language.

C. Invoking the Right to Silence

1. When a suspect invokes his right to remain silent, all interrogation shall terminate immediately and shall not resume unless a renewed waiver occurs and is documented.

2. Officers may interrogate a suspect who has previously invoked his right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning *Miranda* Warnings shall be re-administered and a waiver obtained.

D. Invoking the Right to Counsel

1. If a suspect waives his right to counsel, a waiver shall be obtained and documented prior to questioning. When a suspect makes reference to counsel but his intentions are unclear, officers may question the suspect further to clarify his intentions.

2. When a suspect invokes his right to counsel, all interrogation shall cease immediately. The suspect may not again be interrogated about the crime for which he is charged, other crimes, or by other officers (from this or other agencies) unless:

a. the suspect's attorney is present at the questioning; or

b. the suspect initiates new contact with the police. In this later case, *Miranda* rights must again be administered and a waiver obtained before any further questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.

3. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.

E. Documenting Statements and Confessions

1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes but is not necessarily limited to:

a. location, date, time of day and duration of interrogation;

b. the identities of officers or others present;

c. *Miranda* warnings given, suspect responses and waivers provided, if any;

d. the nature and duration of breaks in questioning provided the suspect for food, drink, use of lavatories or for other purposes; and

e. description of the premises.

2. Investigative officers are encouraged to use video and audio taping capabilities, if available, for purposes of recording statements and confessions in an overt or covert manner consistent with Federal and State law.

3. The Chief of Police or his designee may decide in which cases audio or video tape recordings may be appropriate and whether covert or overt procedures may be used. Tape recordings designated as evidence shall be handled in the following manner:

    a. Original tape recordings shall be duplicated and each copy stored separately;

    b. The tab on the tape housing of both the original and duplicate copies shall be removed to preclude the possibility of erasure or tampering;

    c. Tape recordings shall be stored in a secure location under controlled access as designated by the officer-in-charge of criminal investigations; and

    d. All tape recordings shall be inventoried on a routine basis.

PRISONERS - JUVENILES

I. POLICY

It is the responsibility of all members of this Department to familiarize themselves with juvenile procedures and established procedures for handling both criminal and non criminal juvenile incidents as defined in this policy. Officers should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. While this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind, officers shall whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

II. PURPOSE

To provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

III. DEFINITIONS

A. Status Offender. A juvenile who is charged with an offense that would not be a crime if committed by an adult.

B. Responsible Adult. In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.

C. Non-secure Custody. A condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile:

1. is held in an unlocked, multi-purpose area that is in no way designed for residential detention use, such as a report-writing room or an office;

2. is at no time handcuffed to any stationary object;

3. is held only long enough to complete identification, investigation and processing and then released to a responsible adult or transferred to a juvenile facility or court; and,

4. is under continuous supervision until released.

D. Secure Custody. A condition in which a juvenile is physically detained or confined in a locked room, set of rooms or a cell that is designated, set aside or

used for the specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a cuffing rail or other stationary object.

IV. PROCEDURES

A. Enforcement Alternatives

Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include:

1. release without further action;
2. informal counseling to inform the youth of the consequences of his actions;
3. informal referrals to community services;
4. referral to parents or responsible adult;
5. informal counseling of parents or responsible adult;
6. limited custody and station house warning;
7. issuance of a summons or complaint;
8. arrest under non-secure custody; and
9. arrest under secure custody.

B. Enforcement Criteria

The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.

1. Release without further action or following informal counseling referral to community resources or parents may be appropriate in incidents where property damage or personal injury is not involved but intervention is necessary to avoid potential delinquent actions and when the youth has had no prior enforcement contacts with the police. Examples of these incidents include, but are not limited to:

    a. curfew violations;

b. loitering;

c. minor alcohol violations; and

d. other minor Class C violations.

2. Officers may elect to transport the youth home or direct him to return home; make personal, telephone or mail contact with the youth's parents or guardians to provide them with information and counseling on their child's actions; refer the youth to appropriate community service agencies with or without follow-up; or detain the youth at the station house until he is released to a parent or guardian when:

a. the nature of the incident is of a more serious or potentially serious nature than exemplified in item B-1 of this policy;

b. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;

c. the youth fails to cooperate or to positively respond to police intervention and direction;

d. the youth has received prior informal warnings or referrals or has engaged in delinquent acts, and/or

e. the youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.

3. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in item B-2 of this policy. Officers should file delinquency charges against juveniles when they commit:

a. acts that if committed by an adult would be felonies;

b. delinquent acts involving deadly weapons;

c. serious gang-related offenses;

d. delinquent acts involving assault;

e. delinquent acts while on probation or parole or when they have charges pending against them;

f. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs; or

g. when it has been determined that parental or other adult supervision is ineffective.

4. An officer may also take a juvenile into custody if the youth is lost, seriously endangered or is a runaway. In all such cases these juveniles shall be held in non-secure custody and officers shall contact the child's parents or guardian as soon as possible. Where parents or guardians cannot be contacted or refuse to accept custody, the officer shall contact the Departmentally approved youth services agency for placement.

5. In cases of alleged child abuse, officers shall contact a youth officer or their immediate supervisor in order to conduct an investigation of the complaint unless probable cause justifies immediate action in order to protect the safety and well-being of the child.

C. Status Offenses

1. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.

2. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.

3. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.

4. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.

5. Transportation of a juvenile in a caged vehicle is not considered secure custody.

6. Status offenders and other juveniles taken into temporary non-secure custody for non criminal-type offenses should not be fingerprinted or photographed for purposes of record.

7. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be:

   a. under constant supervision;

   b. afforded reasonable access to toilets and washing facilities;

   c. provided food if in need of nourishment to include any special diets necessary for health or medical purposes;

   d. provided with reasonable access to water or other beverages; and

   e. allowed reasonable access to a telephone.

D. Criminal-type Offenses

1. Juveniles arrested for criminal-type offenses are subject to the same security requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing.

2. Juveniles accused of criminal-type offenses may be securely detained only for the period of time and in the manner prescribed by state law to allow for identification, investigation, processing and release to parents or a responsible adult, or transfer to the juvenile facility or court.

3. Fingerprints and photographs shall be taken of all juveniles taken into custody for criminal-type offenses. The fingerprint card and mug shot shall be marked “Juvenile” and shall be maintained in this agency's central repository for such purposes separately from adult fingerprints and mug shots and shall be subject to controlled dissemination as provided by State law.

4. The City of Seabrook does not maintain or operate secure detention facilities for juveniles. Therefore, Seabrook officers will only detain juveniles in the following manner:

   a. Field detention for investigation;

   b. Non-secure detention only for the limited time necessary to complete investigation and identification procedures; AFIS, JOTS,

   c. Secure detention in a state approved juvenile detention facility; other approved facility or

   d. Transportation directly to one of the above.

5. Prior to custodial interviews or questioning a juvenile officer should be summoned if available.

6. The juvenile and the adult, if available, shall be advised of their constitutional rights prior to interrogation by a magistrate. If, prior to or during questioning the juvenile, his parents or responsible adult express the desire to speak with an attorney, all questioning shall cease and shall not be renewed until permission is granted.

7. In the absence of a parent or guardian, a juvenile may be questioned and may provide statements if reasonable assurances can be made that the juvenile fully understands his constitutional rights. If possible, the questioning should be recorded in its entirety.

8. Interrogation of juveniles should not extend over periods of time that could be considered unreasonable or harassing and, whenever possible, should be conducted by only one officer at a time.

9. The juvenile should be informed of the procedures that will be followed with regard to custody, release, transport to another facility or to a custody hearing.

E. Recordkeeping

1. Officers who select non custodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate field interview and/or incident reports as required by this agency. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the officer's disposition.

2. Juveniles taken into custody for any status offenses or criminal-type offenses shall be subject to documenting the incident in the required log and or reports. Such reports shall be clearly marked “Juvenile,” maintained in a separate location from adult arrest records and be subject to state law regarding dissemination and access.

3. A custody record will be maintained with each juvenile arrest report that specifies:

   a. the time the juvenile entered secure detention and the duration of each period of secure detention;

   b. if the juvenile is placed in a locked room or cell, the name of the police officer or custodial officer responsible for visual supervision and the schedule of visual supervision;

c. a statement of the need for secure detention; and

d. the time in which each period of interrogation was commenced and completed, the officers present and the names of parents or responsible adults on hand.

4. Records or information pertaining to or identifying juveniles is confidential under law. Such information will not be released to the public or to any person other than Court personnel or juvenile authorities without the express authorization of the Chief of Police or City Attorney except that certain records may be released in accordance with Section 58.007 of the Family Code. Employees who are unsure of the application of applicable law will consult with the Chief of Police or the City Attorney prior to releasing or refusing to release juvenile records.

CHAPTER 6 CVE & CRIME PREVENTION

Section 1 Commercial Vehicle Enforcement

Section 2 Crime Prevention

COMMERCIAL VEHICLE ENFORCEMENT

I.Policy

Commercial vehicle enforcement (CVE) is a patrol function that is performed by officers who have completed the required training through the Federal Motor Carrier Safety Alliance Program (MCSAP). This program is instructed and maintained through the Texas Department of Public Safety (DPS). The department expects these officers to conduct routine inspections of commercial motor vehicles to ensure these vehicles are operated and
maintained in a safe manner.

II. Purpose

To establish the guidelines for general conduct of inspecting commercial motor vehicles.

III. Definitions

A. Commercial motor vehicle enforcement (CVE) officer: Any officer that has completed at a minimum the North American Standard level – 1 (parts a, b&c) school.
B. Weight enforcement officer: Any officer that is certified as a CVE officer and has completed a basic weight school.
C. North American Standard Inspection Levels:
    a. Level 1 – Inspection that include the examination of driver's license, medical examiner's certificate, drivers record of duty status, hours of service and a complete vehicle inspection including the equipment located underneath the vehicle.
    b. Level 2 – Walk-Around Driver/Vehicle Inspection: The same as a Level 1 inspection except the driver does not inspect the equipment underneath the vehicle.
    c. Level 3 – Inspection of a driver's credentials including, but not limited to, driver's license, medical examiner's certificate, driver's record duty of status and hours of service (HOS).
    d. Level 4 – Typically a one-time inspection of a particular item usually in support of a study to verify or refute suspected trend.
    e. Level 5 – The same as a level 1 inspection, but without a driver present, conducted at any location.
D. Out-of-Service (OOS) - A CVE officer shall declare a commercial motor vehicle (CMV) out of service if for any reason its mechanical condition or loading would likely cause an accident or breakdown. The CVE officer shall not declare a vehicle OOS unless the noted defect is located in the North American standard Out-of-Service Criteria.

IV. Procedures

Commercial Vehicle Inspections

A. All CVE officers will adhere to DPS commercial motor vehicle policies as prescribed in our Memorandum of Understanding (MOU).
B. A CVE officer may stop and inspect commercial motor vehicle without probable cause.
C. The officer shall conduct the inspections in a safe location preferably out of a moving lane of traffic.
D. The CVE officer will advise dispatch of the location of all stops.
E. Level 1 inspection's may only be conducted with a second officer present for officer safety.
F. No officer may enter the back of a CMV without a second officer present for officer safety.
G. If a vehicle is placed OOS the CVE officer may require the vehicle to be repaired on location or may take the OOS vehicle to a repair shop within the general area. If the OOS vehicle is in dire condition the CVE officer has the discretion to remove the vehicle by a wrecker.
H. Once a CVE officer starts his inspection he must complete the inspection before allowing the CMV to complete the trip.

Procedures – Weighing of Commercial Vehicles

A. A CVE officer that has successfully completed a weight school may enforce both Federal and State law concerning weight violations.
B. A CVE officer may weigh any vehicle that he feels is possibly in violation of either Federal or State weight laws.
C. As noted in the DPS policy if a vehicle is more than 5% overweight the CVE officer can make the vehicle offload its cargo until it's within compliance:
    a. An exception to this is if the load is within 5 miles of its starting location or destination, then the officer will allow the vehicle to either return to its origin or its destination as long as the weighted vehicle is not causing damage to the roadway.

Responsibilities of CVE Officers

A. Each CVE Officer will have "On Call" status:
    a. They can be called out for any hazardous material incident.
    b. They can be called out for any CMV incident.
    c. They can be called out for an accident with serious bodily injury or death.
B. To compensate for the "On Call" status:
    a. Each officer will be issued a take home vehicle
    b. Each officer will be issued a city cellular phone or pager.
C. Each CVE officer will be required to become a certified accident reconstructionist.
D. Each CVE officer will be required to attend hazardous material training.

CRIME PREVENTION

I. POLICY

Crime prevention is the anticipation, recognition, and appraisal of crime risks and the initiation of action to remove or reduce such risks. The policy of the Department is to promote crime prevention using all Department employees to develop and implement procedures and programs that reduce the opportunity for or lessen the loss arising from crime.

II. PURPOSE

To set forth procedures for the delivery of crime prevention services.

III. PROCEDURES

A. Police Officers, Generally

1. All officers upon request and when appropriate shall provide knowledgeable, instructive advice to the public concerning steps that can be taken to reduce the opportunity for or lessen the loss from crime.

2. All officers upon request and when appropriate shall conduct brief surveys of homes or small businesses and orally advise the owner or occupant of security strengths and weaknesses.

3. All officers shall be aware of and where it is appropriate to offer their assistance to crime prevention activities taking place within their assigned patrol area such as: neighborhood watch, business watch, safe home, and CB radio patrol.

4. All officers shall make referrals to the appropriate resource either within or outside the Department in response to crime prevention requests that exceed their knowledge or capability to accommodate.

5. No officer or other employee of this Department shall advise any person that the use of any crime prevention suggestion or program will prevent that person or any other person from becoming the victim of a crime, but will only lessen the probability of victimization.

6. Crime prevention activities undertaken by police officers shall be reported on daily activity reports.

B. Crime Prevention Unit/Officer

1. The Department's crime prevention officer is responsible for developing, implementing, and coordinating the Department's crime prevention program. This assignment of responsibility does not relieve other officers of being aware of and involved in crime prevention procedures and activities.

2. The crime prevention officer shall request and study trends of crimes that are generally considered preventable and develop procedures and programs to reduce the opportunity or lessen the loss from crimes.

3. The crime prevention officer shall consult with police officers, supervisory and investigative personnel to gather information concerning trends in crime, public and police response to them.

4. Crime prevention personnel shall develop an expertise in all phases of crime prevention including, but not limited to, the following areas:

    a. security hardware;

    b. alarm/warning systems;

    c. lighting;

    d. basic residential and business construction practices;

    e. media relations;

    f. public speaking;

    g. use of volunteers.

5. The crime prevention officer shall establish a working relationship with architects, developers, contractors, and others in the building trades to identify and correct practices used in the planning, design, and construction of any building and the space surrounding it which create the opportunity for crime.

6. The crime prevention officer shall contact and develop a working relationship with local building officials, community planners, and zoning officials to review plans for new construction or development within the community to identify and correct components of those plans which may create unwanted crime opportunities.

7. The crime prevention officer shall establish a working relationship with print and broadcast news media to promote and advertise crime prevention procedures and programs.

8. The crime prevention officer shall establish a working relationship with professional, civic and community groups to develop, promote, and implement crime prevention programs.

9. The crime prevention officer shall establish a working relationship with other local, state, and national government and non-government crime prevention programs to exchange information on past, current, and planned crime prevention activities.

10. The crime prevention officer shall coordinate with fire prevention personnel to insure that crime prevention procedures and programs do not compromise fire safety programs and to insure that fire safety programs do not compromise crime prevention programs.

C. Formal Programs

Officers are encouraged to develop, stimulate the growth of, or otherwise participate in the following programs:

1. Neighborhood Watch. (Business Watch) is the formal organization of residents to enable them to deter crime in their neighborhood by relying on their awareness of and concern for their fellow neighbors to detect or discourage suspicious or criminal activity.

a. Requests to establish a Neighborhood Watch (Business Watch) shall be forwarded to the Chief of Police for action.

b. The Chief of Police or his designee shall make an introductory presentation to the interested Neighborhood Watch group, maintain contact with the group once established, and contact it at least every three months.

c. Homes wishing to participate in Neighborhood Watch also must participate in the security survey and Operation Identification programs.

d. The Chief of Police or his designee shall maintain a list of all Neighborhood Watch programs with names, addresses, and phone numbers of leaders and block captains.

e. The Chief of Police or his designee shall provide quarterly crime reports to the Neighborhood Watch groups detailing the crimes that have been reported in their specific neighborhoods.

2. Security survey. A security survey is an evaluation of the security strengths and weaknesses of a home or business and presenting that evaluation to the owner or occupant for correction.

a. Patrol officers are authorized to conduct brief surveys of homes or small businesses upon request or if there is an apparent need, time permitting. Only oral recommendations are to be made.

b. Requests for in-depth surveys with written recommendations are to be forwarded to the Chief of Police. Surveys of any large structure or facility are to be conducted by whomever the Chief of Police selects. Outside agencies' crime prevention units may be asked to assist.

c. All security surveys performed by officers are to be considered information offered to the police in confidence. Surveys are not considered information available through Public Information Act requests.

d. Officers making recommendations during security surveys shall not recommend any particular brand name product or device.

e. Officers may represent that corrective security measures *may* reduce the risk of criminal acts; but are expressly prohibited from advising citizens that any corrective security measure will absolutely prevent a criminal act.

D. Operation Identification

Operation Identification is the retention of serial numbers or other identifying marks property owners use to assist in the identification and recovery of stolen property. When the property has no serial number, the owner is encouraged to permanently engrave the property in several places with an easily recognized and traced identification mark such as a driver's license or a Social Security number.

1. The Chief of Police or his designee shall establish procedures for the loan of engravers for persons wishing to identify their property.

E. Site Plan Review

Site plan review is the review of site plans for new commercial or residential development or redevelopment to identify components of the plan that once implemented may create crime opportunities, and to make reasonable recommendations to correct the crime-related deficiencies in the plan.

1. The crime prevention unit is responsible for all site plan reviews.

2. The crime prevention unit shall contact the community planning Department and request that it be allowed to review development or redevelopment plans for security-related strengths and weaknesses.

3. Crime prevention personnel shall visit construction sites and *informally* inspect projects for security strengths and weaknesses and then make *informal* suggestions for improvements to the appropriate project officials.

F. Other Programs

There are many other crime prevention programs aimed at specific types of crimes. Many of these programs can be incorporated into public educational programs or Neighborhood Watch activities as needed. Some of these programs are:

1. auto theft prevention;

2. child safety;

3. street lighting;

4. check fraud;

5. victim services;

6. elderly crime prevention;

7. bicycle theft.

IV. REPORTING

A. Recordkeeping

The Chief of Police or his designee shall maintain up-to-date information on the following crime prevention activities for reporting and evaluation purposes.

1. Neighborhood Watch

a. Number of Neighborhood Watch programs.

b. Date specific Neighborhood Watch programs begun.

c. Number of initial and follow-up Neighborhood Watch presentations.

d. Number of block captains.

e. Names, addresses, and telephone numbers of Neighborhood Watch program leaders and block captains.

f. Number of homes and businesses participating in Neighborhood Watch.

g. Number and types of reports made to police by Neighborhood Watch participants.

h. Number and types of arrests resulting from reports by Neighborhood Watch participants.

2. Operation Identification

a. Number of times engraver loaned out.

b. Number of victim property identifications and returns made through serial number tracing.

c. Number of victim property identifications and returns made through Operating Identification number tracing.

d. Number of arrests made through serial number tracing.

e. Number of arrests made through Operation Identification number tracing.

3. Security survey

a. Number of informal security surveys conducted by non-crime prevention personnel (residential and business).

b. Number of follow-up visits to site where security surveys were previously conducted.

c. Rate of compliance to recommendations found during follow-up visit.

4. Educational programs

    1. Number and types of programs.

    2. Number of attendees.

5. Other programs

    1. Number and types presented.

    2. Number of participants or attendees.

CHAPTER 7 OCCUPATIONAL SAFETY

Section 1 Safety Plan

Section 2 Safety Standards for Law Enforcement

Section 3 Communicable Diseases

Safety Plan

City of Seabrook
Police Department

PREFACE

How to Use This Manual in Developing your Safety Plan

This manual is intended to serve as a guideline for an employer integrated safety and health management program. The essential elements in this program need to include the Texas Workers' Compensation Commission mandatory safety program administration components.

1. A management component with a written safety policy statement and assignment, by position or title, of safety responsibilities.
2. An Analysis component, which includes identified operational and safety hazards.
3. A safety program record-keeping system component.
4. A safety and health education and training component
5. A safety audit/inspection component that includes the identification, by title or position, of a qualified person(s) to conduct the audit/inspections.
6. An accident investigation component to identify the cause factors of injuries.
7. A review and revision of the safety program and operational procedures component to determine effectiveness of abatement measures.

It is intended that this sample outline be enhanced and continuously improved by the department. The department to accommodate actual operations and work practices, provided that the original intent of that section is not lost, may modify any section of this sample outline. For example, if a safety committee meets weekly or quarterly instead of monthly, then Section II of the manual should be amended to accommodate this practice. If there is a safety rule, policy, or procedure appropriate for the work or work environment which has not been included, or if a rule included in Section VII is inappropriately written, then a new safety rule, policy, or procedure should be added to improve the manual. Likewise, if a specific rule in the Safety Rules, Policies, and Procedures section does not apply because the equipment or work operation described is not used, then that specific rule should be crossed out or deleted from the manual. If accidents occur, new safety rules should be developed and incorporated in Section VII of this manual to prevent their recurrence.

This page does not need to be included with the plan. Instructional sheet only.

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GENERAL PROVISIONS

All employees of this Department shall read, sign, adhere to and be held accountable for the contents of this manual as an official manual of the City of Seabrook Police Department, under the authority of the Chief of Police.

Section I

MANAGEMENT COMMITMENT AND INVOLVEMENT POLICY STATEMENT

The management of this department is committed to providing employees, both Commission and Non-commission employees, with a safe and healthful workplace. It is the policy of this organization that employees report unsafe conditions. Employees must report all accidents, injuries, and unsafe conditions to their supervisors. Employees must follow all safety rules at all levels.

Employee recommendations to improve safety and health conditions will be given thorough consideration by our management team. Management will give top priority to and provide the financial resources for the correction of unsafe conditions. Similarly, management will take disciplinary action against any employee who willfully or repeatedly violates workplace safety rules. This action may include verbal or written reprimands and may ultimately result in termination of employment. Department employees must follow City or Department policy and procedures.

The primary responsibility for the coordination and implementation of the safety program has been assigned to:

Name Administrative Lieutenant

Title: Lieutenant Telephone: (281) 291-5610

The Lieutenant has the responsibility of implementing this accident prevention plan by assigning each task to staff members as defined in the individual components.

Senior management will be actively involved with employees in establishing and maintaining an effective safety program. The safety program coordinator, myself, or other members of our management team will participate in ongoing safety and health program activities, which include:

- Promoting safety committee participation;
- Providing safety and health education and training; and
- Reviewing and updating workplace safety rules.

This policy statement serves to express management's commitment to and involvement in providing our employees with a safe and healthful workplace. This workplace safety program will be incorporated as the department standard of practice. Compliance with the safety rules will be required of all employees as a condition of employment.

_____
Signature of Chief of Police

_____
Date

Section IA

SAFETY COMMITTEE

Safety Committee Organization

A safety committee has been established to recommend improvements to our workplace safety program and to identify corrective measures needed to eliminate or control recognized safety and health hazards. The safety committee consists of the following supervisory and non-supervisory members of our organization:

_____ Administrative

_____ Supervisor

_____ Patrol

_____Non Sworn

Responsibilities

The safety committee shall determine the schedule for evaluating the effectiveness of control measures used to protect employees from safety and health hazards in the workplace. The Coordinator will also make recommendations as to any adjustments needed to improve any of the components of the safety program.

The Safety Committee will be responsible for:

- Assisting management in reviewing and updating workplace safety rules based on accident investigation findings, any inspection findings, and employee reports of unsafe conditions or work practices, accepting and addressing anonymous complaints, and suggestions from employees. This review will be conducted on an ongoing basis with quarterly meetings and will focus on hazards and injury analysis, and recognition of developing trends from a review of at least the TWCC-1, First Report of Injury and Accident Investigation Reports. The Safety Program Coordinator shall document the quarterly reviews as to what was reviewed and any trends identified. The Coordinator will provide copies to the Committee the Chief of Police and maintain a file of the review for at least five years. The Safety Committee will have the responsibility to conduct quarterly analysis reports.

- Assisting management in updating the workplace safety program by evaluating employee injury, illnesses, property damage, near-miss incidents, accident records, identifying trends and patterns, and formulating corrective measures to prevent recurrence. All personnel will be provided with the Safety Committee Review for review.

- Assisting management in evaluating employee accident and illness prevention programs, and promoting safety and health awareness and co-worker participation through continuous improvements to the workplace safety program.

- Safety committee members will participate in safety training and be responsible for assisting management in monitoring workplace safety education and training to ensure that it is in place, that it is effective, and that it is documented.

Meetings
Safety committee meetings are held quarterly and more often if needed. The safety program coordinator will post the minutes of each meeting within one week after each meeting on the Department Bulletin Board located in the *Kitchen and Patrol Room*. Attendance and the outline of safety topics will be maintained on file by the department, in the office of at least five years.

SAFETY COMMITTEE MINUTES

Date:	**Time:**	**Location:**
Attending Member:	***Attending Member:***	***Attending Member:***

Previous Action Items:

Recommendations from Anonymous Employees:

Suggestions from Employees:

- **Review of Accidents (TWCC-1s and injury log) since previous meeting:**
- **Review of Near Miss Reports since previous meeting:**
- **Review of Accident Investigation Reports (motor vehicle accidents and employee injury accidents) since previous meeting:**
- **Noted Trends, if any:**
- **Recommendations for Prevention:**

Recommendations from Inspection Reports (facilities, vehicles, equipment):

Safety Training Recommendations:

Recommended Updates to Safety Program:

Comments:

Prepared By:	***Date:***

Section II

ANALYSIS COMPONENT

The Safety Committee of the Seabrook Police Department will review and analyze records and documentation pertaining to the safety and health program. This review will be conducted on a quarterly basis and will focus on hazard analysis and recognition of developing trends on dates determined by the Chief of Police. A final report will be submitted to the Police Chief for review and appropriate action, if any is required.

1. Trend analysis will identify recurring accidents and near miss incidents resulting in or potentially involving injury, illness, and/or property damage. The analysis will also recognize repeatedly identified hazards/violations needing corrective action to establish what program component is failing that allows the hazard to exist.

2. The Safety Committee will provide information and recommendations for corrective measures for trends developing in their areas to the Chief of Police.

3. Employees will be made aware of developing trends and hazard exposures as they are recognized.

4. Trends of accidents or hazard recurrences will be a focal point for corrective action and employee training as needed.

5. Corrective measure will be followed-up by the highest-ranking supervisor until the causal factor has been eliminated or controlled.

6. Employee training records will be reviewed each quarter by Lieutenant to ensure an adequate and effective training program is maintained. Employees may be interviewed from time to time to establish retention of training and determine when information should be supported or repeated.

7. Document results of the analysis. A. List any trends identified. B. List what actions to be taken from the identified trends. C. Include in next analysis progress on previous identified trend(s).

8. Records to be reviewed and analyzed include:
   - Accident reports (TWCC-1s and/or Department injury log)
   - Near miss reports
   - Accident Investigations (motor vehicle accidents and employee injury accidents)
   - Inspections (Facilities, vehicles, equipment)

9. All records will be maintained in the office of Record Clerk.

Section III

SAFETY AND HEALTH TRAINING

Safety and Health Orientation

Workplace safety and health orientation begins on the first day of initial employment. Each employee, both commission and non-commission employees will receive training on safety procedures through his or her supervisor, Field Training Officer, Training Division, TML, and/or the City of Seabrook's Risk Management Department. Supervisors will ask questions of employees and answer employees' questions to ensure knowledge and understanding of safety rules, policies, and job-specific procedures described in our workplace safety program manual. Documentation of this safety orientation will be a part of the employee-training folder or in the department training folder for each employee.

Job-Specific Training

- Supervisors or Field Training Officers will initially train employees on how to perform assigned job tasks safely.
- Supervisors or Field Training Officers will carefully review with each employee the specific safety rules, policies, and procedures that are applicable and that are described in the workplace safety manual.
- Supervisors or Field Training Officers will give employees verbal instructions and specific directions on how to do the work safely.
- Supervisors or Field Training Officers will observe employees performing the work. If necessary, the Field Training Officer and/or supervisor will provide a demonstration using safe work practices, or remedial instruction to correct training deficiencies before an employee is permitted to do the work without supervision.
- All employees, both commission and non-commission will receive safe operating instructions on seldom used or new equipment before using the equipment.
- Supervisors or Field Training Officers will review safe work practices with employees before permitting the performance of new, non-routine, or specialized procedures.
- Supervisors and Field Training Officers will document all safety training.

Annual Retraining of Employees

All employees will be provided with training on changes and updates of the safety rules, policies and procedures manual when changes are made. List of general safety training for Commission and Non-commission employees will be maintained. Safety meetings for all employees will be held twice yearly.

Individual employees will be retrained after the occurrence of a work-related injury caused by an unsafe act or work practice, and when a supervisor observes employees displaying unsafe acts, practices, or behaviors. It is the responsibility of the Supervisor to make sure employees have received the appropriate training and all training has been documented.

Training Resources

The following resources may be utilized for training, training materials, videos, etc. TCJC, TCLEOSE, TML-IRP, LETN, *this is not intended to be an all-inclusive list.*

Section IV

ACCIDENT INVESTIGATION

Accident Investigation Procedures

For the purpose of this section, "accident" refers to any unintentional act, which results in workers' compensation injury or near miss. The supervisor at the location where the accident occurred will perform an accident investigation. The safety coordinator is responsible for seeing that the accident investigation reports are being filled-out completely, and that the recommendations are being addressed. Supervisors will investigate all accidents, injuries, and occupational diseases using the following investigation procedures:

1. Implement temporary control measures to prevent any further injuries to employees.
2. Determine how the accident or incident occurred.
3. Review the equipment, operations, and processes to gain an understanding of the accident situation.
4. Identify and interview each witness and any other person who might provide clues to the accident situation.
5. Investigate causal conditions and unsafe acts; make conclusions based on existing facts.
6. Complete the accident investigation report no later than (24 hours after accident) to assigned supervisor.
7. Provide recommendations to the Safety Committee for corrective actions.
8. Indicate the need for additional/remedial safety training, or disciplinary recommendations to the Chief of Police.
9. A report from the Chief of Police indicating his review of corrective action or disciplinary action taken in time for the next quarterly safety committee meeting.
10. Records will be maintained in the office of the Record Clerk.

Employee Reporting

All employees are required to report to their immediate supervisor any of the following:

- Accidents/incidents with injury/illness of any magnitude (including first aid related cases);
- Accidents/incidents resulting in property or equipment damage of any magnitude; and
- Any near miss incident that could potentially have resulted in injury/illness or property damage.

All necessary accident reports shall be filed with local, state and federal agencies as required.

The Department will maintain an injury log. This log will be held in the office of the Record Clerk and maintained by the record clerk.

"Supervisor's First Report of Injury" investigation reports must be submitted to the assigned Lieutenant within 24 hours of the accident.

A database will be maintained for on-the-job injuries. The database will track injuries that are reported on the TWCC-1 as well as those injuries requiring first-aid only treatment. The database will be maintained by the Record Clerk

MOTOR VEHICLE ACCIDENTS

In the event of a motor vehicle accident involving Police Department Vehicles, the following procedures are to be followed:

1. A traffic accident investigator or a police supervisor will respond to all fleet accidents and assume control of the investigation.
2. All accidents will be reported on the Department of Public Safety accident form ST-3.
3. A physical evidence unit will be notified to respond as needed.
4. For further information, refer to General Orders Manual Policy.
5. The Accident Review Board will convene to review the incident in accordance with Written Directives.
6. Investigation should be conducted with emphasis on prevention.

Section V

RECORD-KEEPING PROCEDURES

Record-Keeping Procedures

The office of the Chief of Police will maintain all of the following listed records within the Record Clerk's Office for a minimum of 5 years (*or as prescribed by the Texas Local Government Code Local Records Retention Schedule*) and include:

- Accident Investigation Reports
- In-house Safety and Health Inspections
- Workers' Compensation Notice of Injury Reports TWCC 1
- First Aid Database
- TML-IRP Loss Runs
- Supervisor's First Report of Injury
- Administration Injury Log. This log must be comprised of the following information: Date of injury; Injured employee's name; Description of injury; Lost workdays (if any); Restricted duty days (if any).
- Safety Committee Meetings
- Analysis, Review and Revision documentation
- Safety Training

Applicable Forms or Records

- Texas Workers' Compensation Commission Form TWCC - 1 Employer first report of injury.
- Texas Workers' Compensation Commission Form TWCC 6 Supplemental Report of occupational injury or illness; and record of first aid or other non-record able accidents/incidents.

Departments Record Clerk

The department training coordinator will retain all safety and operational training records for both Commission and Non-commission employees until the date of separation, plus five years.

Fleet Maintenance

The City of Seabrook Police Department will retain all Fleet maintenance records for the life of the vehicles.

Pre-Shift Inspections

1. At the beginning of each week, all employees will inspect their work areas. Patrol Officers will inspect their assigned vehicles by a written checklist.

2. Any noted safety issues should be reported to his or a supervisor on duty.

3. Any suggestions concerning safety related issues might be forwarded to the Safety Committee.

4. For further information, refer to General Orders Manual Policy.

5. Pre-shift inspections will be maintained by Supervisors.

6. Maintain records of completed corrective action(s).

Section VI

Safety Audit/Inspection

The City of Seabrook Police Department has implemented a program to identify, correct, and control hazards on an ongoing basis. This program will utilize multiple resources to ensure effectiveness.

The department has arranged for each area to receive a comprehensive safety and health audit by the Chief's designee on an annual basis no later than July of each year. These audits will identify existing and potential hazards and noncompliance issues that should be addressed. The findings of the audit will be discussed and recommendations for corrective actions will be suggested. Audit will be conducted to evaluate the overall effectiveness of the Accident Prevention Plan and employee training. Recommendations will be made to enhance the performance of the safety and health program. Reports will be forwarded to management for review.

Seabrook Police Department Surveys and inspections will be performed quarterly. Management will allocate adequate time and resources to perform the surveys. Seabrook Police Department's checklist will be developed utilizing a general inspection checklist and will be evaluated and updated with hazards that are identified during the inspections and other pertinent data as it is acquired. The checklist will become a part of the permanent record of the inspection and will serve as a confirmation of the survey. Each checklist will indicate the location of specific items (vehicle/equipment) or area surveyed, name and title of person conducting the survey, along with the date and corrective action taken for identified hazards or violations. The report will be used in trend analysis and record keeping. Records will be maintained in the office of the Record Clerk

Employees must be notified either by bulletin board posting, shift briefings, safety meetings or other appropriate means of the hazards that pose an immediate threat of physical harm or property damage, and informed of measures or steps that will be taken to eliminate, correct, or control the hazard.

The Lieutenant will review the inspection checklist and any other established documentation to ensure that a course of corrective action and time line has been established for eliminating each deficiency. A written report of the audit will be forwarded to the Chief of Police for review and the report will be maintained by the record clerk and retained for at least five years.

Certain equipment must have daily inspections by the officers such as weapons, protective vest, vehicles, and other equipment required by the Chief of Police.

Section VII

Review and Revision Components

The Chief's designees will review and revise the components of the Accident Prevention Plan each year (as determined by Chief) for effectiveness and implementation. Special attention will be devoted to areas and criteria that demonstrate failure in a program component, introduction of new procedures, processes, or equipment. Corrective measures will be implemented by the Chief's designee to reemphasize or restructure the seven components of the Accident Prevention plan to perform at the optimum effectiveness. Documentation of the plan review will be sent to the Chief of Police for review and retained by Chief's designee. Changes to the plan will be an agenda item for the next safety committee meeting and page changes to the plan made available to all employees.

Information will be solicited from Supervisors and Employees to determine the effectiveness of each program component and assistance in developing adjustments and corrections. Employees will be notified of any changes in the Accident Prevention Plan.

Section VIII

SAFETY RULES, POLICIES, AND PROCEDURES

The safety rules contained on these pages have been prepared to protect you in your daily work. It is recognized that the nature of police work is unpredictable and that unusual situations may arise that require departure from these rules due to exigent circumstances; however, employees should follow these rules whenever possible and use good common sense in carrying out assigned duties.

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Lifting Procedures

EVIDENCE PROCESSING ROOM PERSONNEL
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The following policy and procedure examples are not meant to be all-inclusive and local policy and procedure should be inserted along with any other information relating to the particular area.

ALL PERSONNEL

Lifting and Ergonomic Procedures

1. Plan the move before lifting; remove obstructions from your chosen pathway.
2. Test the weight of the load before lifting by pushing the load along its resting surface.
3. If the load is too heavy or bulky, use a hand truck or get assistance from a coworker.
4. Position your feet 6 to 12 inches apart with one foot slightly in front of the other.
5. Bend at the knees and keep your back straight.
7. Get a firm grip on the object with your hands and fingers. Use handles when present.
8. Do not lift anything if your hands are greasy or wet.
9. Wear protective gloves when lifting objects with sharp corners or jagged edges.
10. Hold objects as close to your body as possible.
11. Perform lifting movements smoothly and gradually; do not jerk the load.
12. If you must change direction while lifting or carrying the load, pivot your feet and turn your entire body. Do not twist at the waist.
13. Set down objects in the same manner as you picked them up, except in reverse.
14. Do not lift an object from the floor to a level above your waist in one motion. Set the load down on a table or bench and then adjust your grip before lifting it higher.

EVIDENCE PROCESSING ROOM PERSONNEL

Physical Evidence Section

1. Wear protective clothing when needed.
2. Do not eat, drink, use tobacco or apply cosmetics while processing evidence.
3. Wash your hands and the exposed skin areas of your arms after working in the laboratory.
4. The ventilation system should be used when hazardous chemicals are in use.
5. Respiratory equipment is available for all employees performing this task.
7. For further information, refer to General Orders Manual Policy

FACILITY STANDARDS

Barricades, Signs and Signals

1. In the event a hazard exists within the police station, caution signs will be visible at all times for the duration of the hazard and will be promptly removed when the hazard no longer exists.
2. Danger signs will have red as the predominate color, with a black outline and a white lower panel for additional wording.
3. For potential hazards, caution signs shall be posted.

Emergency and Fire Evacuation Plans

1. In the event the police station must be evacuated, sworn officers will respond to assist in prisoner removal.
2. Emergency telephone lines will be forwarded to a designated number assigned by the Chief of Police workstation designation point or the Mobile Command Post, if activated.
3. For evacuation routes, refer to posted Evacuation Plans throughout the police station.
4. The City of Seabrook will have inspected the station fire alarm system annually in.
5. During the course of employee orientation, the fire evacuation plan will be reviewed.

Electrical Requirements

1. The electrical room is to be kept locked and secured at all times.
2. Within the electrical room, there are to be no storage of flammable or combustible materials. Electrical panels, vaults or storage areas will be kept clean and clear of any debris/obstacles.
3. All panels, switches or controls will be labeled, containing the manufacturer's name/trademark, voltage, current, wattage, and other ratings as necessary.

Means of Egress

1. All exits will be clearly marked.
2. All exits will be kept free of obstructions, clutter, storage or any other impediment that might restrict their full and instant use in a fire emergency.

Walking and Working Surface

1. All floor openings, such as drains, will remain covered at all times.
2. Railings will be kept in good repair and unaltered/unobstructed.
3. Employees will not use portable stepladders in excess of 20 feet.
4. Employees will not use portable rung ladders in excess of 30 feet (single) or 60 feet (double).
5. Area supervisors will perform informal inspections of work areas daily.

FIRE PROTECTION AND LIFE SAFETY STANDARDS FOR FACILITIES

Exits

Exits from the Seabrook Police Department will be clearly marked with 6" red lettering and kept free from debris/obstacles in accordance with the City of Seabrook Code of Ordinances.

Fire Extinguishers

Fire extinguishers will be maintained and inspected in accordance with City of Seabrook Code of Ordinance.

First Aid Kits

First Aid Kits are maintained and supplied by the Supervisors who will be responsible for replenishing kits with required additional supplies. Kits will be checked every 6 months.

Flammables

It is the policy of this department to require all flammable material to be clearly marked and stored in its original containers or containers specifically designed for use by said chemical. Flammable chemicals will not be kept in individual offices unless approved by the area supervisor as being required for regular work duties.

Personal Protective Equipment

Employees specially assigned to handle flammable; hazardous or infectious materials will utilize eye, ear, hand and respiratory protection as is needed for the substance.

OFFICE PERSONNEL

Office Safety

1. Do not stand on furniture to reach high places.
2. Use a ladder or step stool to retrieve or store items that are located above your head.
3. Open one file cabinet drawer at a time.
4. Put heavy files in the bottom drawers of file cabinets.
5. Close drawers and doors immediately after use.
6. Use the handle when closing doors, drawers and files.
7. Do not tilt the chair you are sitting in on its back legs.
8. Do not use extension or power cords that have the ground prong removed or broken off.
9. Do not use frayed, cut or cracked electrical cords.
10. Use cords cover or tape the cord down when running electrical or other cords across aisles, between desks or across entrances and exits.
11. Employees shall keep their workplace neat and orderly and report unsafe conditions (to their supervisor).
12. Use handrails when ascending or descending stairs or ramps.
13. Do not store or leave items on stairways or walkways.
15. Employees will make recommended work station adjustments and work according to ergonomic guidelines.

OFFICER SAFETY

After Suspect Has Been Shot

1. Do not rush in to apprehend the suspect.
2. Do not put your weapon away, reload if necessary.
3. Watch the suspect for any sudden moves especially their hands.
4. Handcuff the suspect before seeking medical attention.
5. Be alert for other possible hostile suspects in the area.

Approaching a Building

1. Be aware of potential "cover" and "concealment”.
2. If a situation warrants, utilize the “Wide Angle Search” technique.
3. For further information, refer to Standard Operating Procedures Manual Policy.

Approaching Doorways

1. Stand to the side of the door.
2. Use caution when entering.
3. For further information, refer to Standard Operating Procedures Manual Policy.

Blood-borne Pathogens

1. All employees will be provided with proper immunizations and post-exposure evaluations at no cost to the employee.
2. After suspected exposure to hazardous pathogens, the department will immediately make available a confidential medical evaluation and follow up.
3. In the event a prisoner is identified as a hazard, the hazard will be noted in the arrest file.
4. Personal protection equipment will be used for suspected or identified exposure.
5. Other measures as defined in General Orders Manual Policy.
6. Garments/linens penetrated by blood or other infectious materials will be removed as soon as practical and stored in such a manner as to prevent further contamination until said item is disinfected or properly disposed of.
7. For further information, refer to General Orders Manual Policy.

Chemicals

1. When acting as a first responder, get out of the area, close the area off to unnecessary traffic, and notify the local fire department.
2. If you discover a clandestine lab, get out of the area and call the local fire department.
3. Use any available personal protective clothing or equipment when handling chemicals labeled "Flammable, "Corrosive, "Caustic" or "Poisonous.
4. Do not use protective clothing or equipment that has split seams pinholes, cuts, tears or other visible damage.
6. Your gloves become contaminated; wash your gloves before removal. Always wash your hands after removing contaminated gloves.
7. Use extreme caution with unmarked or unknown chemicals.
8. For further information, refer to General Orders Manual Policy.

Defensive Driving

Employees operating city vehicles shall give primary consideration to safety. Employees are scheduled to attend defensive driving courses and, or any specialized training regarding the operation of emergency vehicles.

1. Observe all local traffic laws when operating vehicles under routine or non-emergency conditions.
2. Shut all doors and fasten your seat belt before moving the vehicle.
3. For further information, refer to General Orders Manual Policy.

Disarming a Suspect

1. Use extreme caution when disarming a suspect. Use acceptable police practices.
2. Disarm the suspect before moving out from behind cover.
3. Do not leave your cover to accept a weapon from a suspect.
4. Do not accept a weapon directly from a suspect hand-to-hand.
5. Do not attempt to unload a firearm with which you’re not familiar.

6. Store confiscated firearms in a safe manner.
7. For further information, refer to General Orders Manual Policy.

Domestic Violence

1. When practical, a minimum of two officers will be dispatched to respond to reports of domestic violence in which the potential for further violence continues to exist.
2. While investigating reports of domestic violence, separate the parties involved while being in a position to observe the other officer.
3. Be mindful of interviewing distance and stance.
4. If weapons are reportedly involved, locate and secure the weapon.
5. Utilize standard accepted police procedures when conducting an interview, arrest or search.
6. For further information, refer to General Orders Manual Policy.

Emergency Vehicle Procedures

1. All calls for police service shall be responded to Code 1 (routine) unless otherwise designated, observing legal speed limits and all other traffic laws
2. Emergency calls shall be responded to utilizing siren and/or emergency lights; Code 3 under the conditions prescribed in General Orders Manual Policy.
3. For further information, refer to General Orders Manual Policy.

Firearm Safety

1. Do not point the muzzle of the firearm at anything unless in immediate danger.
2. If equipped with a manual safety, keep the firearm on “safe” until ready to fire.
3. Keep your finger out of the trigger guard until you are ready to fire.
4. Utilize accepted safety procedures when handling a firearm.
5. Unload the firearm before performing any maintenance or repair on it.
6. Be aware of the target, backstop and beyond.
7. Do not modify your firearm in any unauthorized manner.
8. For further information, refer to General Orders Manual Policy and Seabrook Police Department Rules and Regulations.

First Aid Response/Infection Control

1. When performing first-aid procedure use any available protective clothing (utilize eye protection and barrier protection, hand protection if necessary). After using gloves, barrier protection, etc. dispose of the item(s) responsibly, giving due consideration to potential environmental and/or health hazards. If available use "Biohazard" marked bag or container for disposal.)
2. Do not use gloves, which are torn, cut or punctured.
3. Replace latex or vinyl gloves that are cut, torn or punctured.
4. Do not use hand to face movements when handling materials that are (visibly) contaminated with bodily fluids.

5. If practical, wash your hands and other exposed skin surfaces on the arms and forearms using soap and water or the waterless cleaner immediately upon removal of protective gloves.
6. If your skin surface, eye or mouth is splashed or spattered with blood or other bodily fluid, wash or flush these areas with water.
7. For further information, refer to General Orders Manual Policy.

Handling Animals

1. Notify animal control as soon as it is practical to do so.
2. If necessary, clear the area of people while waiting for animal control to respond.
3. For further information, refer to Standard Operating Procedures Manual Policy.
4. Do not attempt to pick up animals.

Handling Aggressive Dogs

When contact with an aggressive dog is impossible to avoid in the course of duty, due care should be taken to stabilize the situation for the protection of the officer or anyone else potentially at risk.

1. Notify animal control.
2. If practical, attempt to contact the animal's owner or handler.
3. Use of the baton, pepper spray or taser may be an option in some situations.
4. The use of the appropriate firearm may be required in extreme situations where no viable option exists in order to prevent injury to the officer or others.
5. For further information, refer to General Orders Manual Policy.

Hazardous Substances

For the safe use of hazardous substances interpretation of Material Safety Data Sheets (MSDS) and warning labels will be the responsibility of the supervisor with control of the substance. That Supervisor will also disseminate information regarding said substance after making an evaluation of the potential hazard.

1. A Communications Supervisor will maintain a list of all hazardous substances; including the product name and manufacturer. This data shall be available in the Communications Office.

2. Hazardous substances should be stored in containers that are labeled, tagged or marked with the identity, hazard warning and name/address of the manufacturer. The controlling supervisor will label substances not label by the manufacturer.

3. The Chief's designee will generate a quarterly review/update of all hazardous substances labels and inventories.

4. Material Safety Data Sheets will be available for all substances that contain hazardous content of one percent or greater.

5. Material Safety Data Sheets will be maintained by the Communications Supervisor and kept in the Communications Office.

6. Employees shall be briefed on this article during Employee Orientation or the Field Training Program and documented on the Daily Observation Report by the Training Officer. In addition, documentation will be completed to meet Texas Hazard Communication Act (THCA).

7. For further information, refer to General Orders Manual Policy.

8. Entry into premises where illegal drug manufacturing is suspected (such as speed or meth labs) should be avoided except by specially trained personnel.

Hazmat/First Responder

Hazardous material (HAZMAT) is defined as a substance or material, in a quantity or form that may pose an unreasonable risk to health and safety or property. When responding to a HAZMAT incident such as a chemical spill or fire, the following procedures apply:

1. Upon determination that a HAZMAT incident/accident is in progress, Incident Command procedures are in effect. Incident Command refers to a nationwide system for fire ground control designed and implemented for the planned and organized mutual aid response of other agencies. The City of Seabrook Volunteer Fire Department will assume command of the incident, with police serving as support and crowd/traffic control.
2. First Responders are to resist rushing into the scene.
3. If practical, approach the incident from upwind.
4. If practical, stays clear of all vapors, spills, fumes and smoke.
5. Attempt to identify the material following the current North American Emergency Response Guidebook, U.S. Dept. of Transportation publication, and/or any available resource.
6. Keep everyone not directly involved with the emergency response away from the hazard.
7. For further information, refer to General Orders Manual Policy.

Temporary Holding Facility

1. Weapons and batons will be secured before entering the jail facility.
2. Prisoners will be thoroughly searched upon arrival.
3. Contraband will be immediately removed from the temporary holding facility.
4. Prisoners will remain secured during the booking process until fingerprinting and photographing are required.
5. Prisoners will not be left unattended unless they are in a secured area or in the cell.
6. For further information, refer to General Orders Manual Policy and Standard Operating Procedures Manual Policy.

O.C. (Pepper) Spray

1. Officers that are issued OC spray will keep the canisters in clean working order.
2. Canisters will be holstered unless situations warrant its removal for lawful purposes.
3. If OC spray is deployed, officers will ensure its use is in compliance with Written Directives and state law.
5. Decontamination will be in accordance with manufacturers' recommendations, to wit: saline solution or decontamination substance, water, etc.
6. Replace all sprays after use.
7. Replace all sprays in accordance with the manufacturer's recommended shelf life.
7. For further information, refer to General Orders Manual Policy.

Patrol

1. Officers assigned patrol duties are encouraged to wear the department issued body armor.
2. Officers should use established interview stance techniques when applicable.
3. In arrest situations, an assist officer will be present if possible.
4. In arrest situations, officers will employ only the minimum amount of force necessary to affect the

arrest and use established restraint techniques to safely subdue the offender.

Patrol (con't)

5. Whenever possible, wait for back up to arrive. Do not cancel back up when responding to an emergency.
6. Consider that the nature of a call dispatched may be different from the actual circumstance.
7. Do not relax because you consider the incident to be a minor.
8. Approach incident scenes with the knowledge that danger may be present.
9. Normally, when making an arrest, handcuff the suspect first, and then proceed with the search.
10. Be aware of your own silhouette
11. Employ accepted police techniques when using a flashlight
12. For further information, refer to the Seabrook Police Department General Orders Manual and Standard Operating Procedures.

Range Safety Rules

1. Do not anticipate a command.
2. Read and adhere to the safety rules posted at the firing range.
3. While in the line of fire always point your weapon down range.
4. Keep your finger off the trigger until ready to fire.
5. Keep firearms pointed down-range unless otherwise instructed by the range officer.
6. Follow the instructions of the range officer
7. Wear eye and hearing protection when firing on the range site.
8. Do not go in front of the firing line until the firing line has been cleared and the command is given to go forward.

Searches and Seizures

1. For searches of persons, employees will follow established methods regarding stance, techniques, and search patterns.
2. When handling a suspect or conducting a search, accepted techniques should be employed.
3. Care should be taken when removing any potential weapon or contraband from a suspect's person.
4. Syringes, needles and other sharp objects should be handled with extreme care due to the health hazard.
5. For vehicle searches, officers should be cognizant of potential danger when reaching into areas that are not visible.
6. For further information, refer to General Orders Manual Policy.

Securing and transporting of Prisoners

1. All prisoners will be handcuffed for transport. (behind the back if applicable*).
2. Transports will be conducted in vehicles which are equipped with protective cages.
3. Prisoners will be placed in the back seat with a seatbelt fastened.
4. Prisoners should not be left unattended in a patrol car.

5. All prisoners will be frisked/searched for weapons or contrabands before being permitted into the transporting vehicle.
6. For further information, refer to General Orders Manual Policy.
   ***** Handcuff in front allowed if injured or severe pain is apparent or claimed.

Tactical Operations and Special Units

1. All Tactical Operations will be conducted in accordance with established Standard Operating Procedures and General Orders Manual Policy.
2. Weapons should be made safe during routine transport, and storage.
3. All equipment will be inventoried and inspected annually by the Tactical Team Leader.
4. Protective gear, including vests, hoods, goggles, gloves, will be utilized when necessary.
5. For Police K-9 operations, handlers will ensure that the canine is secured at all times when not under the handler's direct supervision.
6. For further information, refer to General Orders Manual Policy.

Traffic Control

1. Be aware of oncoming traffic.
2. Call for assistance when needed.
3. When directing traffic, position yourself in a location that is safe and effective in performing the task.
4. Use a radio or hand signals to communicate and coordinate with other officers assisting in the traffic direction.
5. When using flares, do so in a manner to avoid personal injury and/or property damage. Be particularly cautious of use of flares in high wind, when a helicopter is responding, and when there is a possibility of flammable items such as gas, oil, etc.
6. Extinguish flares in a safe manner.
7. Establish a safety zone during accidents by posting cones, lighting flares, and parking your vehicle to divert the flow of vehicular traffic away from the accident.
8. Use caution when turning your back to approaching traffic (unless within secured area.)
9. For further information, refer to Standard Operating Procedures Manual.
10. Officers will wear a reflective traffic vest when exposed to prolong traffic control or accident investigations.

Use of Force

1. Officers will employ only the minimum amount of force necessary to affect an arrest.
2. For further information, refer to General Orders Manual Policy and Standard Operating Procedures Manual Policy.

Vehicle Maintenance

1. Upon the beginning of each shift, officers will inspect the assigned patrol vehicle documenting the results of the inspection.
2. Vehicle deficiencies which prevent the vehicle from being safely driven will be noted on the

vehicle repair board and the vehicle status board will be changed to reflect the vehicle as “Down”.

3. Vehicles, which have been deemed inoperable, will not be driven for normal patrol duties until the discrepancy is corrected.
4. For further information, refer to Standard Operating Procedures Manual.

Vehicle Stops

1. Call out information to dispatch via radio (location, vehicle license plate).
2. On routine traffic stops, position the patrol car behind the suspect's vehicle.
3. Offset the patrol vehicle behind the suspect's vehicle in order to provide a safety zone for the officer. Turn patrol vehicles front wheels to extreme left prior to exiting.
4. Check for oncoming traffic before exiting your vehicle.
5. As you approach the vehicle, observe the occupants for any suspicious behavior or movement.
6. If practical, Approach buses from the curbside.
7. For further information, refer to Standard Operating Procedures Manual Policy.

Return to Work

Refer to City Police and Department General Orders and Procedures.

City of Seabrook

ACCIDENT INVESTIGATION REPORT

Employee Name:	**Job Title:**
Department:	**Division:**
Date of Accident:	
Day of Accident: **M T W Th F Sat Sun**	**Time of Accident:** **a.m./p.m.**

Place of Accident:
Nature of Injury:
Part of Body:
Doctor:
Hospital:

Witness (name, phone, address):

Names of all witnesses to the accident should be listed with their statements attached.

Instructions

This form **must** be completed on **all** injuries occurring on the job. The immediate supervisor or foreman of the injured employee must investigate the accident thoroughly, and complete this form in detail. The completed form must be forwarded to the Immediate Supervisor no later than the day following the accident. Reports with incomplete information will be returned.

Description of Accident

Information is to be used for preventing similar accidents. In completing the report, the "Description of Accident" portion should be specific and ***not generalized statements***. The Safety Specialist will conduct an independent investigation of accidents. Use an additional blank page when required. Identify answer with question number.

1. **What job was employee doing?** (Describe exactly what job the employee was doing, such as "Employee was chasing suspect.")
_____
_____
_____

2. **What tools, materials, and/or equipment were being used?**
(Describe tools, material, or equipment was being used to accomplish work assignment.)_____
_____
_____
_____

3. **What specific action caused the accident?** ("Employee slipped and sprained wrist.")
_____
_____
_____

4. **Did the employee contribute to the accident, how?** (Describe what act the employee did or did not do that caused the injury, such as "Employee was attempting to jump a six foot fence.")
_____
_____
_____

5. **Were the proper safety protection devices being used?** (State what safety devices and Personal Protective Equipment were provided and if they were being used?)_____
_____
_____

6. **Were materials, tools, etc. defective or in unsafe condition, how?** (Describe any defects in equipment, materials, tools and other unsafe conditions that existed.)

_____
_____
_____
_____

7. **What work methods or acts caused the accident?** (Describe what was wrong with work methods being used or other acts that caused the accident, such as "The hand crane is provided to load and unload heavy items from the truck, employee was in a hurry and did not use crane.")

_____
_____
_____
_____

8. **State what safeguards were being used and what safeguards should have been used.**

_____
_____
_____
_____

9. **What steps will you take to prevent similar injuries?** ("Accident discussed at weekly safety meeting.")

_____
_____
_____
_____

10. **What other steps should be completed to prevent a reoccurrence?**
("Supervisor should check loading and unloading of equipment to ensure that safe procedures are followed.")
_____
_____
_____

11. **Did you see the accident?** [] Yes [] No

Date of Report_____

Immediate Supervisor_____

_____

Reviewing Authority: **Date Reviewed:**

Comments:
_____
_____
_____
_____
_____

_____

Supervisor:
Comments:
_____
_____
_____
_____
_____

_____

(Chief):

Comments:

_____

_____

_____

_____

_____

_____

Safety Specialist:

Comments:

_____

_____

_____

_____

_____

12-MONTH PLANNING CHART

Description	Responsible Person	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

TML Risk Pool Loss Prevention

Safety Standards for Law Enforcement Agencies

LAW ENFORCEMENT AGENCIES SHOULD DEVELOP SAFETY STANDARDS FOR:

Blood borne Pathogens: **whenever operations involve contact with visible blood or other bodily fluids.**

First Responder: **whenever operations involve response to a hazardous chemical spill or fire and when the public must be protected during such events.**

Hazard Communication: **when chemicals are used, handled or stored which may present a physical and/or health hazard when released.**

Laboratory Standard: **when toxic or hazardous chemicals are handled outside to the use of prepackaged test kits.**

Access to Employee Medical Records: **when medical evaluations related to occupational exposures have been conducted.**

Occupational Noise Exposure: **when a person's full shift average exposure exceeds 85 decibels; and during the use of firearms at a shooting range.**

Respiratory Protection: **when an employee must use a respirator for protection from airborne chemicals or dust found in law enforcement operations.**

Eye and Face Protection: **whenever dust or shattered fragments may enter the eye.**

Emergency and Fire Prevention Plans: **when a building has more than ten employees and responses to emergencies such as fires, floods, or tornados must be coordinated.**

Basic Electrical Requirements: **when electrical equipment is of sufficient voltage to cause the potential for shock and/or fire.**

Means of Egress: **safe, timely exiting of buildings in an emergency should be ensured.**

Walking and Working Surfaces: **pertains to the safe use of ladders and scaffolds as well as ensuring adequate housekeeping to prevent accidents.**

Barricades, Signs, and Signals: **whenever people must be cautioned about permanent or temporary hazards, especially when traffic and proximity to hazard may be great.**

Fire Extinguishers: **properly maintained, strategically located, and signed to identify location.**

Exits: **accessible, and paths or egress kept clear; properly marked and battery backup lighting in case of power failure.**

Flammables: **- properly stored and handled.**

Motor Vehicle Records (MVR): **should be obtained prior to hire for all new hires.**

MVR's: **should be periodically obtained for all employees and volunteers who may have an occasion to drive city vehicles or drive their own vehicles for city use.**

Vehicle Maintenance: **should be regularly scheduled on all city vehicles. This maintenance should be logged.**

Accidents: **whenever a city employee or volunteer is involved in an accident while driving a city vehicle, a written statement from the driver should be submitted to their insurance carrier within 5 working days.**

Defensive Driving: **all employees and volunteers who drive city vehicles must attend a defensive driving course at least once every three years.**

BLOODBORNE PATHOGENS GUIDELINES

PURPOSE: **To protect persons occupationally exposed to blood or other potentially infectious materials. This standard identifies how to determine who has occupational exposure and how to reduce workplace exposure to blood borne pathogens.**

EXPOSURE CONTROL:

❑ Has each employer having employee(s) with occupational exposure, established a written Exposure Control Plan?

❑ Does the Exposure Control Plan contain at least the following elements?

❑ A list of all job classifications in which all employees in those job classifications have occupational exposure.

❑ A list of job classifications in which some employees have occupational exposure.

❑ A list of all tasks and procedures or groups of closely related task and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed in accordance with these provisions.

This exposure determination shall be made without regard to the use of personal protective equipment.
The schedule and method of implementation for:
❑ Methods of compliance?
❑ Hepatitis B vaccination and post-exposure evaluation?
❑ Communication of hazards to employees?
❑ Record keeping of this standard?
❑ Procedure for evaluation of circumstances surrounding exposure incidents?

❑ Is a copy of the Exposure Control Plan accessible to employees?

❑ Is the Exposure Control Plan reviewed and updated at least annually?

METHODS OF COMPLIANCE:

❑ Are engineering and work practice controls used to eliminate or minimize employee exposure?

❑ Is personal protective equipment (ppe) used when the above controls do not control the exposure?

❑ Are hands washing facilities provided and accessible?

❑ Do employer ensure that employees wash their hands and any other skin immediately after removal of gloves or other ppe?

❑ Does employer provide appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or mask and eye protection?

METHODS OF COMPLIANCE (CON'T):

*Note: Appropriate means only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration to time which the protective equipment will be used.

❑ Does employer clean, launder, and dispose of ppe as required?

❑ Is ppe repaired or replaced as needed?

❑ Are garment(s) penetrated by blood or other infectious materials removed and disposed of properly?

❑ Are contaminated work surfaces decontaminated with an appropriate disinfectant after completion of procedures, or contact with blood or other potentially infectious materials?

❑ Is contaminated laundry handled as little as possible with a minimum of agitation?

❑ Is contaminated laundry bagged or containerized at the location where it was used and not sorted or rinsed in the location of use?

❑ Do employees who handle contaminated laundry wear protective gloves and other appropriate ppe?

HEPATITUS B VACCINATION, POST EXPOSURE & FOLLOW-UP:

❑ Is a hepatitis B vaccination series made available to all exposed employees?

❑ Does employer obtain signed statement from employees who decline to accept hepatitis B vaccination series?

❑ Is a routine booster of hepatitis B vaccine made available to employee if recommended by the U.S. Public Health Service?

❑ Does employer make immediately available a confidential medical evaluation and follow-up after report of exposure incident?

❑ Is a copy of the healthcare professional's written opinion obtained within 15 days of evaluation?

❑ Are medical records maintained in accordance with Recordkeeping section?

COMMUNICATION OF HAZARD TO EMPLOYEES:

❑ Do employers ensure that all employees with occupational exposure participate in a training program?

❑ Is training provided: at the time of initial assignment to tasks where occupational exposure may take place; within 90 days after the effective date of the standard; and at least annually thereafter?

RECORDKEEPING:

❑ Does the employer establish and maintain an accurate record for each employee with occupational exposure?

❑ Does record contain employee's name, SS#, etc.?

❑ Does employer ensure confidentiality of records?

❑ Are training records kept and include all information as stated in this section?

❑ Are medical and training records available for examination upon request?

COMMENTS:

HAZWOPER/FIRST RESPONDER GUIDELINES

PURPOSE: **To ensure that municipal employees who respond to hazardous material incidents are adequately trained.**

HAZWOPER/FIRST RESPONDER:

❑ Has a written emergency response plan been developed to handle anticipated emergencies?

Note: Those emergency response organizations who have developed and implemented programs equivalent to this section for handling releases of hazardous substances pursuant to section 303 of the Superfund Amendments and Reauthorization Act of 1986 (Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. 11003) shall be deemed to have met these requirements.

ELEMENTS OF AN EMERGENCY RESPONSE PLAN:

Have the following elements been addressed in the emergency response plan?

❑ Pre-emergency planning and coordination with outside parties?
❑ Personnel roles, lines of authority, training and communication?
❑ Emergency recognition and prevention?
❑ Safe distances and places of refuge?
❑ Site security and control?
❑ Evacuation routes and procedures?
❑ Decontamination?
❑ Emergency medical treatment and first aid?
❑ Emergency alerting and response procedures?
❑ Critique of response and follow-up?
❑ PPE and emergency equipment?

❑ Is there a senior emergency response official in charge of a site-specific Incident Command System?

❑ Do employees who are exposed to inhalation hazards during emergency response wear positive pressure SCBA?

❑ Is the buddy system used in any operations in hazardous areas?

❑ Are back-up first aid personnel provided?

❑ Has a safety official been appointed who is knowledgeable in identifying and evaluating specific hazards to the operation?

PROCEDURES FOR HANDLING EMERGENCY RESPONSE:

❑ Does the safety official have the authority to alter, suspend or terminate those activities, which are immediately dangerous to life or health?

SKILLED SUPPORT PERSONNEL:

❑ Are skilled support personnel brought in temporarily to perform immediate emergency response support work briefed at the site prior to their participation?

❑ Does the briefing include instructions on wearing PPE, potential chemical hazards, and what duties they are to perform?

SKILLED SUPPORT PERSONNEL (con't):

❑ Is all other appropriate safety and health precautions provided to the employer's own employees to assure their safety and health?

TRAINING:

❑ Are all responders equipped with appropriate knowledge and skills before they are permitted to take part in an actual emergency response incident?

FIRST RESPONSDERS AT OPERATIONS LEVEL:

❑ Are first responders at the operations level (those individuals who respond to releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment) trained to respond in a defensive manner without actually trying to stop the release?

❑ Is the first responder's function to contain a release from a safe distance, keep it from spreading and prevent exposure?

❑ Have first responders at the operation level received at least 8 hours of training or sufficient experience to objectively demonstrate competency in risk assessment, PPE, and other basic control, containment, confinement and decontamination procedures for hazardous materials?

❑ Have hazardous material technicians, hazardous material specialists, and on-scene incident commanders received at least 24 hours of training and demonstrated competency in applicable areas?

MEDICAL SURVEILLANCE PROGRAM:

❑ Have members of an organized and designated HAZMAT team and hazardous material specialists received a baseline physical examination and are they provided with medical surveillance as required?

❑ Does any emergency response employee who exhibits signs or symptoms of overexposure to hazardous substances receive medical consultation immediately?

CHEMICAL PROTECTIVE CLOTHING:

❑ Does all chemical protective equipment used by HAZMAT team members meet the requirements of this standard?

POST–EMERGENCY RESPONSE OPERATIONS:

❑ If it is necessary to remove hazardous substances, health hazards, and materials contaminated with them from the site of the incident, are proper safeguards referred to in this section followed?

COMMENTS:

HAZARD COMMUNICATION GUIDELINES

PURPOSE: **To provide for training of employees in the safe use of chemicals, the interpretation of Material Safety Data Sheets and labels, and understanding and communicating hazard information.**

Hazard Determination:

❑ Have manufacturers and importers of chemicals supplied purchaser with information on hazards via MSDS and labels?

❑ Are hazards for on-site substances not purchased (e.g., silica sand) determined by written hazard evaluation procedures?

Do hazard evaluation procedures address:

- ❑ The person responsible for the evaluation
- ❑ Sources on information
- ❑ Criteria used
- ❑ Program for reviewing and updating information and Material Safety Data Sheets?

Hazard Communication Written Program:

❑ Is a current, written hazard communication program maintained?
❑ Is a list of hazardous substances provided (chemical inventory) with the name of product and manufacturer?
❑ Are methods provided for informing employees of the hazards concerning non-routine tasks and chemicals in piping system?
❑ Are procedures provided for informing contractor employers of chemical hazards?
❑ Is the program available to employees, their representatives and regulating agencies?

Labels and Warnings:

❑ Are all containers received labeled, tagged, or marked with the identity, hazard warning, and name and address of the manufacturer?

❑ Are workplace containers labeled, tagged, or marked with the identity and the hazard warning?

❑ Has the person responsible for labeling been designated for labeling in-facility containers?

❑ Is a description of the labeling system provided?

❑ Has a written description of alternatives to labeling of facility containers been provided (e.g., color-coding)?

❑ Is a program for reviewing and updating labels provided?

❑ Are portable containers of hazardous substances labeled when not immediately used same info?

❑ Are labels not removed or defaced?

❑ Are labels legible, in English, and prominent or readily available in the work area?

Material Safety Data Sheet - MSDS:

❑ Has a person responsible for obtaining and maintaining MSDS been designated?

❑ Are MSDS available for all hazardous substances - greater than one percent of the product is a hazardous chemical?

❑ Are MSDS available to employees in their work area within 15 minutes without going through supervisor?

❑ Are procedures for maintaining MSDS provided?

❑ Are procedures established for follow-up when MSDS are not received or have insufficient information?

❑ Are MSDS available to employees, their representatives and regulating agencies?

Employee Information and Training:

❑ Are all employees provided training on initial assignment and whenever a new hazard is introduced?

Are employees informed of?

- ❑ Hazard Communication Standard Requirements?
- ❑ Operations where hazard chemicals are present?
- ❑ Location and availability of the hazard communication program?

❑ Is the person responsible for conducting the training designated?

❑ Is a description of the employee-training program provided?

❑ Are employee-training records provided (optional/recommended)?

Are employees?

❑ Aware of the standard and the requirements?
❑ Trained?
❑ Do they know the location of chemical hazards and protective equipment?
❑ Aware of chemical hazards and protective measures?

Medical Surveillance:

❑ Are procedures established for providing chemical information in an emergency and in response to non-medical emergency requests?

COMMENTS:

LABORATORY STANDARD GUIDELINES

PURPOSE: To provide safe work procedures, personal protective equipment, and engineering controls are in place to safeguard employees from chemical hazards in laboratories, and to provide for medical consultation if a significant exposure occurs as a part of normal or emergency operations.

Laboratory Standard:

Note: This particular standard does not apply to the majority of municipalities. It does not apply to laboratories that exclusively use commercially prepared kits where all reagents are contained in the kit (e.g., Hach Testing Kits).

❑ Where hazardous chemicals are used in the workplace (e.g., concentrated acids), are provisions of a written Chemical Hygiene Plan (CHP) carried out? See TML-IRP Loss Prevention Department for an example Chemical Hygiene Plan.

❑ Does the CHP protect employees from health hazards associated with chemicals in laboratories, and does it ensure that exposures are below permitted standards?

❑ Is the CHP's location known to all laboratory employees & made available to all interested parties?

Chemical Hygiene Plan (CHP) Elements:

❑ Are standard operating procedures relevant to safety and health considerations followed when laboratory work involves the use of hazardous chemicals?

❑ Is there criteria established for defining when measures, such as use of fume hoods, and/or personal protective equipment must be used for reducing exposure?

❑ Is there a procedure to ensure that fume hoods and personal protective equipment is maintained in such a way as to serve their intended purpose? 6++++

❑ Are measures implemented to prevent skin and eye contact with those chemicals known to cause damage to skin and eyes?

Training:

❑ Are employees provided with information and training to ensure that they are aware of the hazards of the chemicals in their work area?

❑ Is this training given upon initial assignment to the laboratory and prior to assignments involving new exposure situations?

❑ Have employees been trained in the signs and symptoms associated with exposure to chemicals known to be in the laboratory?

❑ Have employees been trained as to the location of known reference material on the hazards, safe handling, storage, and disposal of hazardous chemicals in the lab? This information is often found in Material Safety Data Sheets for the chemical.

TRAINING (CON'T):

❑ Are employees trained in ways to detect the presence or release of a hazardous chemical including visual appearance or odor?

❑ Have employees been trained in ways they can prevent exposure to hazards including appropriate work practices, emergency procedures and personal protective equipment? This may involve SOP'S.

Highly Toxic or Hazardous Chemicals:

❑ Are there procedures (where necessary) established that require employer approval before implementation due to its level of hazard?

❑ Are carcinogens, reproductive toxins, and substances with a high acute toxicity present? If so, are operations involving such chemicals performed exclusively in designated area(s)?

Medical Consultations:

❑ Whenever an employee develops signs or symptoms associated with exposure to a hazardous chemical in the laboratory, is the employee provided an opportunity to receive an appropriate medical examination?

❑ Are employees offered the opportunity for medical consultation (at no cost to employee) related to an exposure caused by a spill, leak or explosion?

Hazard Identification:

❑ Do all shipments of hazardous chemicals and/or products have an accompanying Material Safety Data Sheet (MSDS), which is maintained and made available to all laboratory employees?

❑ Is there a procedure to ensure that all labels on incoming containers are not removed or defaced?

❑ Are vials, beakers, etc. labeled as to their contents if carrying chemicals for more than one shift?

Respirators:

❑ If respirators are needed for any operation, are they selected and used in accordance with standards?

Recordkeeping:

❑ Are accurate records for each employee maintained related to (1) employee exposures, (2) medical consultations and examinations, or (3) written medical opinions?

❑ Has a person responsible for implementing the Chemical Hygiene Plan (CHP) been designated as the Chemical Hygiene Officer?

❑ Is the effectiveness of the CHP reviewed and evaluated at least annually and updated as necessary?

Comments:

ACCESS TO EMPLOYEE MEDICAL RECORDS AND EXPOSURE RECORDS GUIDELINES

PURPOSE: To provide employees a right of access to relevant exposure and medical records. Each employer is responsible for assuring compliance with this section.

Access to Employee Medical Records:

Preservation of records:

❑ Does the employer preserve and maintain employee medical records for at least 30 years?

❑ Does the employer preserve and maintain employee exposure records for at least 30 years?

Access to records:

❑ Does the employer provide employee or designated representative access to their records in a reasonable amount of time upon request - no later than fifteen (15) days?

❑ Do employers assure, upon request, the access to employee exposure records?

❑ Do employers, upon request, assure the access to employee medical records?

❑ Does employer, upon request, provide access to employee exposure and medical records to Safety Representatives?

Employee Information:

❑ Upon an employee's first entering into employment, and annually thereafter, does employer inform employees of: (1) existence of any records covered by this section (2) person responsible for providing record access and maintenance (3) employee's rights to record access?

Transfer of records:

❑ Are all records transferred to successive employers if present employer ceases to do business?

Comments:

OCCUPATIONAL NOISE EXPOSURE GUIDELINES

PURPOSE: To protect workers exposed to high noise levels from suffering occupationally- related hearing loss. Besides training, noise measurements, the use of hearing protection, and a method of testing for occupational hearing loss in the form of audiometric testing is provided.

Occupational Noise Exposure:

NOISE EXPOSURE ASSESSMENT AND REDUCTION:

❑ Are employees exposed to noise levels during an eight hour period which average > 85 decibels (i.e., an 8-hour Time Weighted Average (TWA) of 85 dBA)? Contact TML-IRP Loss Prevention Department for sound level testing.

❑ Have noise measurements been taken to verify the 8-hour noise dosage for high noise operations?

❑ Are feasible engineering or administrative controls used when employees are subjected to > 85 dBA?

❑ If engineering noise controls are not successful, are hearing protection devices (HPD's) available for use at no cost to the employee?

Hearing Conservation Program:

❑ Is a Hearing Conservation Program established for all employees per the standards above?

❑ Has a monitoring program been developed and implemented when any employee's exposure may equal or exceed an 8-hour TWA of 85 dBA?

❑ Has the proper selection of hearing protectors been made available for all such employees?

❑ Has each employee that has been exposed at or above the TWA of 85 dBA been notified of the results?

❑ Is noise level monitoring repeated whenever a change in equipment, process or controls increase noise exposures?

❑ Have employees or their representatives been able to observe any noise measurements conducted?

Audiometric Testing Program:

❑ Has an audiometric testing program been set up to make testing available to all those exposed to an 8-hour TWA of 85 decibels at no cost to employee?

❑ A re-audiometric tests performed (if applicable) by a certified audiologist, otolaryngologist or physician?

❑ Has a baseline hearing test been performed within six months after employee's first exposure to > 85 dBA of noise?

AUDIOMETRIC TESTING PROGRAM (CON'T):

❑ Do employees have at least 14 hours free of exposure to workplace noise or wear HPD's during high noise periods prior to the baseline testing?

❑ Are annual audiograms (hearing exams) performed after the baseline audiogram for those exposed at the action level (85 dBA)?

Note: These annual audiograms are compared with the baseline audiogram to determine whether hearing ability is being diminished by workplace noise. If deterioration in hearing is noted, consult the Standard for sections related to audiometric tests.

Hearing Protection devices:

❑ Are hearing protection devices (HPD's) made available to all employees exposed to an 8-hour TWA of 85 decibels (dBA) or more at no cost to the employee?

❑ Are employees required to wear HPD's when exposed at a TWA level of > 85 dBA, or those experiencing a noise-induced hearing loss?

❑ Is training provided in the use and care of the hearing protectors given to the employees?

❑ Is the proper initial fitting and supervision of the correct usage of hearing protectors assured?

❑ Are employees given the opportunity to select their HPD's from a number of types provided?

❑ Is an annual training program instituted for all those exposed at or above a TWA of 85 dBA where participation is assured? Contact TML-IRP Loss Prevention Department for training.

Access to Records and Record keeping:

❑ Are procedures in place to provide all materials related to the employer's training and education program related to this noise standard?

❑ Are noise exposure measurements kept for two years, and the employee's hearing test measurements kept for the duration of their employment?

❑ Are there procedures to provide these records to employees, former employees or regulatory agencies upon request?

Comments:

RESPIRATORY PROTECTION GUIDELINES

PURPOSE: To Instruct workers in the proper use, care and selection of respirators.

Respiratory Protection:

❑ Are engineering control measures (where practical) provided as the primary action for controlling exposures to harmful dusts, fogs, fumes, mists, gases, smokes, sprays or vapors?

❑ When effective engineering controls are not feasible, are appropriate respirators used in accordance with the requirements outlined below?

❑ Is there a written standard operating procedure governing the selection and use of respirators?

❑ Are respirators selected on the basis of hazards to which the worker is exposed?

❑ Are employees required to use the provided respiratory protection in accordance with instructions and training received?

❑ Is the user instructed and trained in the proper use of respirators and their limitations?

❑ Are both supervisors and workers so instructed by competent persons? Contact TML-IRP Loss Prevention Department for instruction.

❑ Does such training provide the workers an opportunity to handle the respirator, have it fitted property, test its face piece-to-face seal, wear in 'normal' air for a long familiarity period and in a test atmosphere (i.e. which could measure effectiveness)?

❑ Are respirators prohibited from use when an adequate seal is prevented by beard growth, sideburns, or temple pieces on glasses?

Requirements for a Minimal Acceptable Program:

Note: Must have in place if any operations require the use of a respirator. A program is recommended if workers voluntarily use a dust mask on occasion.

This applies to non-disposable respirators:

❑ Does more than one worker cleaned and disinfected after each use use respirators?

❑ Are respirators routinely inspected during cleaning, and are worn or deteriorated parts replaced?

❑ Is there a regular inspection and evaluation to ensure the continued effectiveness of the program?

❑ Before persons are assigned to tasks requiring the use of respirators, has the person been shown to be physically fit to wear them? Note - Negative pressure respirators add a breathing resistance when filtering out contaminants. This resistance may be sufficient to make it prohibitive for some individuals with asthma or other conditions to wear them.

❑ Have all respirators been approved for the use intended by the U.S. Bureau of Mines or NIOSH? Note: Look for NIOSH approval numbers.

Use and Care of Respirators:

❑ For those ordering or receiving respirators, is a respirator specification accomplished by a qualified individual supervising the respiratory protection program?

Related to Confined Space, Oxygen Deficient, or Highly Contaminated Environments:

❑ In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen deficient atmosphere, is there at least one additional person, and are they present?

❑ If such an individual is assigned, are communications maintained between both or all of the workers present?

❑ Does such standby employee have the proper rescue equipment including SCBA to assist someone in case of emergency?

❑ Is each worker required to check the face piece fit for proper protection? Is the wearing of contact lenses in contaminated atmospheres prohibited?

Maintenance and Care of Respirators:
The following applies to non-disposable respirators:

Does a program for respirator maintenance include?

- ❑ Inspection for defects,
- ❑ Cleaning and disinfecting,
- ❑ Repair, and
- ❑ Proper storage?

❑ Is a respirator kept ready for emergency use (e.g., SCBA) inspected after each use and monthly? Contact TML-IRP Loss Prevention Department for specifics on SCBA inspection.

❑ Are respirators that are maintained for emergency use cleaned and disinfected after each use?

❑ After inspection, cleaning and necessary repair, are respirators stored to protect against dust, sunlight, heat, extreme cold, excessive moisture or chemicals? Respirators should be prohibited from being stored in lockers or toolboxes unless placed in airtight bags.

Identification of Gas Mask Canisters:

❑ As a primary means of identifying the type of gas mask canister, are there property worded labels?

❑ As a secondary means of identification, is it specified by an appropriate color code?

❑ Are all gas mask canisters equipped with a proper label and colored in accordance with the standard requirements before being placed in service?

IDENTIFICATION OF GAS CANISTERS (CON'T):

- ❑ Does each canister have a label warning that gas masks (air purifying respirators) should be used only in atmospheres containing enough oxygen (i.e., 16%)? Note: It may be better to be conservative, and not wear such respirators without at least 17.5% oxygen.

EYE AND FACE PROTECTION GUIDELINES

Purpose: TO ENSURE THAT CHEMICALS AND/OR PHYSICAL AGENTS ARE PREVENTED FROM CAUSING DAMAGE TO EYES OR FACE, IF SPLASHED OR PROJECTED, THROUGH THE USE OF PERSONAL PROTECTIVE EQUIPMENT.

EYE AND FACE PROTECTION:

General:

❑ Is protective eye and face equipment required where there is a reasonable probability of injury that can be prevented by such equipment?

❑ If there is a reasonable probability of injury, are provisions made to make conveniently available a type of protector suitable for the work to be performed?

❑ Are employees required to use such protection?

❑ Are precautions taken to assure that any person is knowingly subjected to a hazardous environmental condition?

❑ Are suitable eye protectors provided where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards?

❑ Does such protection meet the following minimum requirements?

❑ Does it provide adequate protection against the particular hazards for which it is designed?

❑ Are they reasonably comfortable when worn under the designated conditions?

❑ Do they fit snugly and do they not unduly interfere with the movement of the wearer?

❑ Are they durable?

❑ Are they in compliance for impact resistance?

❑ Are they capable of being disinfected?

❑ Are they easily cleanable?

❑ Are protectors kept clean and in good repair?

❑ Are persons whose vision requires the use of corrective lenses in spectacles, required to wear goggles or spectacles of one of the following types when eye protection is required?

❑ Spectacles whose protective lenses provide optical correction?

❑ Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles?

❑ Goggles that incorporate corrective lenses mounted behind the protective lenses?

GENERAL EYE AND FACE PROTECTION (CON'T):

❑ Where the manufacturer prescribes limitations or precautions are indicated, is such information transmitted to the user and is care taken to see that such limitations and precautions are strictly observed?

❑ Are the design, construction, testing and use of devices for eye and face protection in accordance with ANSI?

Comments:

EMERGENCY & FIRE PREVENTION PLANS GUIDELINES

PURPOSE: To establish a plan that will minimize injuries and property damage in the event of a fire or other type of emergency.

Emergency Plans:

❑ If you have more than 10 municipal employees, have you established a written emergency plan?

Does your emergency plan include the following provisions?

❑ Emergency escape procedures and emergency escape route assignments?

❑ Procedures to be followed by employees who remain to operate critical operations before they evacuate?

❑ Procedures to account for all employees after emergency evacuation have been completed?

❑ Rescue and medical duties for those employees assigned to perform them?

❑ The preferred means of reporting fires and other emergencies?

❑ Names or regular job titles of persons or Police Departments who can explain the plan?

❑ Has an alarm system been established to warn employees of an emergency?

❑ Have the types of evacuation to be used in emergency circumstances been established?

❑ Have a sufficient number of persons been designated and trained to assist in the safe and orderly evacuation of employees?

Has the emergency action plan been reviewed with each employee at the following intervals?

❑ Initially when the plan is developed?

❑ Whenever the employee's responsibilities or designated actions under the plan changes?

❑ Whenever the plan is changed?

❑ Have you reviewed with each employee upon initial assignment those parts of the plan, which the employee must know to protect him or her in the event of an emergency?

❑ Is the written plan kept at the workplace and available for employee review?

Note: Employers with 10 or less employees may communicate the plan orally to employees and the plan doesn't have to be in writing.

Fire Prevention Plans:

Does your fire prevention plan include the following elements?

❑ A list of workplace fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking, etc.) and their control procedures?

❑ The type of fire protection equipment or systems, which can control a fire, involving them?

❑ Names or regular job titles of those personnel responsible for maintenance of equipment and systems installed to prevent or control fires?

❑ Names or regular job titles of those personnel responsible for control of fuel source hazards?

❑ Are accumulations of flammable and combustible waste materials controlled so they don't contribute to a fire?

❑ Are housekeeping procedures kept in the fire prevention plan?

FIRE PREVENTION PLANS (CON'T):

❑ Have all employees been apprised of the fire hazards of the materials and processes to which they are exposed?

❑ Have you reviewed with each employee upon initial assignment those parts of the fire prevention plan which the employee must know to protect him or her in the event of an emergency?

❑ Is the written fire prevention plan kept in the workplace and made available for employee review? Note: If you have less than 10 employees, the plan may be communicated orally to employees and it doesn't have to be in writing.

❑ Are written procedures established to properly maintain equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials?

❑ Are the maintenance procedures included in the fire prevention plan?

Comments:

BASIC ELECTRICAL REQUIREMENTS GUIDELINES

PURPOSE: To protect workers from electrical shock.

❑ Is electrical equipment free of recognized hazards that are likely to cause death or serious physical harm to employees?

❑ Where splicing has been done on electrical wires, extension cords, or other conductors; are splices secured mechanically and then soldered? Are splices then insulated with material equivalent to the original conductor?

❑ Where operation of a piece of electric equipment might produce sparks or arcing, is such equipment kept isolated from potential sources of combustible or flammable material including fumes and vapors?

❑ Does every piece of electrical equipment have a label that contains the manufacturer's name/trademark, voltage, current, wattage, and other ratings as necessary?

❑ Is sufficient access and working space provided and maintained around all electrical equipment (such as main electrical panels)?

❑ Are there any live electric parts at greater than 50 volts servicing electrical equipment? If so, are they adequately guarded?

❑ Is sufficient clear working space provided in front of electric equipment such as panels, switchboards, circuit breakers, etc.?

❑ Is adequate illumination provided around areas where electrical equipment is installed?

Comments:

MEANS OF EGRESS GUIDELINES

PURPOSE: To provide a safe means of escape from a building in a fire or similar situation.

Means of Egress:

❑ Are there a sufficient number of exits provided in the building that, given a panic situation, allowing occupants to promptly escape?

❑ Are exits remote from each other?

❑ Are pathways to exits and doorways to exits clearly recognizable?

❑ Are exit doors of adequate width? (Based on occupancy and type of use - at least 28 in.)

❑ Do all exits discharge to a street, yard, or open space that gives safe access to a public way?

❑ If any exit stairs continue beyond the floor of discharge, is there some means to physically restrict people from doing so?

❑ Are all means of egress (exit ways) kept free of obstructions, clutter, storage, or other impediments that might restrict their full and instant use in a fire emergency?

Exit Marking:

❑ Does a readily visible sign mark all exits? Of distinctive color? Of letters not less than 6” high?

❑ Are ways of exit and doors to exits clearly identifiable/recognizable as such?

❑ Are access ways leading to exits likewise marked with readily visible signs showing the direction to the exit?

❑ Are there any adjoining doors next to the exit door?

❑ If so, are they marked “Not An Exit” or “Storeroom”, “Closet”, etc. to prevent their being confused with the exit way in an emergency situation?

❑ Are exit signs properly illuminated?

Comments:

WALKING AND WORKING SURFACES GUIDELINES

PURPOSE: To ensure adequate housekeeping and safety of floors, working surfaces, ladders, stairways, and scaffolding.

Walking and Working Surfaces:

❑ Are there good housekeeping and aisle clearances?

❑ Are all floor openings properly covered or guarded?

❑ Are overhead floor capacities marked?

Floor and Wall Openings:

❑ Where required, is there proper design and usage of railing, mid rail and toe boards?

Note: Railings should have top rail height of 42 inches, mid rail halfway between top rail and walking surface and toe boards at least 4 inches high?

❑ Are wall openings with a drop of more than 4 feet property guarded?

❑ Is every flight of stairs with 4 or more risers equipped with a handrail?

❑ Is railing provided on every stairway less than 44 inches wide?

Fixed Industrial Stairs:

❑ Are fixed stairs provided where required?

❑ Are fixed stairs designed to applicable standards?

Portable Wood Ladders:

❑ Is wood sound and free of splinters?

❑ Do portable stepladders not exceed 20 feet?

❑ Do portable rung ladders not exceed 30 feet (single) or 60 feet (double)?

❑ Are inspections performed?

❑ Are straight wooden ladders used at proper working angles? (1/4 of the working height)

❑ Is their secure footing?

❑ When accessing roofs, do side rails extend a minimum of 36 inches above horizontal landing surface?

❑ Is the ladder supplied with safety shoes?

Portable Metal Ladders:

❑ Is it free from structural defects and sharp edges?

- ❑ Are non-slip steps on portable ladders?
- ❑ Does the ladder length not exceed 30 feet (single) or 48 feet (double)?
- ❑ Is there a locking spreader device to hold stepladder open?
- ❑ Are ladders inspected and maintained frequently?
- ❑ Are ladders used only as specified?
- ❑ Are precautions taken when working around live electrical circuits?

Fixed Ladders:

- ❑ Are fixed ladders designed for minimum single live load of 200 pounds?
- ❑ Are ladders property designed, built and installed?
- ❑ Is fall protection installed as required?
- ❑ Are landing platforms provided every 30 feet, or 20 feet without protection?
- ❑ Are ladders inspected and maintained frequently?

SCAFFOLDING:

- ❑ Is scaffolding erected on sound footings?
- ❑ Are guardrails at least 2 x 4 inches?
- ❑ Are railings and toe boards installed?
- ❑ Are scaffolds designed with a safety factor of four?
- ❑ Are occupied scaffolds not moved or re-positioned?
- ❑ Are employees protected from overhead hazards?

Note: See Applicable Standard for Specific Safety Requirements

- ❑ Are duckboards designed and used as required?

Comments:

BARRICADES, SIGNS & SIGNALS GUIDELINES

PURPOSE: To provide for worker safety while working in a traffic work zone.

Signs, Signals and Barricades:

❑ Are required signs visible at all times while a hazard exists, and promptly removed when the hazard no longer exists?

❑ Where an immediate hazard exists, are danger signs provided with red as the predominating color, black outline, and a white lower panel for additional instructional wording

❑ Where a potential hazard may exist or to warn against unsafe work practices, are caution signs posted with yellow as the predominating color, black outline and a yellow lower panel for additional wording?

❑ Are exit signs in red 6" lettering over a white background?

❑ Are safety instructional signs in white lettering over a green upper panel with a white lower panel for additional wording in black?

❑ Do traffic signs comply with the Manual on Uniform Traffic Control Devices?

❑ Are flagmen provided where signs/barricades do not otherwise provide adequate protection for workers working in streets or roads?

❑ Are reflector zed red or orange garments (vests) worn by flagmen at all times while flagging?

Comments:

COMMUNICABLE DISEASES

I. POLICY

It is the policy of the Seabrook Police Department to increase awareness about risks, modes of transmission, and procedures for handling communicable diseases such as hepatitis B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections. Although, of the diseases aforementioned, AIDS has received the most notoriety, all present hazards to law enforcement officers: Hepatitis B and tuberculosis are more infectious than HIV, for example.

All personnel must understand that the focus of the news media on AIDS has dealt with so-called "high risk" groups, i.e., homosexual men, intravenous drug users, and prostitutes. As a matter of practice, the Department does not recognize high-risk groups since health and legal experts maintain that the actual risk of contagion comes from high-risk *behavior*. Anyone, including members of the Department, might conceivably behave in a way that promotes risk of infection. Further, the long incubation periods associated with diseases such as HIV (years) render testing difficult. Accordingly, officers shall act responsibly in minimizing the risk of infection when dealing with ***any*** person, male or female, child or adult or with ***any*** body fluids. A few precautions, however, will avoid the risk of infection almost entirely.

Officers cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the officer's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks.

The most likely danger from contact with HIV or other communicable diseases comes from handling blood or other body fluids as evidence or at the scene of injury or death. The Department does expect officers to exercise caution when handling evidence, to which end the following procedures are set forth. Officers have ***no way*** to determine with certainty if a citizen is infected with a communicable disease.

The Department shall provide employees with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The Department has instituted post-exposure reporting, evaluation, and treatment for all members exposed to communicable diseases.

Finally, the Department advises all personnel that they shall not receive discriminatory treatment nor bear any stigma if they contract a communicable disease which becomes known to the Department.

The Department expects officers to become educators in their law enforcement work. Officers can advise the public of the risks of infection and can further distribute educational literature. Additionally, officers may refer citizens to health agencies such as the American Red Cross and the local health Department. Department personnel, then, may set an example in demonstrating rationality and confidence in dealing with communicable diseases.

II. PURPOSE

To establish guidelines and procedures to be followed when a member of the Department is exposed to a communicable disease with a risk of major illness or death and to establish procedures for handling of evidence or property that may be contaminated.

III. DEFINITIONS

A. **Communicable disease.** An infectious disease capable of being passed to another by contact with an infected person or his/her body fluids.

B. **AIDS (Acquired Immune Deficiency Syndrome).** A blood-borne and sexually-transmitted disease that attacks and destroys the body's immune system. It makes people susceptible to infections, malignancies, and diseases not generally life-threatening to persons with normal immune systems. AIDS also causes disorders of the central nervous system. There is no vaccine against the virus. Personnel are advised that AIDS is ***not*** transmitted through any of the following (according to the Centers for Disease Control):

1. Sneezing, coughing, spitting;

2. Handshakes, hugging, or other non-sexual physical contact;

3. Toilet seats, bathtubs, or showers;

4. Various utensils, dishes, or linens used by persons with AIDS;

5. Articles worn or handled by persons with AIDS, i.e., doorknobs, pens, or cups;

6. Being near someone with AIDS frequently or over a long period of time;

7. Riding the same transportation;

8. Eating in the same public place with an AIDS-infected person; or

9. Working in the same office.

C. **ARC (AIDS-Related Complex).** A condition caused by the AIDS virus (HIV) and has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.

D. **HIV (Human Immunodeficiency Virus).** The virus that causes AIDS. HIV infects and destroys certain white blood cells, undermining the body's ability to combat infection. (Also named HTLV-III or LAV). Technically speaking, this general order aims to reduce the chance of HIV transmission, the virus that causes AIDS.

E. **Seropositivity.** Refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.

F. **Hepatitis B (HBV).** A viral infection that can result in jaundice, cirrhosis, and, sometimes, cancer of the liver. The virus is transmitted through exposure to blood, semen, or vaginal secretions. Two vaccines are currently available against hepatitis B [Recombivax (synthetic) or Heptivax (serum derived)].

G. **Tuberculosis.** A bacterial disease that can be transmitted through saliva, urine, blood, and other body fluids by persons infected with it. Tuberculosis is spread ***primarily*** by inhaling airborne droplets from infected coughing people. It can enter the body through infected mucous on the skin (as from coughing) or from droplets that are inhaled. It is an airborne, opportunistic disease and it primarily causes lung infection. Although no vaccine against tuberculosis exits, medications are available to treat the disease.

H. **Exposure control program.** A written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents, and identifies at-risk tasks and assignments.

I. **Personal protective equipment (PPE).** Consists of specialized clothing or equipment worn or used by employees for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.

J. **Universal precautions.** Includes controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious.

IV. PROCEDURES

GENERAL RESPONSIBILITIES

A. The Chief of Police or his designee shall develop a written exposure control plan which provides the overall strategy for limiting exposure to HIV and HBV viruses, and for handling exposure incidents. The plan is available to all employees and may be reviewed upon request to their immediate supervisor.

l. The plan adheres to the principles and procedures for the prevention of HIV and HBV exposure as detailed in the universal precautions prescribed by the CDC plus other state or federal agencies.

2. All employees, and supervisors particularly, are responsible for the maintenance of a clean, sanitary workplace, and shall inspect workplaces daily to ensure that these conditions are met.

a. All supervisors shall develop and implement written schedules for cleaning and decontamination of equipment and workplaces.

B. The Chief of Police or his designee shall ensure that adequate supplies are available for communicable disease control within the Department. Supervisors are responsible for maintaining continuously an adequate supply of disease control supplies for all affected personnel within their purview. Further, supervisors must ensure that:

l. personal protective equipment (PPE) can be found in sufficient quantities at advertised locations;

2. hypoallergenic gloves and other materials are available for employees allergic to standard-issue gear;

3. supplies are routinely inspected, replaced, cleaned; and

4. First Aid supplies and disinfectants are available always.

C. The Chief of Police or his designee shall ensure that the Department vehicles will each contain the following PPE supplies at all times:

- 3 pairs of disposable latex gloves
- l pair leather gloves
- 1 disposable face mask
- 6 absorbent disposable towels
- 3 disposable plastic bags with contaminated material seals
- 1 bottle of alcohol-based cleanser
- 1 CPR shield (with a 1-way valve to prevent the patient's saliva from entering the care-giver's mouth)
- 1 pair of wrap-around safety goggles
- 1 carrying bag with zipper closure
- 1 pair disposable shoe coverings
- 2 puncture-resistant, leak proof containers for needles and other sharp objects
- l box of waterproof bandages
- "Isolation Area--Do Not Enter" signs

D. Officers using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible. **Officers shall maintain disposable gloves in their personal possession at all times.**

E. The Chief of Police or his designee shall cause to be maintained at the Department office the following:

- 3 pair coveralls (different sizes)
- supply of disposable latex gloves
- orange/red plastic biohazard bags and tape, or plastic bags and sealing ties
- liquid household bleach
- disposable towels/towelettes
- "Isolation Area - Do Not Enter" signs
- buckets, mops

F. Personnel shall use protective equipment under all appropriate circumstances unless the officer can justify otherwise.

l. Officers who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practicable for Department review.

G. All personnel whose skin comes into contact with body fluids of another shall begin disinfection procedures immediately: these procedures range from simple soap-and-water washing to the use of alcohol or antiseptic towelettes. All open cuts and abrasions shall be covered with waterproof bandages before personnel report for duty.

V. GENERAL PRECAUTIONS

A. **General.** Whenever possible, officers shall wear disposable latex gloves when doing any of the following:

1. Handling persons or items with any blood or body fluid products (hypodermic needles, syringes, or surfaces soiled with blood or body fluids, gun or knife wounds).

2. Packaging and handling such items as evidence.

3. Cleaning up blood or other secretions which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

B. **Specialized Devices**

l. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger contamination through the eyes, nose, or mouth. Masks may be worn with other protective devices such as goggles.

2. Gowns, jackets, coats, aprons shall be worn as determined by the degree of exposure anticipated.

C. **Handling People**

l. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves (when handling evidence) or after contact with the subject (if bleeding or vomiting). If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin.

2. Leather gloves or their equivalent shall be worn when searching persons or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques shall be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons.

3. When transporting prisoners:

a. Do not put fingers in or near any person's mouth.

b. Transport persons with body fluids on their persons in separate vehicles from other persons. A person who is bleeding or producing a fluid may have to wear a protective covering.

c. Notify other support personnel or law enforcement officers during a transfer of custody that the suspect has fluids on his or her person, or that the suspect has stated that he or she has a communicable disease. Booking forms should so state.

D. **Handling Objects**

1. Objects contaminated with body fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.

2. Officers shall use extra care when handling any sharp objects. If officers find syringes, they shall not bend, recap, or otherwise manipulate the needle in any way, but shall place them in puncture-resistant containers provided by the Department.

E. **Handling Fluids**

l. Clean up blood spills or other body fluids with regular household bleach diluted 1 part bleach to 10 parts water (or use undiluted bleach, if easier). Bleach dilutions should be prepared at least every 24 hours to retain effectiveness.

a. Wear latex gloves during this procedure.

b. A soiled uniform (by blood or body fluids) should be changed as soon as possible. Wash in hot water and detergent or dispose of after autoclaving.

2. Departmental vehicles within which body fluids are spilled require immediate disinfection procedures. Employees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible. Affected vehicles should bear an "Infectious Disease Contamination" sign upon arrival at a service center and while awaiting disinfection.

a. All police vehicles will be cleaned with disinfectant as part of a routine, scheduled washing and maintenance check.

F. **Precautions When Bitten**

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.

2. Washing the area thoroughly with soap and hot water.

3. Seeking medical attention at the nearest hospital.

4. Advising your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Workers' Compensation forms.

G. **Precautions When Punctured by Needles or Knives**

If an officer is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes: wash wounds thoroughly with soap and water.

2. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.

3. Advise your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Workers' Compensation forms.

H. **Precautions at Major Crime Scenes**

At the crime scene, officers and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.

1. No officer at any crime scene shall eat, drink, smoke, or apply make-up.

2. The best protection is to wear disposable latex gloves. Any person with a cut, abrasion, or any other break in the skin on the hands should never handle blood or other body fluids without protection.

3. Latex gloves should be changed when they become torn or heavily soiled or if an officer leaves the crime scene (even temporarily).

4. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over latex gloves.

5. Hands should be washed after gloves are removed, even if the gloves appear to be intact.

6. Always keep a plastic bag in the communicable disease control kit to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. Clearly mark the bag "Contaminated Material."

7. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene, or use protective disposable shoe coverings.

8. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of body fluids may strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.

9. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.

10. Use tape--never metal staples--when packaging evidence.

11. If practicable, use only disposable items at a crime scene where blood or other body fluids are present.

12. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health Department for advice.

13. Warning labels must be placed on all plastic evidence bags to go to the crime laboratory.

VI. VACCINATIONS

A. The Department affords all employees who have occupational exposure to hepatitis B the opportunity to take the HBV vaccination series at no cost within l0 working days of assignment to an occupationally exposed duty. The vaccination shall be provided only after the employee has received Departmental training in communicable diseases, is medically fit for the vaccinations, and has not previously received them.

VII. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES

A. Notification

1. All employees shall, as soon as practicable, document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure.

2. Examples of such exposure are:

   a. Direct contact with body fluids on chapped or open areas (cuts, scratches) on the skin or on mucous membranes (i.e., eyes, mouth).

   b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.

   c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

B. Testing

If a member of the Department is exposed to the body fluids of a person who has or is suspected to have a communicable disease, the member must be evaluated for evidence of infection by the Department physician.

1. The person whose body fluids came into contact with an officer may state that he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DUI arrest), although, in fact, he or she is not infected at all. While the Department cannot coerce a citizen--suspect or otherwise--to take periodic tests for

infection, the Department ***will*** try to convince the citizen who may have transmitted infection to do so.

2. Personnel should understand the difficulty of transmitting HIV and hepatitis B. If infection control measures have been followed, the risk is very low.

C. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other body fluids). The following information details testing methods and their reliability.

1. **AIDS/ARC/HIV:**

a. Blood tests can detect HIV antibodies (produce by the body's immune system).

b. The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.

c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. High false positive rates also occur with the use of only ELISA test.

d. One must be tested, then, immediately following the incident (for a baseline) and then six and twelve months later.

e. The Department shall ensure that the employee receives qualified counseling during the testing period.

2. **Hepatitis B:** A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure. See Section VI above.

3. **Tuberculosis:** This disease is detected first by a skin test, then confirmed by an x-ray. The Department physician can order this test for the Department employee. (Some local health Departments may do the test.)

D. **Confidentiality**

Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about his/her health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or Hepatitis B). The Department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.

l. Under most circumstances, medical authorities will retain confidential records unless the employee tested or state law requires it.

E. **Positive Test Results**

1. Any person who tests positive for HIV or Hepatitis B shall not be summarily removed from duty. The Department shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between co-workers in the Department). The Department shall alter an employee's assignment only when he or she can no longer perform the required duties.

    a. The Department shall ensure continued testing, if necessary, of members for evidence of infection, and shall provide psychological counseling if necessary.

2. Any person who tests positive for tuberculosis may be restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the person has contracted and if he/she is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says he/she is non-communicable. (Tuberculosis is easily transmitted and incidence in has recently shown a slight increase. After exposure to tuberculosis, a person may, after a medical evaluation, take medicine to help prevent the disease.)

F. **Job Performance**

1. Communicable disease-infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the Department.

    a. Where feasible, an employee who has medical complications from a communicable disease will either be reassigned to another job, if available, or have his/her job restructured so that he/she can remain employed. As necessary, medical documentation shall support requests for job restructure or reassignment. All

personnel shall treat such employees in the same manner as employees who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.

b. The Department may require an employee to be examined by the Department physician to determine if he she is able to perform his/her duties without hazard to him/herself or others.

G. **Federal Law**

Employees infected by communicable diseases may be protected by the federal Rehabilitation Act of 1973.

H. **Discrimination**

The Department expects all personnel to continue working relationships with any fellow employee recognized as having AIDS/ARC, Hepatitis B, or non-communicable tuberculosis. The Department will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the Department's mission.

I. **Records**

The agency maintains a record for each employee detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the Chief of Police in secure storage, and **shall not be disclosed or reported without the express written consent of the employee unless ordered by law.**

VIII. TRAINING

A. Education on communicable diseases shall be continuous in the Department. The Chief of Police or his designee shall ensure that all members of the agency with occupational exposure shall receive a course of instruction on blood borne diseases before their initial assignment. Further, each affected employee will receive annual refresher training plus any additional training appropriate to the particular employee assignment.

B. The Chief of Police or his designee shall retain complete records on instruction of employees to include dates of training; content of sessions; names and qualifications of trainers; names and job titles of attending employees.

C. The Chief of Police or his designee is responsible for dissemination of updated information to all personnel and for appropriate educational programs about communicable diseases. These programs shall include at a minimum:

1. Written information concerning AIDS/ARC/HIV, hepatitis B, and tuberculosis in the form of brochures, bulletins, memorandums, or fact sheets.

2. Group and/or individual presentations and discussions provided by adequately trained personnel or experts from outside the Department.

3. Local resources for further medical and law enforcement information.

4. For more information, personnel may at any time contact:

a. National Hotline for AIDS - 1-800-342-AIDS
b. AIDS Info Hotline - 1-800-533-4148
c. AIDS Update (Dept. of Health and Human Services) 1-202-245-6867
d. AIDS Clearinghouse (America Responds to AIDS) 1-800-342-7514
e. National Institute of Justice AIDS Clearinghouse 1-301-251-5500
f. State and local public health Department
g. Local American Red Cross
h. Forensic laboratories

AIDS-RELATED CONCERNS OF PERSONNEL

ISSUE	INFORMATION
Human Bites	A person who bites is typically the one who gets the blood; viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk wound to make it blood, wash the area, and seek medical attention.
Spitting	Viral transmission through saliva is highly unlikely.
Urine/feces	Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.
CPR/first aid	To eliminate the already minimal risk associated with CPR, use masks/airways; avoid blood-to-blood contact by keeping open

	wounds covered and wearing gloves when in contact with bleeding wounds.
Body removal	Observe crime scene rule: do not touch anything; those who must come into contact with blood or other body fluids should wear gloves.
Casual contact	No cases of AIDS or HIV infection attributed to casual contact.
Any contact with blood	Wash thoroughly with soap and water; for body fluids clean up spills with l:l0 solution of household bleach.

*Source: Adapted from: AIDS and the Law Enforcement Officer: Concerns and Policy Responses by Theodore M. Hammett, Ph.D., National Institute of Justice, U.S. Department of Justice, June, 1987.

CHAPTER 8	SPECIAL ORDERS
SO# 11-0001	Marine
SO# 11-0002	Documentation and Notification
SO# 11-0003	All Terrain Vehicle (ATV)
SO# 11-0004	Jail
SO# 11-0005	Communications
SO#11-0006	Uniform and Equipment
SO#11-0007	Bicycle Patrol
SO#11-0008	Light Duty
SO#12-0001	Wearable Video Recorder
SO#12-0002	Requesting Leave
SO#12-0003	Eyewitness Identification

SUBJECT: Marine Operations
SPECIAL ORDER: 11-0001
EFFECTIVE DATE: November 1, 2011
REFERENCE: Chapter 4
SPECIAL INSTRUCTIONS:
DISTRIBUTION: All Personnel
NO. PAGES: 4

I. POLICY

It is the Policy of the Seabrook Police Department to maintain a police presence on all navigable waterways. Our presence is to maximize the public's use for safe recreation and minimizes illegal or dangerous acts, while protecting both public and private property that may be jeopardized by these acts.

II. PURPOSE

This policy sets forth guidelines for the deployment and usage of watercraft operated by the members of the Seabrook Police Department while officers will be engaged in the activities of patrol, rescue, recovery and training.

III. PROCCEDURES

A. CALL OUTS

When a call out is requested for the Marine Patrol, the dispatcher shall notify the marine Enforcement Supervisor of the request and all details known to the dispatcher. In the event the Marine Enforcement Supervisor cannot be contacted, the on duty supervisor shall be notified. In an emergency situation, involving the immediate response of a water rescue unit and where the rescue is in Clear Lake or near the Seabrook shoreline in Galveston Bay , the dispatcher will also notify the Seabrook Fire Department and the nearest full-time Marine Enforcement Unit (Coast Guard, Harris/Galveston County Marine Patrol, Nassau Bay PD). After any of the listed agencies are contacted and a response status is known, the dispatcher will then advise the on duty supervisor and the Marine Enforcement Supervisor.

B. PRE-LAUNCH AND LAUNCH

All vessels operated by the department will have a complete safety inspection prior to leaving for the launch area. The safety inspection will be in compliance with the Texas Water Safety Act for the size and classification of the vessel being utilized. This includes but not limited to:

a. Checking for existing damage to the vessel

b. Function of the propulsion devise

c. Personal floatation devices (PFD) and the correct number of PFD's for the operation assigned

d. The drain plug in place

e. Navigation lights are operational and

f. That all emergency equipment is operational.

Prior to towing the boat, the trailer will be inspected for safety and compliance with the Texas Transportation Code, to include but not limited to:

a. The proper fitting of the trailer to the towing vehicle

b. Working trailer lights

c. Properly inflated tires and

d. Safety chains in place.

Upon arrival at the launch site, the vessel will again be inspected to ensure that the drain plug is in place and all lights and emergency equipment is operational.

C. REQUIREMENTS TO OPERATE

No watercraft will be operated with less than two (2) Seabrook Police Department personnel on board and at least one (1) of the personnel must be certified as a Marine Safety Enforcement Officer (MSEO). The only exception to this rule is if the second person aboard the boat is an officer from another law enforcement agency (including the Coast Guard) and is an MSEO. All persons onboard the patrol boat while underway will wear an approved personal floatation device. Civilian riders on the patrol boat will have to meet the same requirements set forth in the department policies and procedures manual for patrol riders.

D. ENFORCEMENT RULES

Marine Safety Enforcement Officers (MSEO) may issue citations or effect arrests when appropriate. Citations and arrests for violations of the City of Seabrook Code of Ordinances (Section 105 – Waterways) that occur in the city limits of Seabrook may be filed in the Seabrook Municipal Court. Violations of the Texas Water Safety Act that occur in waters other than within the City of Seabrook, a citation can be issued and the charges must be filed in the appropriate Justice of the Peace Court having jurisdiction of that area. All registration violations will be filed in the Justice Courts. In situations when an arrest is made, officers will terminate the violator's voyage and follow him/her to the nearest dock or launch site, unless the violation is for any alcohol consumption violations, in the Seabrook City limits where the violator will be searched and restrained in compliance with department policy. The violator will be transported by a land based unit to the Seabrook jail for processing. An arrested suspect should never be handcuffed

while in a boat or upon a waterway unless officer safety over rules the liability risks of restraining a person susceptible to falling into the water during transport.

E. CITIZEN ASSISTANCE

In addition to enforcement duties, Marine Safety Enforcement Officers (MSEO) shall help any citizen in need of assistance with any rescue effort that they happen upon or are dispatched to. When the MSEO encounters a stranded boater needing a tow due to equipment failure, the MSEO will tow the boat to the nearest safe docking area. If the MSEO determines that he/she cannot safely tow the stranded boat, he/she will render any assistance possible to the boaters up to and including contacting an authorized marine towing company to respond. An MSEO will not attempt to dislodge a boat that has run aground. An authorized marine towing company should be contacted. When possible, the MSEO will stay with or near the stranded boater until assistance arrives.

F. IMPOUND OF VESSELS OR PROPERTY

When an arrest is made, the Marine Safety Enforcement Officers (MSEO) shall make every attempt to release the vessel to a sober and responsible party that is approved by the owner/operator of the vessel. If such a person is not available on the scene or cannot respond to the scene within a reasonable period of time, the MSEO will contact an authorized, insured and bonded marine towing company to respond and take possession of the vessel. If the marine towing company is not available, the MSEO will have the dispatcher contact a towing company authorized by the City to tow vehicles and have them respond to take possession of the vessel. If that is unavailable, the MSEO shall contact a local marina and make arrangements for the vessel to be docked there until it can be properly released. The MSEO shall complete a vehicle inventory sheet on any impounded vessel.

G. MAINTENANCE AND CLEAN UP

After completion of each duty assignment the patrol boat will be:

a. Cleaned of all trash and debris

b. All equipment properly stowed

c. The motor will be flushed and the boat hull and deck rinsed off

d. The patrol boat will be refueled at the end of each patrol assignment.

The Marine Safety Enforcement Officer (MSEO) supervisor will develop a schedule for annual maintenance for the patrol vessel including the motor, steering, emergency equipment and trailer. Any damage to, or equipment failure of the patrol boat will be reported to the MSEO supervisor who shall make the necessary arrangements for the repair of the boat.

H. UNIFORM FOR MARINE OPERATIONS

The uniform dress for the Marine Safety Enforcement Officers (MSEO) shall be as follows:

a. Summer: Black BDU shorts, a shirt issued by the department that includes the name of the department, black low top tennis shoes with black or white socks, a ball cap with POLICE on the front, the department issued gun belt, weapon and accessories. Black departmental BDU pants are also acceptable during the summer months.
b. Winter: The same as the summer uniform with the addition of a department issued windbreaker or coat.

Authority
By: _____
Nona Holomon
CHIEF of POLICE

SUBJECT: Required Documentation and Notification
SPECIAL ORDER: 11-0002
DATE: November 1, 2011
REFERENCE: Chapter 2, 3, 4, 8, Civil Service Rules, City of Seabrook Personnel Policies.
SPECIAL INSTRUCTIONS:
DISTRIBUTION: All Personnel
NO. PAGES: 2

I. POLICY

It is the policy of this department to conform to the requirements of The City of Seabrook Personnel Polices, the Seabrook Police Department Policy and Procedures and the adopted rules of Civil Service. The conformity requires proper documentation.

II. PURPOSE

The purpose of this policy is to establish the necessary documentation and notification requirement of the Seabrook Police Department. The purpose is to list some but not all the required documentation and notifications needed for the operation and administration of the department. This Special Order does replace documentation required by other rules, regulations, statues, ordnances or policies or procedures.

III. PROCEDURES

All employees are required to complete documentation and written notifications in the performance of their duties and in accordance to the above listed reference materials.

IV. REQUIRED DOCUMENTAION

The following list of circumstances or issues requires documentation to be completed by employees.

SOURCE	DOCUMENT	RESPONSIBLE PARTY
City Policy	On Job Accident	Sergeant, Officer, Civilian
City Policy	F.M.L.A	Sergeant, Officer, Civilian
Police Department Policy	Shift Swap	Officer, Sergeant, Civilian
Police Department Policy	Fleet	Sergeant, Officer
Police Department Policy	Discussion Record	Sergeant, Lt, Capt, Chief
Police Department Policy	Correctional Interview	Sergeant, Lt, Capt, Chief
Police Department Policy	Written Reprimand	Sergeant, Lt, Capt, Chief

V. REQUIRED NOTIFICATION

The following circumstances require all employees of the Seabrook Police Department to notify the department (through their immediate supervisor) in writing as soon as possible.

a. Any arrest for any violation, including the arresting agency, charge, court, status.

b. Any fleet accidents, on the job injury, or any injury that will prevent the employee from performing their job in any capacity.

c. Any medications that will alter interfere or prevent the officer from performing his job in any capacity, regardless of the medications printed label.

Authority;

_____

Nona Holomon Chief of Police

SUBJECT: Required Documentation
SPECIAL ORDER: 11-0003
DATE: November 1, 2011
REFERENCE: Chapter 2, 4, SO#
SPECIAL INSTRUCTIONS:
DISTRIBUTION: All Personnel
NO. PAGES: 3

I. POLICY

It is the policy of this department to provide a service to the community by patrolling the community. This policy assists in that function by allowing the department to effectively perform its patrol function. Prior to operating an ATV, officers must successfully complete the requirements of the departmental training course. This mandatory (4) hour course is administered by the Department's ATV Safety Institute Instructor. There will be no leisure riding of ATVs with the exception of the ATV Safety class. ATVs will be used for various special events and details. Officers may be assigned to work special events using ATVs. This assignment may come from the Chief of Police or his designee and/or the Patrol Division Lieutenant. Primary ATV operators will be bike patrol officers.

II. PURPOSE

The purpose of this policy regarding All Terrain Vehicles (ATVs) is to establish guidelines for the proper use of ATVs as patrol vehicles for the Seabrook Police department.

III. PROCEDURES

Prior to operating an ATV, officers must successfully complete the requirements of the departmental training course. This mandatory (4) hour course is administered by the Department's ATV Safety Institute Instructor. There will be no leisure riding of ATVs with the exception of the ATV Safety class. ATVs will be used for various special events and details. Officers may be assigned to work special events using ATVs. This assignment may come from the Chief of Police or his designee and/or the Patrol Division Lieutenant. Primary ATV operators will be bike patrol officers.

ATV riders will, as always, use due regard safety and in accordance with the appropriate statutes and codes to operate the ATV under the definition of an authorized emergency and law enforcement vehicle. Non-bike patrol officers will wear assigned uniforms (long pants and choice of short or long sleeve shirt). Bike patrol officers will wear assigned bike patrol uniforms. Bike patrol officers will be assigned an ATV helmet for their use. Non-bike officers will have helmets available for their use, which is to be cleaned with soap and water

at the end of duty. The Bike Patrol unit will have precedence for the ATVs during their scheduled shift otherwise; the ATVs may be used by the uniform division for general patrol. ATVs are not to be considered as primary patrol vehicles.

IV. PRE-RIDE PROCEDURES

Each officer will be knowledgeable of ATVs and the safety procedures associated with them. Prior to duty on an ATV, each officer must perform a pre-ride inspection of the ATV using T-CLOC method described in the ATV Safety Rider Course.

T = Tires and Wheels (air pressure, condition, wheel bearings, lug nuts, etc.)

C = Controls and Cables (location, operation, throttle, brakes, shifter)

L = Lights and Electrics (Ignition switch, engine stop switch, light)

O = Oil and Fuel (levels, vents, air filter, fuel supply valve)

C = Chain/Driveshaft, Chassis and Suspension (free play, condition/lubrication/wear, bolts)

Any problems or maintenance issues will be reported to the ATV immediate Supervisor in writing via e-mail. The ATV will not be operated if any condition exists which affects the safety of the unit or could cause damage to the vehicle if not repaired prior to operation.

V. RIDE PROCEDURES

The areas to be patrolled will be designated by the Chief of Police or his designee. All officers will be familiar with the “SIPDE” strategy as taught in ATV safety class, when riding. This strategy will help to prevent potential risks and accidents.

S = Scan/Search

I = Identify Hazards

P = Predict what may happen

D = Decide what to

E = Execute your decision

Officers will “tread lightly” at all times when riding ATVs. This term means taking the environment, turf, grass around buildings, and land surface into consideration when operating an ATV. Any non-professional operation of the ATVs (“horseplay”, intentional destruction of property/turf/trees, intentional destruction of the ATV, or reckless behavior) will not be tolerated. Any such conduct will be reported immediately to the contravening officer’s immediate supervisor. All privileges to operate ATVs will be immediately suspended, pending re-completion of ATV Safety Course and approval from his/her

immediate supervisor. The officer is also subject to disciplinary action as deemed appropriate by the Department.

In the event of an accident involving an ATV and a private vehicle, pedestrian or private property the riding officer will notify an immediate supervisor and follow fleet reporting protocols including an accident report.

All emergency equipment should be activated when responding to an emergency call, when in pursuit of an actual suspect or violator of the law, or when responding to a call.
There will be no pursuits of motor vehicles while on ATVs. ATV riding officers will not initiate felony traffic stops.

VI. POST RIDE PROCEDURES

At the end of duty, the officer operating the ATV will re-fuel as well as clean/rinse any dirt, dust, or mud collected during tour of duty. The ATV will be parked in the locked and gated area. After parking, the ATV is to be covered with the provided tarp for inclement weather protection. Keys are to then be placed back in the key lock box for the next officer to obtain.

Authority;

_____

Nona Holomon Chief of Police

SUBJECT: Jail, General Procedures

SPECIAL ORDER: 11-0004

DATE: November 1, 2011

REFERENCE: Chapter 2 & 6

SPECIAL INSTRUCTIONS:

DISTRIBUTION: All Personnel

NO. PAGES: 10

I. POLICY

It is the policy of the Seabrook Police Department that any person incarcerated in the Jail will be afforded their rights under the law, will be treated humanely, and will be provided with proper care, food, shelter, and if required, medical treatment. Procedures will comply with State law and will comply as close as possible with the standards the Texas Jail Commission has established for Lockup Facilities.

II. PURPOSE

To provide for the administration, processing, supervision, security, and inspection of prisoners and the holding facility.

III. PROCEDURE

A. MANAGEMENT AND ADMINISTRATION

1. The Administrative Lieutenant is responsible for the management and operations of the Jail facility. To include scheduling and training of Officers and supplies needed for operations in the jail.

2. The Administrative Lieutenant is responsible for the maintenance and inspections of the Jail facility. The on duty Shift Supervisors are responsible for shift inspections. The on duty Shift Supervisor is responsible for the direct supervision and care of prisoners detained in the holding facility.

3. The Administrative Lieutenant is responsible for ensuring that arrest records are stored in a secure area, and will ensure that records are only released in accordance with the Public Information Act, laws of privacy and confidentiality of records.

4. No unauthorized or nonessential persons will be allowed access to the Jail. Maintenance workers or outside contractors required to work in the cell areas will be checked by an officer to ensure that no tools or contraband are left behind in the cell area.

5. All supervisors will ensure that all reports, records and documents pertaining to an arrestee are checked for accuracy and completeness before forwarding them to the Records unit.

B. TRAINING

All Department personnel will receive adequate training in Jail operation procedures. Training records will be maintained by the Chief's designee.

1. All sworn personnel will receive instructions in prisoner processing and Jail operations; newly employed Police Officers will receive training in Jail operations through the Field Training Program.

2. Dispatchers will receive instructions on monitoring prisoners with the audio visual equipment in the dispatch office.

C. BOOKING PROCEDURES

1. Dispatchers shall monitor the surveillance cameras at all times to ensure the safety of the jailers and/or officers in the Jail.

2. Officers pull vehicle into Sally Port.

3. Dispatch or Officer secures Sally Port Doors.

4. Officers shall place all weapons in the lock box. No less lethal weapons are allowed in the jail unless a prisoner is combative and there is no other recourse to seek additional compliance. In those situations a less lethal weapon may be summoned. A supervisor will also be summoned to the scene.

5. Officer removes the prisoner from the vehicle and escorts him/her to the booking desk.

6. If the prisoner is non-violent remove the handcuffs.
   a. If prisoner is violent, they should remain cuffed until being placed in the holding cell. This should be noted on the arrest report.

7. Officer removes personal property from prisoner including all valuables, hat, coat, other outer clothing, belt, shoes, etc.. This shall be done in view of the surveillance camera and all property inventoried in front of the prisoners.

a. Valuables (jewelry, Money, credit cards ,etc.) are to be placed in a designated container. The container shall be placed into one of the prisoner property lockers and designated on the computerized booking entry.

8. Outer clothing that may be too large to place into the locker is to be placed in a storage bag at the rear of the booking desk and tagged with the prisoner's name. Items that are unusually filthy or wet should be placed in a plastic bag before being placed in the storage box.

9. Search the prisoner again. The officer assuming custody of the prisoner shall search the prisoner again by patting the prisoner down, checking pockets and waistline, etc, and then with the metal detector.

a. Officers of the same sex should search prisoners. If one is not available conduct a pat-down search, preferably in view of the video recording system.

b. Cavity searches shall be limited to the prisoner's ears, nose, and mouth. Any strip searches shall first be approved by a supervisor and shall be conducted by the same gender and out of view of others of the opposite gender.

c. If during the course of a search contraband is located, it will be seized. The arresting officer or shift supervisor will be notified and appropriate paper work completed.

10. Officers should check the prisoner's name for previous arrests and utilize that ID number if previously handled.

a. if there is no previous arrest, make a new entry under a new ID number.

b. If a prisoner has refused to give identification information or is unable to be identified, book them in as John/Jane Doe and place them in a holding cell: note which cell they are in on the booking sheet.

11. Computer Arrest Report.

a. The Officer booking the prisoner in should try to verify the information the prisoner gives with documents such as : driver's license, social security card, birth certificate, etc.

b. Record all property taken from the prisoner on the property inventory sheet and have the prisoner sign for said property.

c. Log legally prescribed medications for the prisoner on the medication log. Check the medications bottles to ensure the medication listed on the bottle matches what is inside the bottle and that the name on the bottle matches the prisoner claiming the medication. The prisoner must have a prescription for any medication to be taken. Poison Control and/or a Physician's Desk Reference can be utilized to verify the medication.

d. Authorized medication dosages will be administered appropriately and pursuant to the directions on the bottle by the officer working the Jail.

Once medication has been given it shall be logged on the medication log or in computer jail log.

12. Take a book in photograph of the prisoner using the provided digital camera.

13. Fingerprint the prisoner on the A.F.I.S. machine.

14. Allow the prisoner to make at least one completed telephone call. This is at the booking officer's discretion.

15. Place prisoner in the holding cell. The cell shall be checked prior to placing a prisoner into it and ensure there is no contraband inside the cell. Ensure the cell doors are locked.

16. Combative/Uncooperative prisoners

a. If the prisoner is uncontrollable without forceful restraint, place the prisoner in a holding cell before removing the handcuffs. Place what information is available on the arrest report, noting the violence of the prisoner. Regardless of how long it takes for them to calm down, the booking process will not continue until it can be done so safely and without risk of injury to personnel or the prisoner.

b. The Emergency Restraint Chair (E.R.C.) according to Policy and with supervisor's approval in the event of a violent prisoner. This will be done to prevent the prisoner from injuring himself or others.

17. Prisoners known or suspected of having a communicable disease are to be kept segregated and such information noted on the arrest report. Equipment is available for Jailer's/officers to offer protection from any infections such as face masks and disposable gloves.

18. Fugitive Prisoners

a. Prisoners arrested on fugitive warrants from other counties must have a Magistrates Warning before they can be transferred. The arresting officer should arrange for the warning.

b. Fugitive warrants should be confirmed via teletype or warrant in hand before being served.

c. Fugitive prisoners must be processed on AFIS before being transferred to Harris County jail.

19. Sick or injured prisoners

a. The shift supervisor should be notified immediately if a prisoner is found or claims to be sick or injured in the jail. Injuries or illnesses will be noted on the prisoner Jail Log, and on the computer aided dispatch system (CAD).

b. No unconscious prisoner will be confined until they have been awakened.
c. Sick or injured prisoners are to be checked by EMS personnel and, if need be, transported to hospital for treatment

20. Checking Prisoners

a. The Jail area will be checked for well being of all prisoners every hour and the computerized Jail Log will be completed, along with notations as to the results of the check.
b. The Patrol Shift supervisor will check jail area at beginning of every shift for cleanliness, condition of prisoners and security. This check shall also be noted on the Station Log.

C. FEEDING OF PRISONERS

1. Each prisoner shall receive three (3) meals a day.
   a. The usual feeding times are 7AM, 12PM and 6PM. Prisoners shall be fed as close as possible to these times. All prisoners in a cell during designated feeding times will be provided a meal.

2. Prisoners will not be given food from outside sources.

3. After meals are prepared, ensure that the trash is thrown away and the ovens are off.

4. After prisoners have had time to eat, ensure that all of their trash is thrown away.

5. If during the food preparations there is only one case each of breakfast, lunch and dinners left, notify the supervisor for reorder.

D.SHOWERING OF PRISONERS

1. Prisoners shall be allowed to take showers every other day that they are in the facility, based on safety considerations. Showers will be documented by name of prisoner, and the date/time they showered, into the Jail Log;

2. Prisoners will be provided with a clean towel, washcloth and soap and placed into the shower cell. The prisoner will be instructed to undress, shower and redress behind the privacy wall. Officers shall not observe the prisoner disrobe, and shall secure the shower cell door prior to the undressing. The officer will keep periodic lookout through the shower cell door window to ensure the prisoner has not fallen or become injured during the showering process. After the prisoner is redressed, the officer will open the door and return the prisoner to their cell;

3. An inspection of the shower area will take place after the prisoner is removed to ensure no contraband was left behind and results noted on the Jail Log. Any contraband located will be properly documented and reported to the on duty Supervisor;

4. Any shower activity which would cause a security concern is prohibited;

5. Prisoners will be provided reasonable and appropriate privacy during showers.

E. VISITORS

1. Authorized visitors are:
    a. Relatives (18 years of age and older)
    b. Attorneys
    c. Bondsmen
    d. Clergy of prisoners choice

2. Prisoners may have only two visitors per day.
    a. Except for bondsmen and attorneys.

3. Visiting hours are from 0800 to 1700 hours.
    a. Except for bondsmen and attorneys.
    b. Supervisors may authorize after hour visits.

4. Visitors are limited 5 minutes each.

5. <u>All</u> visitors must be logged into the Visitor Log. Visitors must have some type of valid identification. (drivers license with picture, birth certificate, marriage license, etc.) at the discretion of supervisor.

6. Prisoners are not allowed to receive packages.
    a. Except a change of clothes if required.

    b. Officers should inspect these items carefully before giving them to prisoners.

F. GENERAL JAIL RULES

1. Firearms are not permitted in the Jail. Weapons will be placed in secured lockers prior to entry.

2. Security

a. Doors will be secured at all times, except when actually entering or leaving, and for deliveries and repairs. All sworn personnel and Jailers shall have key access to the booking area. Individual cell door keys shall be restricted to personnel assigned to the Jail and police officers. A master key will be maintained by Administration.

3. Male and female prisoners will be segregated at all times.

4. Juvenile detainees are not to come into contact with adult prisoners. They shall remain segregated away from adult prisoners by sight and sound.

5. If a contagious prisoner is identified and kept segregated, the cell shall not be used until it has been decontaminated.

6. Smoking in the Jail is prohibited, as well as throughout the interior of the Police Building.

7. Prisoner holds for other Law Enforcement Agencies.

a. Holds must be for a particular officer, division, and department, if a warrant has not been filed but is pending.

b. Holds for a department with outstanding warrants must be confirmed via teletype or by the warrant on file with this department.

c. If a prisoner meets the requirements for release from this department, notify the agency with the hold that they have twenty-four hours to pick up the prisoner or release the hold.

G. PRISONER IDENTIFICATION PROCESS

1. Types of identification Procedures

a. Complete: AFIS and Photograph

b. Re-arrest: Photograph only. If they have not been scanned into AFIS previously, perform AFIS as well.

2. Photographs

a. Have the prisoner positioned in front of the camera with his back against the wall.

b. Have the prisoner look at you. Do not let him make faces or gestures. Take the picture with his eyes open. If prisoner has any headwear (hat), remove before taking photo, this also includes sunglasses.

c. If prisoner wears prescription eyewear, take one photo with and one photo without eyeglasses.

d. If the prisoner has numerous or unusual tattoos, photograph him with the tattoos in view as well.

H. RELEASING A PRISONER

1. A prisoner may be released under several conditions;
   a. Posting bond or fines
   b. Promise to appear (PR Bond)
   c. Given credit for time served by the JUDGE
   d. Turned over to another agency
   e. Transfer to Harris County Jail
   f. Charges are not filed

2. Before beginning to release a prisoner, inspect all of the paperwork for accuracy and completeness. Dispatchers will complete bonding paperwork and receipts. Jailers shall not accept bond or fine monies, but refer that task to Dispatchers. Jailer's will collect the paperwork from Dispatch, and have prisoners sign in appropriate places. The original bonding paperwork shall be returned to Dispatch, while copies will be attached to the prisoner forms and sent to Records for filing.

3. Bond receipts – Make sure bond amount coincides with the charges.
   a. The bond or fine money is collected.
   b. Citations issued for City Charges.

4. Obtain the prisoner's booking report and releasing paperwork.

5. Complete computer book out of prisoner, release date/time, by whom and how (bond, transfer etc..)

6. Remove the prisoner from the holding cell have them go to the booking desk.
   a. If there are several prisoners in the holding cells and you are not familiar with the prisoner being released ask questions from the arrest report to ensure the right one it getting out. As a last resort, fingerprints may be requested to be checked from a supervisor.

7. If the prisoner has not been through the identification process do that first.

8. Have the prisoner sign all of the releasing paperwork where needed and provide prisoner with their copies of any paperwork. (Bond receipts, citations, promise to appear, etc.)

9. Return all of the prisoner's property and have him sign the property sheet. If he is being transferred, place the property in a Harris County property bag.

10. If the prisoner is to be released direct him to the door.

11. If the prisoner is being transferred prior to doing the above procedures, have a vehicle parked in the garage with the door down.

12. After the prisoner has been I.D.'d and signed all of the necessary paperwork, handcuff them and secure them in the rear seat of the vehicle. Search the prisoner again prior to leaving the Holding Facility.

13. Officers shall retrieve their weapons prior to leaving. The Jailer shall lower the garage doors after the transporting officer has left.

14. Officers shall give their mileage when transporting juveniles or prisoners of the opposite sex.

15. Upon reaching the destination, advise the dispatcher and give mileage if necessary.

16. Advise the dispatcher when leaving to return to the city.

I. DEATH OF A PRISONER

1. Officers discovering the death will immediately notify the shift supervisor and EMS.

2. An officer must accompany any prisoner going to the hospital, emergency room, etc.

3. If the person is determined to be dead:

a. Secure the scene.

b. Notify the Lieutenant on duty, detective on call, The Captain, and the Chief of Police.

c. Notify the Harris County Medical Examiner.

d. CID will make a report to the Attorney General and District Attorney Office.

e. The staff or CID will ensure the prisoner's next of kin is notified.

f. Keep all other prisoners in individual cells and locked down, unless otherwise instructed.

J. EMERGENCY EVACUATION PROCEDURE

1. All cell and cellblock entry doors will be immediately opened.

2. All prisoners in holding cells will exit their cells, form a single column and prepare to exit into the booking area. This will not be performed until an Officer is present to assist.

3. An Officer will take charge of all prisoners, secure them, and all persons will exit the Holding Facility via the sally port area.

4. In the event the sally port exit is blocked, the Officer will instruct all persons to exit the Jail through the visitor's entrance, then exit the building that route to a safe location.

5. When all persons are safely out of the building in a hazard-free area, the Officer will account for all prisoners and check for injuries. An Officer shall never perform this alone. A second police officer will be summoned to the area to assist with security of the prisoners.

6. Officers involved will maintain control of the detainees until the emergency situation has been corrected and all persons are permitted to return to the Jail or arrangements have been made with a holding facility in an adjacent jurisdiction and the prisoners can be transported for accommodation booking.

K. ESCAPE PROCEDURE

1. In case of an escape from the Jail, the Officer shall:

a. Immediately notify the Shift Supervisor and the Dispatcher who will in turn notify all personnel necessary to mobilize resources;

b. Place all prisoners on "hold" and “Lock-down” status until a complete count is made of all Jail residents;

c. Obtain all information possible concerning the escapee from Jail files;

d. Prepare a detailed offense report or supplement report.

e. The Chief of Police shall be notified without delay through the Chain of Command.

2. In case of an escape during transit, the person in charge of the prisoner will:

a. Immediately alert the Seabrook Police Department Dispatcher and Shift Supervisor;

b. If within jurisdiction, prepare a detailed offense report; and

c. If outside of jurisdiction, coordinate with officials of the affected jurisdiction in mobilization of resources and preparation of offense report.

d. The Chief of Police shall be notified without delay through the Chain of Command.

Authority:

_____

Nona Holomon, Chief of Police

SUBJECT: Communications – Performance & Conduct

SPECIAL ORDER: 11-0005

DATE: November 1, 2011

REFERENCE: Ch. 2, 3, 4

SPECIAL INSTRUCTIONS:

DISTRIBUTION: All Personnel

NO. PAGES: 28

I. POLICY

The vital and specialized support role of police telecommunications in the contemporary law enforcement effort dictates the need for highly dedicated and self-motivated personnel to be assigned to this key function. Professional demeanor and a strong personal desire to provide effective service are essential when the dispatcher provides the electronic link between the needs of the community and the resources of emergency service personnel. There is an expectation that a high standard of proficiency be achieved. The ability to remain calm, and professional while making critical decisions during unpredictable and highly stressful situations with unruly callers is an important attribute of the police dispatcher.

II. PURPOSE

This order outlines standards of performance for Telecommunications personnel, conducting twenty-four hour, seven days a week, Police/Fire dispatch service for the City of Seabrook.

III. PROCEDURE

A. Required Knowledge

The following basic knowledge is vital to the Telecommunications function:

1. Knowledge of radio codes, Seabrook Police Department codes and Fire Department radio procedures.

2. Knowledge of the general geography of the city and county, including city boundaries, surrounding jurisdictions, zone boundaries, the street numbering system, primary highways and roadways and prominent landmarks.

3. Knowledge of all General Orders, Division Directives, Special Orders, policies and procedures of the Telecommunications Center.

4. Knowledge of the organizational structure of the Police department, Municipal Courts and Fire Departments, including primary responsibilities, duties and limitations of the various divisions within.

5. Knowledge of the basic organizational structure of the city government, such as the Water/Wastewater Department, Street Department, Traffic Control, Engineering Department, Fire Department, Parks etc.

6. Knowledge of all other law enforcement agencies available within Harris County and other areas, who may use our radio frequencies.

7. Knowledge of the location, capabilities, and limitations of privately owned companies, and personnel who provide regular support functions to the police operations, such as tow truck companies and the city ordinance reference use of tow trucks, telephone maintenance, computer maintenance, recorder maintenance, etc.

8. Knowledge of the telephone system, #911, radios, city computer, Computer Aided Dispatch (CAD), NCIC/TCIC and TLETS policies, recording devices, and other related information systems and equipment that is readily available.

9. Knowledge of current operational procedures, special orders, memos, resources and reference materials related to the telecommunications function.

10. Knowledge of telephone interview and information gathering techniques, in order to ensure the rapid and accurate collection and dissemination of required information.

B. Professional Demeanor

A professional, businesslike atmosphere will be maintained within the Telecommunications area of the Police Department.

1. Disruptive distractions within the Telecommunications area will not be permitted.

a. This includes crude and vulgar language, as well as racial remarks.

b. Remarks that are sexually degrading or disparaging will not be permitted.

c. Violations will result in disciplinary action.

2. It should be remembered that what is said can be picked up as background noise over both the radio and the telephones. Discretion is absolutely necessary.

2. Usage of a commercial radio any form of electronic entertainment device(s) shall not be permitted. This includes personal computers and music playing devises. Televisions located in the Communication Division shall display only news, weather or emergency operations related material.

3. Cellular phones can be used as only a messaging service for the employee while on duty; talking and checking of messages will be restricted to breaks outside the Communications Center. Cellular phone and pager ringers should be set to vibrate or muted mode so that it does not interfere with the overall operation of the Center.

C. Job Descriptions

1. Job Descriptions are maintained in Human Resources and are provided to newly hired or promoted employees.

2. Although Telecommunications Personnel are under the direct supervision of the Administrative Lieutenant and the relief Sergeant, they are also subject to the direction and functional supervision of the shift Sergeant.

a. The Shift Sergeant has the authority to exercise direction and functional supervision of both field units and station personnel, including the Telecommunications personnel, when the Communications Sergeant is not available.

D. Preparation for Duty

1. When one person relieves another in Telecommunications, it will be the responsibility of the persons being relieved to brief their relief regarding pertinent activity and the status of calls in progress. The person taking over the position will have the obligation to ask necessary questions and be accountable for the information offered.

2. At the start of each tour of duty, Telecommunications personnel will check for reports, orders, directives, memos, any changes in procedures, special events which will be posted in the Pass On Book or written on the dry erase board.

a. Each dispatcher will read and initial all memos, Special Orders, etc., directed to "Telecommunications" to acknowledge that the material has been read and understood.

b. In the event that further clarification of said materials is necessary, the Communications Supervisor should be contacted for this clarification.

c. Each Dispatcher is also responsible for checking their own e-mail or and their assigned mailbox on a daily basis.

IV. SCHEDULING RESPONSIBILITIES

A. As a key part of the Police Department Emergency Services system, Telecommunications personnel will be scheduled based on the needs of the department.

B. Scheduling Telecommunications personnel to provide required coverage is the responsibility of the Communications Sergeant.

1. In the event of unplanned personnel shortages due to illness, etc., the on-duty Shift Sergeant have both the responsibility and authority to arrange for required coverage.
2. The required coverage will be accomplished by calling in off-duty personnel or using on-duty personnel to work extra hours to cover for shortage.
3.In unusual situations, personnel may be ordered to work.

C. Required coverage
The level of staffing considered sufficient to handle the service requests of the public at any given time.

1. Current staffing mandates the minimum of one communication operator assigned per patrol shift.
2. The number of Telecommunications personnel needed to provide adequate service to the public in emergency situations may increase due to unusual circumstances.
3. This will be based on the Shift Sergeant's judgment, experience, and available resources.

D. Schedule Changes

1. Schedule changes will be made only after approval of the Communications Supervisor, or in his absence the shift supervisor.
2. Schedule changes will be made subject to the needs of the department.
3. Any schedule-swapping involving the trading of days off between personnel must be accomplished by completing "A Request for Shift Change" form and approved by the Supervisor prior to the date of the time traded.
4. Any schedule changes affecting regular work hours of Telecommunications personnel will be reported in writing or email to the Communications Supervisor.

V. MEALS AND RELIEF BREAKS

A. The Department allows one thirty minute lunch period for a normal workday. Breaks may be taken as time and workload permit.

1. Breaks and lunch are taken only when the workload allows.
2. During shifts when the workload is too intense, you may not be able to take any breaks.

B. Breaks may be taken any time after the first full hour of a workday and must be completed before the last hour of a workday.

1. Breaks are limited to the confines of the police station.
2. Dispatchers will relieve each other, the operator on break will remain close to the main Communications Center in order to monitor radio traffic. A break room adjacent to the main Center is available for breaks, as is a restroom for exclusive use by dispatchers.
3. In the case that their assistance is needed they will immediately return to their duty station.
4. Exception: If three or more dispatchers are on duty at the same time and call volume allows, one dispatcher may leave the police department for their break. When they are off the premises, they must have a cellular telephone with them and answer it in case of an emergency situation occurs in the Communication Center.
5. Smoke Breaks are to be taken outside 25ft away from the building.

C. Break periods are considered a privilege and not a right, and will never interfere with proper performance of the work responsibilities and work schedule of the department.

D. No extra pay shall be provided if break periods are not taken.

1. Break periods will not be omitted to shorten the workday.
2. Break periods will not be allowed to accumulate as added vacation, holiday, or any form of leave.
3. Break periods will not be skipped for the purpose of taking a morning and afternoon break at the same time, or for the purpose of being accumulated to be taken the next day or any following day.

VI. TELEPHONE CONTACTS

A. This is the required standard of performance for Telecommunications personnel in telephone usage. This includes the many situations that occur for dispatchers that are unique to a 911 Center.

B. Public Contact via Telephone

1. Prompt, positive, calm, and courteous attention will be given to all telephone calls received. Ask yourself, “How would I like to be treated if I had a similar problem or question?”
2. All telephone contacts should be kept as brief as possible, considering the information needed, the safety of the caller, and the

type of call or service requested.
3. If another city department can more efficiently and promptly handle an information or non-emergency service request, the caller should be referred to that number as quickly as possible.
4. Calls which may seem routine due to their frequency, such as "suspicious circumstances", "prowlers", "domestic disturbances", etc., are to be taken seriously and may well represent a serious hazard to the responding officer.
5. The call may be the citizen's only contact with our department; the way you respond, the tone of your voice, and the words used will determine their impression of the City of Seabrook. Remember, the City's most important community relations program starts with you.
6. Personal calls may be made on the unpublished private line or any of the other seven digit lines.
a. Discretion should be used making and receiving personal telephone calls.
b. Personal calls shall never interfere with official duties in the 911 Center.
c. All calls in the Communication Center are recorded.

C. Information that will be recorded for all requests for police service.
1. Date and time of the service request;
2. Name, phone number and address of the complainant (if known);
3. Nature of the service request;
4. Location of the reported incident;
5. Time the request was dispatched and the primary officer assigned;
6. Time of police arrival;
7. Identification of all assisting units;
8. Time the officers returned to service and,
9. Disposition of the call or service request.

D. This information will be entered into the computer database by communications center personnel. These recordings will help evaluate non-patrol time for planning purposes and aid in crime analysis.

E. Each service request will be assigned a unique complaint control number. This number, the incident number, will serve as the basis for the filing of reports associated with the incidents.

F. As much relevant information as possible should be obtained by communications center personnel to enhance officer safety and assist officers in anticipating the conditions to be encountered at the scene. Careful attention should be paid to obtaining information during in-progress or potentially serious incidents and such information shall be promptly disseminated to responding units.

G. Communications center personnel will monitor officer status. They will verify and update each officer's status as often as necessary depending on the type of call.

H. A map, detailing the jurisdiction of the Department, including the outline of the patrol districts, will be displayed in the dispatch center for operator reference. This map may be used to aid operators in determining the proper units to be dispatched.

VII. PRIORITIZING CALLS FOR SERVICE

A. Priority Process

1. Code 3

a. Any bona fide threat to life or the imminent potential of great danger or serious physical injury or major property damage.

b. Any "in progress" felony, violent misdemeanor or "in progress" Call for Service incident that may result in either of the above.

c. Any felony or violent misdemeanor that recently occurred and the logical probability exists that a suspect is near the scene or in the area and may be apprehended.

d. Any injury, illness or other circumstance that may result in substantial personal harm, including motor vehicle accidents, which result in personal injury or road blockage.

e. Any incident involving exigent or unique circumstances that may demand an immediate response. Examples might be - threats of an explosive device, harmful chemical, gas or liquid leaks or 9-1-1 hang up with an open line or a structure fire.

2. Code 2

a. Any "in progress" incident that does not represent a significant threat to life or property.

b. Any "not in progress" felony, violent misdemeanor or other incident that does not require immediate investigation. Examples might be - a Burglary that was not recently committed or an Assault, which occurred several hours previously.

c. Any "in progress" incident that could be classified as a possible crime such as the report of a suspicious person or vehicle.

d. Any vehicle accident with property damage that does not represent a significant hazard or impediment to the free flow of traffic.

e. Any other serious incident that does not meet the standards for a Code 3.

3. Code 1

a. Any "not in progress" incident that involves a minor violation or offense.

b. Any incident that involves non-criminal related activity such as a parking violation, traffic services etc.

c. Any non-violent misdemeanor that is not "in progress" and because of its nature or location cannot be referred to an officer in the building as a "lobby call "or "information request". Example- a vehicle property damage complaint.

B. Priority Determination

1. The call taker, who would normally be the Telecommunications Operator or an employee acting in that capacity, shall be responsible for determining the priority of the call based on the information he or she gathers or is given at the time the call is received.
2. The call taker should interview the caller and ask all appropriate questions necessary to determine the priority of a Call for Service.
3. The initial priority assigned by the call taker will be noted in the Call for Service in the Computer Aided Dispatch system in the location designated for priority if the correct priority designation is not preassigned in the system.
4. The Call for Service should be entered into the Computer Aided Dispatch system in a timely manner to assure accuracy of the call received time as designated by the system.
5. The Priority determination is made to prioritize calls for triage into the CAD system. Once dispatched, sworn personnel will make their determination as to how respond to a call for service. Supervisors may override officers' determinations. If proceeding to a call for service in emergency mode with "lights and siren", the officer responding shall announce this to the dispatcher over the radio.

C. District Integrity

1. The City of Seabrook is divided into "Districts" for the deployment of police personnel to effectively provide optimum coverage of the Seabrook Police Department's area of responsibility.
2. It is desirable for the police unit to remain within their assigned area.
3. Police units should be dispatched according to their assigned "District", unless exigent circumstances exist.
4. Roving units may be assigned to multiple "Districts" and generally used as back-up units in instances when another unit is needed to resolve the call safely or secondary unit in instances of the primary district unit is unavailable.

D. Integrity of "District" Assignments

1. Holding a Call

a. A Dispatcher, using his or her discretion, may hold a Priority 2 or Priority 3 call until the "District" or roving unit(s) returns to service.
b. Example: "District" unit is busy taking a Burglary report. Dispatch receives a Theft complaint on an incident, which

occurred 24 hours ago. Although an adjoining "District" unit is free, the report call may be held within the limitations set out in Paragraph E (Time Limitations).

2. Reassignment of Dispatched Unit to Higher Priority Call for Service:

a. A unit may be reassigned to a higher priority Call for Service when circumstances indicate such a need.

b. Example: Unit was previously dispatched to a call concerning a spray painted fence. Communications receives a Major Accident Call for Service in the same "District". Although an adjoining "District" unit is free, the Dispatcher may reassign the "District" unit to the Major Accident. The call about the spray painted fence will be handled within the limitations set out in Paragraph E (Time Limitations).

E. Time Limitations

The following are general guidelines that should be viewed as leading to a desired result. Personnel should use their experience and judgment to follow the spirit and intent of this policy.

1. Priority 1

a. Calls should be dispatched so that units arrive on the scene as quickly as possible.

b. If the "District" unit is not available or cannot be reassigned, the call should be assigned to a roving unit or the closest unit from another "District".

2. Priority 2

a. Calls should be dispatched so that units arrive in the scene within ten (10) minutes of the time the call was received.

b. If the "District" or roving unit cannot be reassigned and, it is not likely that either will be available within ten (10) minutes, the call should be assigned to another roving unit or the closest unit from another "District".

3. Priority 3

a. Calls should be dispatched so that units arrive on the scene within twenty (20) minutes of the time the call was received.

b. If the "District" or roving unit cannot be reassigned and, it is not likely that either will be available within twenty (20) minutes, the call should be assigned to another roving unit or the closest unit from another "District".

F. Patrol Shift Sergeant Notification for Calls Holding

1. In the event any Call for Service cannot be assigned within the perimeters of the "Time Limitations" in Section 6 Telecommunications Operator will notify the On-Duty Patrol Supervisor.

2. The Patrol Shift Sergeant will be informed of the number and type of calls for service currently being "Held".

3. The Patrol Shift Sergeant will use his resource discretion to resolve this issue.
4. The Patrol Shift Sergeant may issue instructions to Communications regarding the manner in which they want resources assigned to calls currently "On Hold".
5. The Patrol Shift Sergeant may inform Communications of an approximate time in which an officer will be available to respond.
6. The Patrol Shift Sergeant may, at his discretion, seek alternate resources (e.g. Mutual Aid agencies) to assist in handling the Calls for Service "On Hold".

G. Notification of Delayed Assignment

1. In the event a Call for Service cannot be assigned within the perimeters of the Time Limitation in Section 6, the T.C.O. will make an attempt to contact the complainant and explain the delay.
2. In the event a Call for Service is assigned but circumstances demand the unit is reassigned to a higher priority call and the call is not or cannot be reassigned to another unit within the desired time frame, the T.C.O. will contact the complainant to explain the delay.
3. In both instances the Dispatcher will record a "comment" in the call record, including the time, when a complainant is notified of a delay.

VIII. SPECIFIC TELEPHONE ANSWERING PROCEDURES

A. All Telecommunications personnel are expected to answer incoming telephone calls.

1. Emergency calls for assistance over the police radio takes precedence over all telephone lines.
• While you are speaking with someone on a 911 line and an officer calls in over the police radio, you may say to the officer "hold your traffic unless an emergency". Do listen for a reply from the officer.
2. Incoming police phone calls take precedent over personal phone calls without exception.

B. Should be answered with "Seabrook Police Department and Dispatcher's name" or other appropriate salutations as approved by the Telecommunications Supervisor.

C. All telephone calls should be answered promptly and within three rings.

D. The Dispatcher should treat each Caller with respect. "Arguing" with a caller, or signs of disrespect will never be tolerated.

E. All calls for service should be taken seriously. Information should always

be taken and properly dispatched, either to the on-duty patrol unit, or the appropriate division or agency.

IX. GENERAL PROVISIONS

A. Suspicious Person on or about the Chemical Plants and other areas that are security sensitive, Dispatcher will notify the on-Duty Shift Sergeant as well as dispatching appropriate units to investigate.

B. Advise the field units of all pertinent information received about the call.
Dispatcher should always attempt to obtain the following basic information, in chronological order, for every call for assistance.

1. Location
2. Type of incident/situation
3. Where and when the incident occurred/ or is occurring
4. Caller's location and if different from the incident
5. Caller's name
6. Caller's address
7. Caller's phone number

C. When a call is received which requires a unit to be dispatched, the person answering the phone shall inform the caller "An officer will be sent as soon as possible."

D. Every effort will be made to provide service to the caller, within the limitations imposed by time, the nature of the request, and in relation to the volume and priority of Telecommunications activity at that time.

E. When the phone lines are extremely busy

1. You may answer with the appropriate response and ask, "Is this an emergency?"
2. If no emergency exists, you may say, "Will you hold please?"

• Answering the call with "hold please" does not allow the Dispatcher to properly identify the priority statue of the call and could result in a tragic ending for callers who have only enough time to relay the location before something prevents them from further explanation.

3. Do not forget a caller who has been put on hold; have someone else assist them if you are unable, due to an incoming call of a higher priority.

F. When a caller wants to cancel a call

1. Don't assume that the problem situation has come to a close.
2. Use good judgment and advise the officer that the complainant called to cancel the call and the officer can make the determination to disregard.
3. Also, the complainant may still wish to speak to an officer by phone.

X. 9-1-1 INCOMING CALLS

A. Call Procedures

1. The Department utilizes 911 service as its designated phone number for all emergencies by citizens. All 911 calls should be answered with “911, what is the address of your emergency?”
2. Ascertain the nature of the emergency.
3. Look at the ALI screen and verify with the caller that the address is correct.
4. The 911 lines take priority over all other lines.
5. If a caller calls 911 but it is obvious they should have called a non-emergency line after taking the appropriate request for service, politely inform the caller of the alternative number.
6. Emergency lines should always be answered first; however, not all emergencies are called into the emergency lines.

B. 911 Hang-Up Procedure

1. There will be times when someone calls the 911 line and immediately hangs up. The origin of the call can now be determined as well as the phone number.
2. The Dispatcher receiving the call will call the number back to determine if there is an emergency.
3. If the Dispatcher is unable to get an answer at the called number
    a. An officer will be dispatched to the location, if inside the city limits.
    b. If outside our jurisdiction the appropriate agency will be notified.
4. As followed in normal dispatch procedures, a CAD event will be generated.

C. Wireless 911 Hang Ups

1. The Dispatcher will attempt to call back a wireless telephone when a 911 call is routed to the PSAP and the call disconnects before personnel can adequately ascertain if assistance is needed.
    a. Personnel will call the number back once in an attempt to ascertain if assistance is needed.
    b. If the wireless phone is busy or there is no answer, additional attempts to contact the caller will not be made by communications personnel.
    c. If the call back attempt goes to voicemail, no message will be left.
2. Contact
If contact is made with the 911 caller, Dispatcher will determine whether a public safety response is necessary.
3. Indicated Emergency

Any evidence of an emergency situation will result in communications personnel initiating efforts to re-contact the caller to determine the nature of the incident and an accurate location for appropriate public safety response, according to procedures established by the local agency. Extraordinary attempts to locate a Phase I wireless 911 disconnect caller will only be made in the instance where an emergency is clearly indicated.

D. Discretion for handling 911 Hang-up calls

1. Communications personnel should pay close attention to background noise, tone and word choice of caller as additional evidence to assist with determination of the status of the 911 call.
2. The time of day and location of the caller may be additional clues to indicate whether a response is necessary.
3. In any situation where the 911 professional believes an emergency situation may exist, an appropriate public safety response will be initiated.

E. Communications personnel can disregard a wire-line or wireless 911 call if there is evidence that the call is one of the following situations:

1. 911 Misdial
   - A call is classified as a 911 misdial when the caller stays on the line and admits to the misdial.

2. Unintentional 911 Call
   - A call is classified as unintentional when the 911 personnel can hear conversation, radio, etc. in the background and have listened sufficiently to determine that there are no sounds of an emergency situation.

3.Children Playing on the phone or prank 911 calls
   - The Dispatcher must speak to an adult and verify that no emergency exists. In situations where a Dispatcher has reason to believe the children are unattended or cannot verify if an emergency is occurring; an officer shall be sent to the location (if the location can be determined from the ALI information) to verify no emergency exists. The officer is to be dispatched while the Dispatcher is attempting to validate the call.

F. Hearing Impaired

1. The Americans Disabilities Act (ADA)
   - Requires each Public Safety Answering Point (PSAP) has the capability to communicate with hearing impaired persons using the Telephone Device for the Deaf, otherwise known as a T.D.D.

2. The T.D.D. button on the 9-1-1 system console is to be utilized with hearing impaired caller.

XI. CITIZEN COMPLAINTS ON POLICE EMPLOYEES

A. Attempt to have the On-Duty Shift Sergeant take the call.

1. The appropriate supervisor should be informed of the citizen's complaint by phone or in person.

2. The existence of a citizen's complaint should not be relayed over the police radio.

B. When Shift Sergeant is unavailable

1. The Dispatcher will obtain a callback number for the Shift Sergeant to return their call as soon as possible.

2. Do not ask the complainant to call back or for any information relating to the details of the complaint.

3. All information received is to be treated with the utmost confidentiality and not discussed unless it is relating the pertinent details to the patrol shift Sergeant.

4. In the absence of the shift Sergeant, a complaint may be referred to the shift Lieutenant, Captain or the Detective Sergeant.

C. Telecommunications personnel will not begin any investigative process in any citizen's complaint and will not discuss the existence or nature of a citizen's complaint to any individual except the appropriate supervisor taking or investigating the complaint.

XII. TOW TRUCKS - PROCEDURES FOR CALLING

A. Non-Consent Tow:
The Seabrook Police Department maintains a rotational call out for wreckers for NON-CONSENT tows on calls involving collisions (where the owner/operator is incapacitated and is unable to make a choice of wreckers) and arrests.

1. The primary officer assigned to the call will request a non-consent wrecker.

2. The wrecker drivers are allowed fifteen minutes from the time they are called until they arrive on the scene.

3. If the wrecker driver declines the call:

a. The Dispatcher will make the appropriate note in the CAD event.

b. Go to the next wrecker on the rotation.

4. In the event the officer cancels the wrecker prior to arrival, the wrecker will be put back on top of the rotation list.

B. Consent Tow:

The vehicle's owner/operator is permitted and capable of requesting their preferred wrecker service and the officer will relay the request to the DISPATCHER.

1. The Dispatcher will contact the appropriate wrecker service.
2. The Dispatcher will record the wrecker to the CAD event.
3. In the event that the disabled vehicle poses a safety risk for other traffic, the consent wrecker shall respond within the time limit as designated with the city ordinance.

C. Repossessions / Private Property Tows

1. Upon notification that a company has picked up a vehicle as the result of a Repo/PPT, the Dispatcher will log this information into the wrecker log:
   a. Location of the repossession
   b. Name of caller
   c. Name of company
   d. Phone number of company
   e. Vehicle descriptors including color, year, make, model, license plate, and license state.

2.The Dispatcher will then run a TCIC inquiry to ensure the vehicle has not been reported stolen and check the involved wrecker driver for any outstanding warrants.

XIII. REPOSSESSION OF VEHICLES

The Department will keep apprised of vehicle repossessions, when possible, for informational purposes only. Employees will not become involved in repossessions beyond the procedures outlined in this Section.

A. Recording Repossessions

When notified of a pending repossession, the dispatcher on-duty will make an entry on the "repo" log of the following information:

1. Name of the wrecker company.
2. Name of the finance company.
3. License number of the vehicle, and
4. Address from which the vehicle is being repossessed.

B. Notifying Field Units

After logging the above information, the Dispatcher will notify all field units of the pending repossession, giving the above information.

C. Officers to Obtain Information
Officers finding repossessors who have not contacted the Department will obtain the above information and relay it to the Dispatcher for entry on the "repo" log. No arrests will be made in these situations.

XIV. GENERAL RADIO PROCEDURES

A. Radio Standards

1. A public safety radio system is intended for dispatching messages and related information which pertain only to the official police business.

2. Speak into the microphone of the radio system in a normal and clear tone of voice, neither shouting nor mumbling.

3. Maintain a professional, business-like demeanor while transmitting.

4. Do not become argumentative, sarcastic, make excuses over the air, ad-lib, speculate or use social amenities such as please, thank you etc.

5. Radio transmissions should include only that information which is necessary for the unit in the field to deal with the situation safely and directly.

6. The Dispatcher must include all pertinent information affecting the field unit(s) and / or public safety.

7. Calls will be dispatched to the field units as quickly as possible.

B. Care of Radio Facilities and Equipment

1. Telecommunications personnel are responsible for the proper use and protection of their consoles and computerized equipment.

2. Radio System / Equipment Malfunctions

a. Immediately inform the Sergeant.

C. Officers who do not respond to radio calls:

1. If an officer does not answer his/her radio, take the following actions:

a. Immediately attempt to contact the Unit on the radio to verify if an emergency exists.

2. If no response is obtained or it is verified that an emergency exists:

a. Dispatch officers to the location of the Unit experiencing the emergency.

b. Immediately contact the Patrol Shift Sergeant.

c. Instruct all other channel users to switch to an alternate talk group or channel if an emergency is verified.
d. Contact outside agency dispatchers, if needed for the emergency.
e. All radio traffic will be held unless related to the emergency, until the officers on scene advise that the emergency no longer exists.
f. Response will continue until the emergency no longer exists.

D. Call-out of other Personnel or Public Services

1. Must be requested or approved by the On-Duty Supervisor.
2. Exception: Any on call city Public Works personnel may be called out by a dispatcher when the need arises.

E. General Preparedness Responsibility

1. This may be in the form of a flood, hurricane, fire, epidemic, bombing, riot, explosion, etc.
2. Whether the disaster is man-made or nature oriented, the Dispatcher will do the following:
   a. Create a CAD event.
   b. Dispatch appropriate units to respond.
   c. Notify the On-Duty Shift Sergeant.
   d. Notify the Fire Department and EMS if appropriate

XV. PUBLIC WARNING SYSTEM

A. Rapid Call-Out System (Blackboard Connect)

1. A quick and efficient method of notifying the public by telephone in the event of an emergency or delivering necessary information.
2. To activate, Dispatcher will contact their supervisor.

XVI. POLICE RADIO CONSIDERATIONS

A. Field Resources

1. If the call is or may be of an emergency nature, a hazardous-type call, the operator will dispatch the call to the district officer. It is the district officer's responsibility to determine priority and break away from the first call and handle the second.

2. If no officer is available to respond to a higher priority type call for service, another unit may be dispatched according to the time limitations as set forth above.

3. Remain aware of the field resources available at any given time, the number of units, supervisors, detectives, etc.

B. Dispatching police officers to “calls for service” should always be dispatched in the same sequence, as follows:

1. Call up the appropriate district officer by his radio number.
2. Permit the officer to acknowledge by repeating his radio number.
3. Plain English will be used for radio transmissions and Standard Phonetic alphabet. Military phonetics will not be used.
4. Advise the location and nature of the “call of service” on all calls.
5. Then advise any personal descriptions or vehicle descriptions.
6. The caller's name, only if necessary and never if the caller is the victim of sexual assault.
7. If it’s a place of business, always give the name of the business, and the name of the person to contact.
8. If it’s an apartment complex, always give the name of the apartment complex, its address and apartment number.
9. If necessary, assign a back up unit. (see #13 for required calls)
10. All pertinent information must be given to the field units when calls are assigned, including, but not limited to;
    a. Suspect description
    b. Vehicle description
    c. Direction of travel
    d. Type of Weapons, if any
    e. Violent persons
    f. Hazardous materials.

11. Special broadcasts, attempts-to-locate, wanted persons, stolen vehicles, etc. should not be aired without giving the field units an opportunity to prepare for the data.
    a. Preface such broadcasts with “Seabrook to local units, Prepare to copy wanted person.”
    b. A pause should follow this announcement so the units can prepare to copy.
    c. The operator should utilize the break procedure for transmissions that exceed 10 seconds.

12.. The Dispatcher is responsible for assigning the units necessary to handle a given incident, unless advised otherwise by a patrol unit or supervisor that is geographically better suited.

13. REQUIRED BACKUP ASSIGNMENT

Note: these are in-progress calls or where the suspect or another party is still on scene nearby.

1. Affray
2. Alarm, Burglary

3. Alarm, Holdup or Robbery
4. Alarm, Panic
5. Alarm, Unknown
6. Armed Robbery/Aggravated Robbery
7. Assault
8. Bar check
9. Barricaded Person
10. Burglary
11. Criminal Mischief
12. Criminal Trespass
13. Crowd Control
14. Disturbance
15. Emotional Disturbed Person
16. Fight
17. Hostage
18. Indecent Exposure
19. Kidnapping
20. Open Door/Window
21. Person with Weapon
22. Prowler
23. Public Intoxication
24. Pursuit, Foot
25. Pursuit, Vehicle
26. Riot
27. Robbery
28. Sexual assault
29. Shots Fired
30. Suicide Attempt
31. Suspicious Person
32. Threat, Bomb/Explosive Device
33. Unknown, Violent Situation
34. Warrant Service

C. Special Considerations

1. Adult record of arrests and convictions will not be broadcast over the radio, except in cases where the lack of this knowledge might place the officer in a hazardous situation.

2. Adult record of arrests and convictions may be transmitted to other agencies via the Texas Law Enforcement Telecommunications System, TLETS II.

3. Juvenile Records of arrests and/or convictions will never be broadcast over the radio or transmitted by Teletype except on the authority of the Chief of Police or designee.

4. Use the following brevity codes for officer safety.

a. If you need to tell an officer something pertaining to a subject the officer may have stopped and you do not want the subject to overhear what you have to say, advise the officers to "secure their radio".

b. For persons known to have carried a weapon, use "Caution, has been known to be handled for weapons offense".

c. If the subject has been known to assault an officer, use "Caution, may fight", or "Caution, has been handled for assaulting officers".

d. If the subject has been known to evade police or resist arrest, use "Caution, may resist".

e. If the person has outstanding warrants, use Copy "10-99" or "Copy 99".

D. Descriptions or Persons

When obtaining and broadcasting descriptions of persons, you should always do so in a uniform manner, starting from the top of the head and working to the feet. This will aid you in copying descriptions, and in knowing what to ask for. It will also aid the officer in copying the description, as the officer will anticipate what is coming next.

1. Name
2. Age
3. Race
4. Sex
5. Height
6. Weight
7. Any identifying physical scars, marks or tattoos
8. Hair Color
9. Eye Color
10. Description of glasses, if applicable
11. Facial Hair, clean-shaven, beard, mustache, goatee, etc., if applicable.
12. Clothing description
    a. Description of jacket, shirt, blouse, coat, etc.
    b. Description of pants, dress, skirt, shorts, etc.
    c. Description of shoes

E. Vehicle descriptions should be broadcast in conformance with the "CYMBAL" rule.

1. C – Color
2. Y – Year
3. M – Make

4. B - Body Style
5. A - Additional (VIN, damage, logos, decals, etc.)
6. L - License information including year of registration, state and Number

F. In-progress calls

1. Any person-to-person violent crime in-progress call is a life threatening situation; therefore, any type of in-progress call will be given priority and will be dispatched immediately.
   a. This may necessitate sending Officer(s) out of the station, canceling their lunch break, or calling officers off less urgent calls they may be working.
   b. No matter what method is used, an officer should be en-route immediately.

2. Advise the caller that an officer is en-route and continue to obtain additional information.

3. If the caller has visual contact with a perpetrator, or if the safety of the caller is in question
   a. Keep the caller on the line until the officer arrives.
   b. Continue to obtain information, and make it available to the responding units as soon as it is obtained.

4. If a member of the household or business is pursuing a suspect
   a. Be sure and obtain a description of the pursuing person and determine if that person is armed
   b. Whether they are on foot or in a vehicle (if so, get description of vehicle,
   c. direction of travel and
   d. relay this information to the responding units.

5. All in-progress person-to-person violent crimes
   a. Rape, robbery, assault, fights, or disturbances
   b. Should note the number of persons involved
   c. Use, type and accessibility of weapons
   d. Injuries, if applicable
   e. The method and direction of escape.

G. Mobile Dispatch Terminal (M.D.T.)/Lap Top

1. The Dispatcher should never assume that the officer sees an MDT message. The officer may be busy or away from the MDT unit.
2. During urgent situations, the Dispatcher should repeat radio traffic for the other field units, if necessary.
3. This is used as workload and circumstances permit.

H. Time Stamping

1. With the application of Computer Aided Dispatch (CAD) systems time stamping can be accomplish by attaching comments to the computerized event.
2. Time stamps indicate at what time action/message/status was received by the Dispatcher.
3. It allows the receiver of a call dispatch or alert to be aware of the alert/dispatch time.
4. Other instances of time stamping can be after transmissions of changes in command units, unit arrival on location, clearing location, changes in locations, arrest and detention notifications, and other important status changes.

5. Time stamping provides an audio reference point.
   a. This is important for 911 tape requests when being played back.
   b. It allows a means to understand the sequence of events when hearing an audible time stamp at the end of a radio transmission.

i. Playback system

The Department has a radio/911 playback system that is capable of replaying 911 phone calls and radio transmissions that may require hearing again for clarification.

XVII. FIRE AND AMBULANCE RADIO CONSIDERATIONS

A. Dispatching Fire to “calls for service” should always be dispatched in the same general sequence, as follows:

1. Tone out the Seabrook Volunteer Fire Department.
2. Enter the CAD event.
3. Broadcast the Unit number, Nature of Call, and Address and repeat it.
4. Fire will acknowledge the receipt of Call and reply that they are en route to the call.
5. Dispatcher will acknowledge the Fire is en route and repeat the Nature of Call and Address a third time. At this time, Dispatcher will elaborate additional information on Nature of Call and/or patient.
6. Make certain that all times for all units are logged into the CAD.

B. Dispatching Ambulance to “calls for service” should always be dispatched in the same general sequence, as follows:

1. Call via phone the Ambulance dispatch
2. Enter the CAD event.
3. Make certain that all times for all units are logged into the CAD.

C. Time stamping
A method to audibly document the time that significant activities related to an event occurred. The CAD will automatically attach a time to the comments when it is updated.

D. Radio Codes:
The Seabrook Volunteer Fire Department continues to use 10-codes for some radio transmissions. Dispatchers shall become familiar with these codes.

E. Announcements

1. Street Closures:
When announcing street closures to Fire Department stations, the Dispatcher may alert all stations via the all station test tone and notify all stations of the information over the radio. When the notice is received advising that the closure is no longer in effect, this procedure will be followed making the announcement during follow up test tones. Regardless of the method, EMS and Fire units shall be advised of closures to ensure they respond via alternate routes if necessary.

2. Hazardous Material Calls:
Calls regarding any chemical (known or unknown) leaking from any type of container, including but not limited to tankers, railroad cars, 55 gallon drums, pipelines, etc. will be dispatched as a HazMat event.

3. During active calls the Dispatcher should wait on making these announcements until units are on the scene. This will pertain to all non-emergency announcements.

F. Dispatchers will not refuse to send an ambulance when one is requested, even for minor problems such as a toothache.

G. When a call of a collision is received and it is unclear if there are any injuries, appropriate Fire Department and EMS units will be dispatched.

H. Once an ambulance has been dispatched, it will continue on to the scene in all instances.

1. The crew may choose to respond in non-emergency mode if sufficient information is available to warrant such a code reduction.
2. Dispatchers should only repeat the request of the reporting party that they no longer want an ambulance, but in no case should a Dispatcher disregard or turn around an ambulance.
3. Only a TDH certified fire department or EMS employee may disregard an ambulance and only if that employee is on the scene with refusal forms.

XVIII. CODING CALLS FOR RESPONSE

A. General guidelines to reduce the risk of injury and property damage by unnecessarily dispatching fire fighting apparatus. The Dispatcher must use caution and make certain that sufficient fire fighting and medical units are dispatched to ensure proper response to each call. The fire department and EMS will provide protocalls for dispatching to various scenes.

B. A fire alarm from a house would be dispatched as a Fire 'Alarm' in a residence and announcing it as a residential Fire Alarm over the radio.

C. Determine from the alarm company the type of alarm: water flow, smoke detector, pull station, etc. Document this information in the CAD event and give it to the responding units.

XIX. FIRE CHIEF NOTIFICATION

A. On scene or district fire command personnel may direct that you notify the Fire Chief in certain incidents.

1. On-duty injury (requiring hospitalization) or death of any Fire Department personnel.
2. Any incident requiring resources greater than two pumpers, one ladder truck, and one rescue unit/ambulance.
3. Any fire incident involving civilian deaths and/or multiple injuries requiring hospitalization.
4. When requested by Fire Department officers and/or the officer in charge of any emergency incident.
5. Any major collision involving Fire Department vehicles.
6. Hazardous Materials / Industrial Emergency Incidents.

If fire command personnel are on scene do not notify the Fire Chief unless directed. If no fire command personnel are on scene you should check with your supervisor.

B. Notification shall be attempted by telephone or radio or any other prescribed means of contact.

XX. FIRE SCHEDULED TONE-OUTS AND ROLL CALLS

A. At 1800 daily (including holidays) the fire dispatcher will tone out all stations using the 'Alert All' button and announce the time as follows:

"KKY 617 Seabrook Volunteer Fire Department conducting the daily radio and voice tone test".

XXI. MUTUAL AID PROCEDURES

A. Channel Industries Mutual Aid (CIMA)

1. CIMA is an organization composed of major industrial companies and governmental agencies operating within the surrounding areas of the Houston Ship Channel.

2. The purpose of the CIMA is to establish a plan of cooperative action whereby members will assist another member involved in an emergency which is beyond their ability to control.

3. Such aid or assistance will be made available upon request by the affected member, and unless requested, other members will not respond to the emergency.

B. Each CIMA member, including the Seabrook Volunteer Fire Department, has the authority to declare an industrial emergency.

XXII. STATUS BOARD AND DEPARTMENT PERSONNEL LIST

A. Status Board

1. The status board is utilized to identify personnel on vacation, sick leave, attending training, on call, etc. Personnel on call will be responsible for seeing that Dispatchers have accurate information as to who is on call and how they may be contacted. Supervisors will be responsible for seeing that dispatchers have accurate information as to who is on vacation, sick leave and attending training.

B. Personnel List

2. Information will also be maintained in the communications center concerning information on:

- the current officer in charge of the Department;
- a current duty roster (schedule) for all Department personnel;
- a current listing of the telephone numbers and pager numbers of all Department employees;
- a listing of telephone contact numbers for local Police and Fire departments;
- contact listings for animal control or other similar type problems; and,
- other emergency service agencies that are important to provide service to local citizens.

XXIII. EXTRA PATROL AND BOLO LOG

A. All requests for extra patrols and bolos will entered in CAD.

B. Extra Patrol Log (CAD)

1. The Extra Patrol log is intended for storage of information of locations that are to receive a close patrol. When appropriate, dispatchers shall note the location to receive the patrol, the name of the person requesting the patrol and other contact and vital information.

2. No request for Extra Patrol shall be denied. Supervisors shall pass on the information to their patrol officers.

C. BOLO Log (CAD)

1. The BOLO log is intended for storage of information regarding bulletins, warrants, and other vital law enforcement information. This information is disseminated to officers at briefing.

2. Dispatchers will post appropriate information in the book as it is received. Failure to post vital information could endanger the lives of officers.

XXIV. DISPATCH SECURITY AND EQUIPMENT FAILURE

A. Dispatch Security

1. Access to the Communications Center is restricted. Access doors shall remain locked at all times. Personnel authorized to enter the communications center are:

- On duty Communications Center personnel.
- On-duty shift supervisor.
- Employees performing desk relief.
- Persons approved by the Chief of Police or supervisor.
- Maintenance personnel.
- City employees who have a necessary immediate need to access information in the Communications Center that cannot be obtained by contacting the Dispatcher over the intercom or telephone.

2. The Communications Center is not to be used for completing reports or personal business of any kind.

3. Communications Center personnel shall not let unauthorized individuals past the security door. Those who are not department employees may not enter into secured areas of the building unless escorted or are performing maintenance, repair or other service. A visitor's tag will be issued if that person is allowed free access to the building. An exception can be made for those persons recognized by

Communications Center personnel known to have legitimate business in the police building provided they are wearing a recognizable company uniform, and police officers in uniform or displaying a badge. Anyone waiting to talk to a police employee will wait in the outer area.

4. All base radio equipment located away from the center will be properly secured. This room will always be locked. All antenna and tower equipment will be locked. Any employee who discovers that this equipment is unsecured will immediately secure it and report the discovery to his/her supervisor. Employees who need access to allow technicians to work on the equipment will obtain permission from a police supervisor before allowing entry into the secured area.

5. If the communications center should have to be evacuated or left unattended for any reason dispatchers should take a portable radio with them. Dispatchers should acquaint themselves with the location of fire extinguishers. If evacuation of the jail is imminent, officers shall be immediately summoned to facilitate such evacuation.

B. Equipment Failure

1. If power is lost to the Police Department dispatch will notify the shift supervisor that the building is running on generator power. An emergency generator is located on the north side of the building adjacent to the entrance of the police department.

2. Routine malfunctions of communications center equipment which are not of a critical or urgent nature will be documented and reported to the supervisor.

3. For urgent or critical malfunctions notify the supervisor immediately during his normal tour of duty.

4. Critical malfunctions of communications center equipment are to be immediately reported to the supervisor and called in to the proper service provider. A critical malfunction is one that affects the 911 equipment, incoming 911 calls, critical dispatch displays and systems, 911 printer, and the Police Department's radio console.

5. If 911 systems becomes inoperative or is overloaded, the 911 computer should automatically re-route 911 calls. In the event of a 911 failure, Department 911 phones are designated to "roll-over" to the Lakeview Police Department as administered by Greater Harris County 911. The Greater Harris County 911 System Command Center should be aware automatically of any problems. If 911 Command Center detects any problems, they will immediately notify dispatch and initiate repairs if the problem is one they can address. 911 calls can also be

manually re-routed. The manual transfer would be done if the automatic transfer fails or the police station has to be evacuated.

XXV. ALARM MONITORING AND CALL IN

A. Alarm Monitoring

1. When an alarm is noted, the call taker shall obtain the location, type of alarm and mode. A call for service will be prepared and forwarded to the dispatcher for assignment.

2. All school district alarms shall be answered and responded to accordingly. An effort shall be made to notify a school district representative of the active alarm.

B. Alarms Called In

1. If the alarm is a phone-in, the call taker shall take the name of location of the alarm, address, type of alarm and zone. Also, the name of the alarm service, a call back number and operator number will be obtained.

2. Recorded phone in alarm notices shall be listened to in their entirety and dispatched accordingly. Reportee information on the call for service will reflect that it was a recorded message.

3. All fire alarms shall be answered and responded to in accordance with the fire dispatch procedures.

4. If an alarm is reported by an alarm company and they call back and attempt to disregard the dispatched officer, the officer may be disregarded by a dispatcher under the following circumstances;

a. The alarm company is the agent attempting to disregard the officer. A homeowner cannot disregard the officer.

b. The alarm company has obtained positive identification from the homeowner and believes the reported alarm was unintentional.

c. The dispatched officer has <u>not</u> arrived on the scene of the alarm.

d. The dispatcher obtains the alarm company employees' name and his or her identifying number. This information shall be entered in the original call for service.

SUBJECT: Uniforms and Equipment

SPECIAL ORDER: 11-0006

EFFECTIVE DATE: November 1, 2011

REFERENCE: Chapter 4

SPECIAL INSTRUCTIONS:

DISTRIBUTION: All Personnel

NO. PAGES: 10

I. POLICY

All personnel of the Police Department, individually and collectively, will exhibit a professional appearance in order to gain the respect, trust and support of the community. They will maintain discipline and uniformity of the department as a semi-military organization and promote public recognition of uniformed officers.

II. PURPOSE

Establish the standards and specifications of police department uniform items for full-time sworn officers, reserve officers, and uniformed civilian personnel. Set guidelines that provide for uniformity in the wearing of seasonal, duty, dress, hurricane, and soft uniform

III. PROCEDURE

A. UNIFORM REGULATIONS

1. Department personnel, when working in uniform, attending a department authorized function, or on any extra job, will wear the designated uniform and may not vary the parts of the uniform without specific permission from the Chief of Police or his/her designee.

2. All uniforms and accessories will be purchased by the department, and will comply with department uniform regulations.

3. All department personnel will have a serviceable uniform, as described in this procedure; available at all times for duty.

4. Uniforms and accessories will fit properly, will be clean and neatly pressed, and will be free of rips, tears, holes, frayed edges, missing buttons, scuffs and faded colors. Cloth parts of the uniform will not be patched. Alterations will be done only to preserve the professional image of the uniform.

5. All leather and nylon articles will be kept clean and give the appearance of being new. Leather articles will appear polished.

6. It will be the responsibility of all department personnel to report any uniform or accessory items that are lost, destroyed, and worn out, stolen or unfit for use.

7. No insignia, medal, patch or ribbon, other than that which is specifically approved in this or another department procedure, will be worn on any portion of a department member's uniform without written permission from the Chief of Police.

8. Uniforms will be classified into four categories, duty, dress, soft and hurricane.

a. Duty Uniform: Duty Shirt, Black pants, Belt, Black Shoes, Duty Belt, Two or more pistol magazines, Handcuffs, Radio, Flashlight, Secondary Weapon (ASP, Pepper Spray, ECD).

b. Dress Uniform: Long Sleeve Shirt, Striped Pants, and Tie.

c. Soft Uniform: Polo style shirt, black pants.

d. Hurricane Uniform: Black T-Shirts, black pants.

10. Alterations and replacement of uniforms:

a. The Chief's designee shall be responsible for issuance of uniforms and equipment. All items issued shall be documented and signed for by the employee.

b. Items of clothing that are issued and do not fit properly shall be brought to the attention of the Chief's designee immediately.

c. Excessive loss or gain of weight that make alteration of the uniform items necessary shall be the responsibility of the individual employee. The Department will not assume responsibility for payment of such alteration or clothing.

d. Employees requiring replacement uniform items will submit a request to the Chief' through the chain of command. The request

should specify detailed items requested, and the reason for the request.

B. DUTY UNIFORM

1. The duty uniform will consist of standard issued Seabrook uniform trousers, short or long sleeved shirts, along with all issued leather or nylon gear, and jackets.

2. A black or white t-shirt will be worn under the uniform shirt, with no other colors or visible writing, during cold weather. Only the topmost or collar button of the shirt will be left unbuttoned and shall be tucked in keeping a professional image.

3. Uniformed members of the department shall wear their official badge in plain view at all times, over the left breast pocket, in the space provided unless the member is wearing an approved coat, jacket, raincoat, or other approved equipment which obscures the badge. The badge shall be clean and polished at all times.

4. The nametag shall be mounted parallel with the top of the right pocket and flush with the pocket seam. No gap should be seen between the top of the pocket and the bottom of the nametag. Award points shall be mounted in progressive order from the highest, priority award at the top, to smallest priority award at the bottom, just above and touching the nametag. The pins and the nametag shall become one, as they shall be mounted to a stiff backing with no space to be seen between the nametag and each subsequent pin. No officer will be allowed to wear a stack of pins without the use of a cardboard or similar backing to secure them to the nametag. Special qualification pins shall be worn centered on the left pocket cover, midway between the button and the top seam of the pocket. Examples of these pins are CVE, DRE, etc.

5. Duty boots, and/or shoes shall be plain round toe, with no stitching across the toe. Boots shall be clean, polished, and tied at the beginning of each shift. Black socks shall be worn with shoes. White socks will only be allowed with duty boots and shall not be visible when the legs are crossed or when the wearer is seated.

6. Cell phones or pager style devices shall be secured in shirt pocket or duty belt and should not distract from the overall professional appearance of the uniform.

7. Department issued “PD” collar brass shall be mounted parallel with the bottom edge of the collar, one inch back from the intersection of the

bottom edge and the front edge of the collar and one quarter inch up from the bottom edge of the collar. Metal "Police" buttons shall be worn on the pocket flaps and epaulets. Members of the rank of Lieutenant and above will wear their rank insignia on the epaulets.

C. DRESS UNIFORMS

1. The Dress Uniform will be worn at all formal police functions, and all police funerals, as designated by the Chief of Police or his/her designee.

2. The Dress Uniform will consist of a freshly pressed, long-sleeved police uniform shirt with uniform trousers with piping, all leather gear, and footwear freshly polished.

3. The issued uniform cap will be worn at all times when in Dress Uniform.

4. A black issued uniform tie will be worn at all times when in Dress Uniform.

5. Collar brass shall be worn as described in section B.7 of this policy.

6. All distinguished medals or pins may be worn on the Dress Uniform. These will be worn in pyramid fashion above the nametag.

7. No external shoulder microphone or earpiece speaker will be worn with the Dress Uniform unless the officer is performing normal duty functions at the time.

D. HURRICANE UNIFORM

1. The Hurricane Uniform will be worn by officers during hurricane call out. Uniform will consist of issued black t-shirt with Police on front and back, issued black cargo pants, black shoes or boots, and duty belt.

2. Caps or hats must be approved by the Chief of Police or his/her designee.

E. SOFT UNIFORM

1. The uniform will consist of a polo style shirt, black issued pants, black low cut shoes or boots, and duty belt.

F. CVE UNIFORM

1. Instead of the normal badge and nametag, the uniform shirt or coveralls will have a cloth badge sewn or embroidered over the left breast pocket, and a cloth nametag sewn or embroidered over the right breast pocket.

G. PLAIN CLOTHES OFFICER

1. Officers assigned to duties requiring civilian clothes will wear appropriate clothing for their assignment.

2. Officers are encouraged to dress smartly and in good style. Gaudy, flashy, or ill fitting attire will not be permitted.

3. Supervisors may approve a deviation from the above attire if an assignment dictates.

H. DISPATCHER UNIFORM

1. Dispatch personnel will wear the normal, department issued communications duty uniform, with the same requirements as described for police personnel.

I. STATION DUTY AND COURT APPEARANCE

1. All uniformed officers assigned to duty inside the police station, whether on a permanent or temporary basis, or attending court in uniform shall be required to dress in accordance with the uniform regulations.

2. Male officers attending court in civilian attire will wear dress slacks, dress shirt, suit coat or sport coat and tie.

3. Female officers attending court in civilian attire will wear a dress, pants suit, skirt and blouse, or other business attire.

4. Officers appearing in court in civilian attire will ensure that their weapon is concealed.

J. CALL OUTS OR SPECIAL DUTY

1. Crime Scene Investigators and Accident Reconstructionists are authorized to wear special uniforms as authorized by the Chief of Police when “called out” to a scene. In some circumstances, personnel who are “called out” may wear other appropriate civilian attire as approved by a supervisor. When doing so, they will wear a distinctive raid jacket, soft uniform or similar clothing designating them as a law enforcement officer.

K. ATTENDING TRAINING OR LIGHT DUTY

1. Personnel attending training at an offsite training facility will be required to meet the dress code for that facility.

2. The minimal departmental standard of dress while attending training or on light duty will be:

a. Men: Jeans in good condition, a shirt with collar, and athletic shoes in good condition with socks.

b. Women: Jeans in good condition, a blouse with or without a collar (but not a t-shirt), and athletic shoes in good condition with socks or hose.

c. Personnel should not wear any attire that may reflect negatively upon the Department or the City of Seabrook.

d. The exception to this minimal standard will apply when specialized clothing is required for those attending based on the training course or activities.

L. PROFESSIONAL APPEARANCE STANDARDS

1. Department employees will recognize that their appearance is a direct reflection of the level of professionalism in the organization. Employees will follow these standards with regard to dress and personal appearance.

2. Only the top button of a shirt may remain unbuttoned. Backless shirts, halters, and spaghetti straps are prohibited. Body and facial piercing are prohibited except as noted below. Exceptions to the appearance standards for special assignments may be made as outlined below, or by the Chief of Police or his/her designee.

3. Uniformed Male Employees, Officers and TCO's

a. Hair: when in uniform,

- Hair will be cut or styled so that it does not extend below the middle of the ear on the sides or below the top of the collar in the back. Hair in the front shall not extend below the middle of the forehead. Depth of hair will be no more than two inches at any point. Hair must be kept neat. Hair color will be of natural appearance. Hairpieces or wigs may be worn in accordance with the above guidelines.

b. Facial hair:

- Officers will have clean shaved face. If a mustache is worn, it will be neatly trimmed and not extend below the upper line of top lip or beyond the corners of the mouth. Sideburns will be neatly trimmed, straight and above the

middle of the ear. Beards are only be permitted by Chief of Police for special events.

c. Jewelry:
- No more than one ring will be worn on each hand.
- A watch and one bracelet will be permitted. The bracelet cannot have charms or medallions that could interfere with the officer safety, performance, and overall appearance of the uniform. No other jewelry, including necklaces and earrings (including studs) may be visible.

d. Fingernails:
- Nails will be trimmed and no longer than ¼ inch from the tip of the finger. No nail polish allowed.

e. Cosmetics:
- Male employees shall not wear cosmetics.

4. Uniformed Female Employees (Officers, Jailers, ACO's)

a. Hair:
- Hairstyle may not extend below the bottom line of the back yoke of the uniform shirt (or comparable area on the shirt without a yoke).
- Must be styled such that it will not contribute to injury or unnecessarily interfere with normal work duties.
- Hair may not be loose to the extent it becomes a hazard.
- Hair may be styled in an upward sweep or bun or reflect other current conservative hairstyling.
- Hair may be worn in braids that are close to the head and secured in a way that does not constitute a safety hazard.
- Hair clasps or barrettes may be worn but must correspond with the colors of the uniform, employee's hair color, or rank insignia. Ribbons, beads, or other decorative items will not be worn in the hair.

b. Cosmetics: make-up shall be conservative in appearance, understated rather than overwhelming in application. The following detract from a professional image and are prohibited:
- Excessively applied make-up (e.g. heavy eyeliner, eye shadow, or false eyelashes).
- Bright and/or garish eye shadow, lipstick, or nail polish. Lipstick and nail colors will be either neutral or natural in color (e.g. reds, pinks, beige). No unusual colors are allowed (e.g. green, blue, purple, or designs).
- Glitter

c. Jewelry: female officers may wear one pair of stud earrings. No more than one ring will be worn on each hand (wedding set counts as one). Rings with dangling items may not be worn. A watch and one bracelet will be permitted. The bracelet cannot have charms or medallions that

could interfere with the officer safety, performance, and overall appearance of the uniform. No other jewelry may be visible.
d. Fingernails: nails will be trimmed and no longer than ¼ inch from the tip of the finger, including artificial nails.

5. Plain Clothes Male Officers

a. Hair: hair will conform to uniformed standards except as required for special work assignments.

b. Facial hair: facial hair will conform to uniformed standards except as required for special work assignments.

c. Jewelry: non-uniformed officers may wear additional jewelry that is not excessive and is conservative in appearance. Earrings (including studs) are not allowed while on duty, except in special assignments.

d. Fingernails: same as uniformed standards except for special work assignments.

e. Attire: clothing will be appropriate to the work assignment. Attire will be of conservative style and professional appearance, except for special work assignments. Department personnel who wear plain personal clothing will dress smartly and in good style. Gaudy, flashy, or ill fitting attire will not be permitted. All clothing will be in good taste and will be free of rips, tears, holes, frayed edges, missing buttons, scuffs, and faded colors.

6. Plain Clothes Female Officers

a. Hair: plain clothed officers will wear their hair in a contemporary and conservative manner. Hair will be kept neat and professional in appearance.

b. Cosmetics: same as uniformed personnel.

c. Jewelry: non-uniformed officers may wear additional jewelry that is not excessive and is conservative in appearance.

d. Attire: clothing will be appropriate to the work assignment. Attire will be of conservative style and professional appearance, except for special work assignments. Shoe heels will not exceed 2.5 inches in height. Department personnel who wear plain personal clothing will dress smartly and in good style. Gaudy, flashy, or ill fitting attire will not be permitted. All clothing will be in good taste and will be free of rips, tears, holes, frayed edges, missing buttons, scuffs, and faded colors.

7. Non-uniformed Civilians: civilian clothing worn by an employee while on duty will appropriate to the assignment and not constitute a safety hazard to the employee.

a. Males:

1. Hair: hair will conform to uniformed standards.
2. Facial hair: mustaches, beards, and goatees are allowed for non-uniformed civilian personnel. The facial hair shall be appropriately trimmed, neat in appearance, and not excessively long. The Chief of Police will make determinations on this when appropriate.
3. Jewelry: males may wear additional jewelry that is not excessive and is conservative in appearance. Earrings (including studs) are not allowed while on duty, except in special assignments.
4. Fingernails: same as uniformed officer standards.
5. Attire: clothing will be appropriate to the work assignment. Department issued uniforms are available and required for most assignments and positions. Attire will be of conservative style and professional appearance, except for special work assignments. Department personnel who wear plain personal clothing will dress smartly and in good style. Gaudy, flashy, or ill fitting attire will not be permitted. All clothing will be in good taste and will be free of rips, tears, holes, frayed edges, missing buttons, scuffs, and faded colors.

b. Females:

1. Hair: female civilians will wear their hair in a contemporary and conservative manner. Hair will be kept neat and professional in appearance.
2. Cosmetics: same as uniformed personnel.
3. Jewelry: females may wear additional jewelry that is not excessive and is conservative in appearance.
4. Attire: clothing will be appropriate to the work assignment. Department issued uniforms are available and required for most assignments and positions. Attire will be of conservative style and professional appearance. Department personnel who wear plain personal clothing will dress smartly and in good style. Gaudy, flashy, or ill fitting attire will not be permitted. All clothing will be in good taste and will be free of rips, tears, holes, frayed edges, missing buttons, scuffs, and faded colors.

8. Tattoos, branding, body art, and body piercing

a. All on-duty employees, including those working secondary employment, are prohibited from displaying any offensive tattoos, body art, branding, and/or unconventional body piercing. For the purpose of this policy, “offensive” includes but not limited to, tattoos that are vulgar, sexually explicit, racist, or cover a large portion of exposed skin regardless of content.

b. All on-duty employees, including those working secondary employment, are prohibited from displaying “unconventional” body piercing, including but not limited to the areas of the tongue, nose, eyebrow, and lip.

c. Employees with tattoos, body art, or branding that is deemed inappropriate by their supervisors shall cover the area with a department approved uniform, clothing item, or wear a skin patch that covers the tattoos, body art, or branding. A skin patch is any patch or bandage that is of a neutral skin tone.

d. When deemed operationally necessary, officers in undercover assignments may display tattoos with the approval of the division supervisor.

L. RETURN OF EQUIPMENT AND UNIFORMS

1. All uniforms and equipment shall be returned prior to leaving the department.

SUBJECT: Bicycle Patrol

SPECIAL ORDER: 11-0007

EFFECTIVE DATE: November 1, 2011

REFERENCE: Chapter 4

SPECIAL INSTRUCTIONS:

DISTRIBUTION: All Personnel

NO. PAGES: 3

I. POLICY

The purpose of the bicycle division is to provide an alternative means of patrol, which enables officers to patrol in a more detailed manner, enhanced visibility, and allows officers to have a closer rapport with the citizens.

II. PURPOSE

It is the philosophy of the bicycle patrol division to aggressively pursue the criminal element while bettering the relations and communications between the department and the community.

III. PROCEDURE

1. Patrol businesses and residential areas, including but not limited to:
   Apartment complexes
   Shopping centers
   School grounds
   Parking lots
   Parks and trails

2. Protection of lives and property and crime prevention.
3. Provide a more visible police presence to deter burglaries, auto thefts, drug activity, gang activity, juvenile mischief's etc..
4. Make arrests, respond to alarm calls, enforce parking violations, enforce traffic violations, ensure the safe passage of students to and from school, monitor parade routes, and special events, etc.
5. Promote good community relations with business owners and residents by making personal contacts with members of the community.
6. Assist other officers in any police activities and/or respond to any dispatched calls, or any activities that would be better suited by officers on bike patrol.

IV. DEPLOYMENT OF OFFICERS

1. The Seabrook Bike Patrol will patrol the city randomly checking neighborhoods, apartments, parks, hiking trails, marinas, schools, shopping centers, etc.
2. The Sergeant may assign officers to patrol a particular district, neighborhood, or perform a special assignment.
3. The bike patrol may be deployed as team of two or more or in special cases as an individual, depending on the activity or assignment.
4. The bike patrol officers may transport their bicycles to their destinations or deploy directly from the police station.
5. Bike officers will be required to have all the pertinent report forms and other related equipment to perform all other police duties.

V. SCHEDULING

The Sergeant or designee will be responsible for scheduling all bike patrol assignments and special events. The bike officers, who are assigned patrol maybe scheduled to patrol on a bike during their regular shift.

VI. ARRESTS

When a bike patrol officer makes an arrest he/she will immediately notify a patrolman. The patrolman will respond to the arrest location, take custody of the prisoner, and transport the prisoner to the city jail. The arresting bike patrol officer will respond to the jail and process the prisoner immediately. Any related reports can be completed later in the shift if in accordance with department policy.
No felony stops will be attempted while on bike patrol.

VII. EQUIPMENT

Officers assigned to the bike division will be issued:

1. Shirt
2. Shorts
3. Winter pants
4. Padded under shorts
5. Helmet
6. Gloves
7. Pannier

The bike patrol officer will be responsible for maintaining all issued equipment and notifying the Sergeant or designee of any loss or damage. The bike patrol officer will also be assigned a police bike and necessary related equipment. He/she will be responsible for the upkeep and responsible for reporting any needed repairs to the Sergeant or designee. All assigned equipment will be returned to the Sergeant upon leaving the bike division.

The type of uniform worn throughout the year will coincide with department regulations, but will ultimately be decided by the Sergeant due to the unpredictable climate.

VIII. TRAINING

All officers assigned to the bike division will be required to attend and pass a police bike proficiency course

IX. OFF-DUTY WORK

The same rules and regulations will apply to the bike patrol and the use of the bike equipment as applied to all police personnel.

SUBJECT: Light Duty
SPECIAL ORDER: 11-0008
EFFECTIVE DATE: November 1, 2011
REFERENCE:
SPECIAL INSTRUCTIONS:
DISTRIBUTION: All Personnel
NO. PAGES: 4

I. POLICY

It is the policy of the Seabrook Police Department to arrange whenever possible for placement employees that are temporarily mentally or physically disabled of the options available to them. Light duty/Modified duty is an option available at the discretion of the Chief of Police. It is also the policy of the Seabrook Police Department to administer these procedures in a fair, consistent, and equitable manner. This policy does not limit the rights of employees covered by the Americans with Disabilities Act (ADA) to seek reasonable accommodations as provided under that law.

II. PURPOSE

To establish guidelines for light duty assignment which can be made available to employees who are recovering from work related disabilities, injury/illness and or injury/illness that occurred during work and or in the performance of their job. The guidelines are established for those who are presumed to be able to return to full unrestricted duty.

III. DEFINITIONS

a. CITY PHYSICIAN means the physician selected by or approved by the City of Seabrook Human resources for referral of all employees requiring a physician's treatment for on-the-job accident/injury.

b. COMPENSABLE INJURY means an injury/illness that is confirmed as resulting from an accident during the course and scope of the employee's employment and qualifies for worker's compensation.

c. LIGHT DUTY means modified job requirements to meet short-term disabilities as prescribed by a physician.

d. OFF-THE-JOB INJURY means an injury/illness that occurred off the job and is not related to the employee's employment.

e. ON-THE-JOB INJURY means a disability resulting from an accident during the course and scope of an employee's job.

f. TEMPORAY LEAVE means the time it generally takes for an injury or illness to reasonably heal.

IV. PROCEDURES

LIGHT DUTY PLACEMENT

1. The employee shall be responsible for immediately notifying his/her supervisor of any job related medical condition, which will affect the job performance. The Employee is responsible for providing requested medical information to the supervisor.

2. The supervisor shall be responsible for filing the necessary paperwork and notifying the appropriate personnel of the employee's disability and/or making prompt arrangements for the employee to be Seek medical treatment.

3. If an employee is injured on the job and the injury/illness is determined to be compensable, the employee shall receive Worker's Compensation benefits as administered per the City Personnel Policies.

4. If an employee is injured on the job and the injury/illness is determined to be compensable, the employee shall receive Worker's Compensation benefits as administered per the City Personnel Policies

5. If the accident/injury is determined to be compensable, the employee must comply with all instructions or recommendations and keep all appointments of the attending physician with follow-up from the selected physician as needed. Supervisors should communicate with employees with occupational injuries to ascertain that rehabilitation instructions are being followed in the most efficient manner.

6. All employees injured while in the scope and performance of their duties with the city shall strive to return to work for the city as soon as possible with the treating physician's concurrence. The employee shall request that the physician return them to light duty as soon as possible. The employee shall, if the physician indicates that the employee is not capable of returning to his/her normal duties, request that the physician evaluate the employee for a light duty assignment such as but not limited to clerical duties including answering the telephone, filing or similar duties.

7. Upon being released by a physician to return to work on a light duty basis, the injured employee will immediately report to Chief of Polices designee with a written notice furnished and completed by his physician indicating any restrictions.

8. A light duty assignment is not guaranteed to an injured employee. The Chief of Police or designee will make every effort to place the employee in a position within the department that meets the physical limitations recommended. Due to the limited available positions in the department however, light duty assignment will not always be available.

9. If the employee is placed on light duty outside his/her normal work area, the reporting supervisor is responsible for assuring that actual hours worked, leave taken, etc., are reported to the employee's supervisor.

10. Employees on light duty are required to follow the policies and procedures of the department to which they are assigned.

11. Light duty assignments shall last as long as there are duties to perform. The light duty assignment may be intermittent and may not run continuous.

12. An employee who is assigned to light duty SHALL NOT be assigned to any duties, even temporarily, that would require the employee to perform duties that are not within the restrictions placed by the physician or that could be considered the normal duties of the employee.

13. The employee assigned to light duty will receive his/her normal weekly or bi-weekly check if the employee works the complete pay period associated with the light duty assignment.

14. The employee, who is placed on light duty due to a compensable injury, will be monitored by a physician at frequent intervals until released for regular duties.

15. An employee who is assigned to light duty will be required to periodically (as determined or requested by the Chief of Police or designee) furnish a written statement, from his or her treating physician or the physician designated by the City that he or she is incapable of performing his or her normal duties.

16. The employee will return to regular duty after being released by a physician and completion of any departmental fitness requirements.

17. If for any reason after the light duty assignment is made the employee claims to be unable to perform, the employee is to be sent immediately to a physician for reevaluation. Only if the problem develops after normal working hours or weekends should an employee be sent directly home. If the afterhours situation occurs, the employee should be instructed to report to a physician a soon as possible on the next workday. City of Seabrook Human Resources should be notified immediately if this situation occurs. Employee may be assigned additional light duty or placed on temporary leave.

18. A return to work notice is required from the attending physician before an employee is put back on full duty. Notice must state employee is fit for full duty without restrictions and can return to full unrestricted duty status.

19. The department reserves the right to require a physician's examination for employees by the physician of the City's choice.

20. If the employee is injured off the job and the injury/illness is determined non-compensable, the employee IS NOT ENTITLED to worker's compensation benefits and IS NOT ENTITLED to light duty. It is at the discretion of the Chief of Police to allow or assign an employee who suffers from an off the job injury/or illness the ability to perform light duty.

Authority:
By: _____
Nona Holomon CHIEF of POLICE

SUBJECT: Wearable Video Recorders (WVR's) Personal Video Recorders (PVR)
SPECIAL ORDER: 12-0001
EFFECTIVE DATE: June 15th, 2012
REFERENCE: Chapter 3
SPECIAL INSTRUCTIONS:
DISTRIBUTION: All Personnel
NO. PAGES: 4

I. PURPOSE

The purpose of this policy is to set forth guidelines for the use, management, storage and retrieval of audio-visual media recorded by wearable video recorders (WVR's) or personal video recorders (PVR's).

II. POLICY

WVR's will be used to assist department personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident. Additionally, to maximize effectiveness of the WVR and maintain integrity of evidence and related documentation, all personnel that voluntarily elect to use these devices will adhere to the procedures outlined within this policy (special order). WVR's provides persuasive documentary evidence and helps defend against civil litigation and allegations of personnel misconduct. However, as with other technologies, proper selection and use of these systems is essential if they are to meet the needs of the agency and the personnel in the operational environment. Therefore it shall be the policy of the Seabrook Police Department to control and closely monitor the use of WVR's. The device and officer use must be approved by the department before it can be carried.

IV. PROCEDURE

A. Equipment
1. Officers who use WVR's understand they are not department issued but must be department approved. The purchase cost, maintenance, repair cost or damage and lost costs will be incurred by the officer who elects to carry the WVR's and are not purchased or maintained by the Seabrook Police Department.

2. WVR's are voluntarily worn by the officer; the use of the device is not mandated or required by the department. The use of the vehicles mobile video recorders are.

3. All WVR's will be approved by the department in a file that will contain a copy of a written approval, include the devices, manufactures name, model and serial number if available. Also all logs of inoperability and repairs will be maintained in that file. If an officer no longer carriers the devise, he must submit it in writing and that will be kept in the file.

B. Officer Responsibility
1. Officers may activate the unit as they deem necessary to record during each citizen encounter related to a call for service, enforcement action, traffic stop, and/or police service. Additionally,

tactical activities such as, building searches, searches for suspects, and building checks at alarms may be recorded.

3. Officers will download all videos to a disk weekly to submit recordings when the officer is on duty, in the performance of his duty as a peace officer or activated while in the police station. The disk will be identified by the officer's name, dates and times covered.

4. The disk will be submitted to the property officer who will log it into property.

5. If the device is damaged in any way the officer will suspend use of the devise, log the damage and repair with his supervisor, and not use the device until it is repaired. If the device is replaced the new device will have to go through the approval process.

C. Video Evidence
1. If a video is needed for evidence the submitting officer must copy the evidence separately and submit the recording separately from the weekly submission.

2. Videos needed for evidence in court must be requested through the property officer.

D. Video Purge
1. All videos shall be kept (retained) in accordance with departmental policy.

E. Supervisor Responsibility
1. It is incumbent on supervisors to ensure officers utilize WVR's according to policy guidelines.

2. Supervisors will conduct random reviews per our policy for video review of selected recordings in order to assess officer performance as well as flag videos that may be appropriate for training purposes.

3. If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the supervisor will copy the video and submit to the property officer for indefinite retention.

F. Media Duplication
1. CONFIDENTIALITY: All recording media, images, and audio are property of the Seabrook Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police or Chief's designee. Under no circumstances will any member of the Seabrook Police Department make a personal copy of any recorded event without prior written permission of the Chief of Police or Chief's designee.

2. Dissemination or viewing outside of the agency is strictly prohibited without specific authorization from the Chief of Police.

3. All requests for media shall be forwarded to the records clerk.

4. Viewing materials on personal equipment, (home computers, laptops, tablets or other media devices) may subject those devises to open records.

G. Enforcement Guidelines
1. Officers who behave in a manner that violates this policy may be subject to departmental discipline in accordance with policy and procedures.

2. Violation of the policy may result in the ability to carry a WVR or PVR terminated.

Authority by:

_____

Nona Holomon Chief of Police

Wearable Video Recorders (WVR's) Personal Video Recorders (PVR)

DEPARTMENT AUTHORIZATION

OFFICER NAME:_____

OFFICER BADGE NUMBER: _____

Acknowledgement

I understand that I am electing to wear a personally owned, wearable, video/audio recording device. It is my intention to use this device in the performance of my duties. I understand the purchase cost, maintenance, repair cost or damage and lost costs will be incurred solely by me and the Seabrook Police Department bears no cost or financial responsibility. I understand that I am to operate this device in accordance to this special order and any and all departmental policies that may apply. I understand that the department has approved the device and that approval may be rescinded by the department at any time. I understand that If I no longer want to carry the device I must notify the department in writing that I no longer want to carry the device.

Device Model:_____

Device Manufacture:_____

Device Serial Number:_____

Officer Signature: _____

Approved by:_____ Date: _____

SUBJECT: Requesting leave from scheduled shift
SPECIAL ORDER: 12-02
EFFECTIVE DATE: October 1, 2012
REFERENCE: City of Seabrook Personnel Policy and Seabrook Police Policy
SPECIAL INSTRUCTIONS:
DISTRIBUTION: All Personnel
NO. PAGES: 3

I. POLICY

It is the policy of the Seabrook Police Department whenever practical to provide the maximum number of personal and resources on all shifts to fulfill the mission and the objectives of the Seabrook Police Department.

II. PURPOSE

To establish guidelines for requesting time off from ones assigned shift and or assignment. The time off may or may not be at the request of the individual. Time off includes but is not limited to vacation, personal day, sick leave, leave time or comp time. It includes training, court or business for the department.

III. DEFINITIONS

a. VACATION DAY means the time accrued from the city under the benefit classified as vacation.

b. PERSONAL DAY means the non accrued day, granted yearly from the city under the benefit classified as personal day.

c. SICK LEAVE means the time accrued from the city under the benefit classified as sick leave.

d. LEAVE TIME means non accrued time granted yearly by the department for the hours for the holiday pay (paid holiday's)

e. COMP TIME means the non paid time approved by the department that is earned at a rate time and a half.

f. TRAINING TIME means time that is associated with employee being in a school at employee request or at the instruction of the department.

g. COURT TIME means the time the employee is required to be in a judicial proceeding or a proceeding related to a judicial proceeding. Attendance may or may not be by a subpoena.

h. DEPARTMENT BUSINESS means time employee is required to attend a function or event on the behalf of the department.

IV. PROCEDURES

It is not the intent of these procedures to conflict with any policy of the City of Seabrook or any state or federal employer requirements including the Family Medical Leave Act.

REQUSTING TIME OFF

21. The employee shall be responsible for notifying his immediate supervisor in writing whenever time away from his scheduled shift is requested or required. If the immediate supervisor is not available and the leave time is time sensitive the employee shall follow the chain of command.

22. The notice shall include the reason of the absence, type of time requested and the date and times the employee will be absent from his scheduled.

23. The supervisor or the person approving the time off shall approve the time in writing and notify the requestor that the time is approved. It is the responsibility of the supervisor to make sure all required documentation has been received and that the vacancy on the shift is covered, if it is required.

24. The supervisor or person approving the time off shall make sure the request and the necessary information or paperwork is forwarded to the necessary individuals or departments.

SUBMISSION TIMES

a. VACATION DAY Request needs to be submitted and approved 4 weeks prior to date taken.

b. PERSONAL DAY Request needs to be submitted and approved 12 hours prior to date taken

c. SICK LEAVE: Request needs to be submitted and approved 3 hours prior to time taken

d. LEAVE TIME: Request needs to be submitted and approved 4 weeks prior to time taken.

e. COMP TIME: If one or more full shifts are required then the request needs to be submitted and approved 48 hours prior to time is taken. If the time requested is for less than a full shift or in incremental hours the request needs to be submitted and approved 1 hour prior to the time taken.

f. TRAINING TIME: The request needs to be submitted and approved 2 weeks prior to time taken.

g. COURT TIME: If subpoenaed or requested the request needs to be submitted immediately upon the receipt of the subpoena or the request.

h. DEPARTMENT BUSINESS: The request needs to be submitted and approved as soon as notice is received.

Authority:
By: _____
Nona Holomon CHIEF of POLICE

SUBJECT: Eyewitness Identification Procedure
SPECIAL ORDER: 12-03
EFFECTIVE DATE: October 18, 2012
REFERENCE: Chapter 1 & 4
SPECIAL INSTRUCTIONS:
DISTRIBUTION: All Personnel
NO. PAGES: 3

I. Policy

It is the policy of the Seabrook Police Department to outline the proper protocol for eyewitness identification procedures for photographic, show-up, and live lineup identifications that maximize the reliability of identifications, protect innocent persons, and establish evidence that is reliable and conforms to established legal requirements.

II. Purpose

Eyewitness identification is a frequently used investigative tool. As such, employees of the Seabrook Police Department shall strictly adhere to the procedures set forth here in order to maximize the reliability of identification, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and conforms to established legal procedures.

III. Definitions

1. Photo Line-up – An identification procedure in which a group of photographs are displayed simultaneously to a witness.

2. Sequential Line-up – An identification procedure in which line-up photographs are displayed one at a time (sequentially).

3. Field Show-ups – The presentation of one suspect to an eyewitness in a short time frame following the commission of a crime.

4. Independent Administrator – The officer administering a photo line-up did not compose the line-up and has no knowledge as to which photo is that of the suspect.

5. Confidence Statement - A declaration provided by an eyewitness immediately upon identification of a suspect in a photo line-up, before any feedback is provided, in which the witness articulates in their own words the level of confidence in identifying the suspect.

6. Fillers – Non-suspect photos.

7. Witness Instructions - Prior to any field show-up, lineup, or photo

lineup, a form containing instructions will be read to the witness then filled out and signed by the witness.

IV. Procedures

1. Photo Line-ups

A. If at all possible, photo line-ups shall be carried out by an independent administrator.

B. Photo line-ups will only be conducted when a specific suspect(s) is developed by the officer involved in the investigation. Random suspect photo line-ups are not permitted.

C. The Photographic Line-up Instructions Form will be used during the administration of all such investigations. This form will include a confidence statement.

D. If there are multiple witnesses:

1. Each witness shall be given instructions regarding the identification procedures without the other witnesses present.

2. Each witness shall view the line-up separately.

3. The suspect will be placed in a different position in the line-up for each witness.

4. Witnesses shall not be allowed to confer with one another until all identification procedures have been completed.

E. The suspect's photo will be grouped with at least five other subject photographs (fillers). The showing of a single photograph for identification purposes is strictly prohibited.

F. Photos shall be of similar characteristics, i.e. hair color, length, facial hair, age, etc.

G. All color or all black and white photos shall be used. Photo copies are not prohibited.

F. If the witness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person before the administrator obtains the witness confidence statement about the selection.

G. When showing a new suspect, avoid reusing the same fillers in line-up shown to the same witness.

H. Identification procedures shall be videotaped whenever possible. If this is not practical, an audio recording of the procedure will be done

2. Sequential Line-ups

An independent administrator is the preferred method to be used for both simultaneous and sequential line-ups. If an independent administrator is not available, simultaneous presentations of photos is necessary.
In sequential line-ups, witnesses should not be told how many photos will be shown.

3.Field Show-ups:

Reference Seabrook Department Police Policy and Procedures- Chapter 1, Section 7 under [V.] Investigative Detention (D) Show-ups.

4. Special Considerations

Special considerations will be taken, such as finding an interpreter in the event that a witness is hearing impaired or has a limited use of the English language.

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