

MEMORANDUM

DATE: September 12th 2024

TO: Mayor Lankford & City Council

VIA: Cindy Karch, City Secretary

FROM: Dusty Cook, Police Captain

SUBJECT: Discuss and approve new Mineola Police Department Policies and Procedures Manual

**Council Meeting
Agenda Item for:** September 16th 2024

Background Information:

Our Police Department has needed modernized policies for some time now. These policies are modeled from the recommended policies and procedures as set forth by the Texas Police Chiefs Association. The policies have been heavily reviewed and molded to fit our department and city for modern times as well as far into the future.

These policies and procedures have also been reviewed and approved by City Attorney Blake Armstrong.

Recommendation

I ask and recommend that the council review if needed and approve the new policy and procedure manual for Mineola Police Department.

Final Disposition

MINEOLA

POLICE DEPARTMENT



MANUAL OF POLICIES AND PROCEDURES

Issue Date:

CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve society, 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 people 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 to the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or what is confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, 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 of 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 accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession—law enforcement.

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	MINEOLA POLICE DEPARTMENT	
	Policy 1.1 Mission, Values, and Written Directive System	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

Law enforcement agencies provide essential services to foster safe communities through crime reduction and deterrence. Administrators of these law enforcement agencies are obligated to train, supervise, and guide personnel in performing the myriad tasks that are necessary for creating safe communities.

At the same time, these administrators must seek to improve employee confidence and competence in performing tasks while reducing vulnerability to liability. To meet these obligations, agencies must manage themselves according to written directives. A manual of policies and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency.

To that end, this manual furnishes a blueprint for the performance of this agency's activities in accordance with established state and national standards. Providing all members of the department with an understanding of the department's mission and its values provides guidance for decision making when situations are not covered by direct policy or procedure.

II. PURPOSE

This document outlines the organization of the department, its *Policy and Procedure Manual*, and its authority. It also defines three kinds of statements that appear in these documents -- policy, rules, and procedures -- and states the department's mission and core values.

III. AGENCY MISSION AND VALUES

- A. Mission: The mission of the Mineola Police Department is to provide the highest level of service the public and our community by continuously cultivating a better quality of life while operating under the framework of the United States Constitution in enforcing laws, reducing fear of crime and providing a safe environment. To be transparent and work cooperatively with the public by staying in touch, listening to and evaluating their needs. To be responsive to those needs with compassion, empathy, and a positive attitude regardless of a person's race, ethnic background,

gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

B. Core Values

Integrity: The Mineola Police Department is built upon a foundation of ethical and professional conduct. We are committed to the highest level of moral principles and ethics. All members of the department will adhere to the Law Enforcement Code of Ethics, which is a part of this manual.

Honesty: We will be truthful and trustworthy at all times.

Fairness: We are committed to equal application of the law to offenders and members of the public as well as the equal application of rules and regulations to all members of the department.

Courage: We are dedicated to meeting all challenges with the courage needed to accomplish our mission.

Compassion: We understand our role as community caretakers, and temper our application of the law with compassion and empathy.

IV. DEFINITIONS

A. Policy: A policy is a statement of the department's philosophy on a given issue.

1. Policy consists of principles and values that guide the performance of department employees.
2. Further, policy is based upon ethics, experience, the law, and the needs of the community.
3. Each section of the manual will begin with an agency policy statement.
4. Only the Chief of Police determines policy.

B. Rule: A rule is a specific prohibition or requirement governing the behavior of employees.

1. Rules permit little, if any, deviation. The violation of a rule normally results in discipline.
2. Rules appear in the *Policy and Procedure Manual* as well as other departmental documents.

C. Procedure: A procedure defines the acceptable method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.

1. Failure to follow a procedure may or may not result in disciplinary action, depending on the circumstances.
2. Procedures constitute the agency-approved guide to performing tasks.
3. Employees may depart from procedures only when, in their professional judgment, the situation warrants.

4. Employees must be prepared to justify their actions if they decide not to follow the defined procedure.

D. Memorandum: A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.

NOTE: Memoranda are not part of this manual; however, memoranda may be incorporated into future editions of the policy manual. Memoranda may be issued by the Chief of Police or by other personnel or agencies. Employees are advised that they may not alter components of this manual based on memoranda unless the memo was issued by the Chief of Police or a designee.

V. WRITTEN DIRECTIVES (TBP 1.04)

A. Departmental Policy Manual and Standard Operating Procedures.

1. The policy manual contains policy statements, rules, and procedures as defined above, and is a written directive governing organizational matters.
2. A standard operating procedure (SOP) primarily contains procedures, and is a written directive governing operational matters and routine daily tasks, such as how to respond to alarms, how to book a prisoner, etc.
 - a. Because they contain many procedural statements, SOPs permit some discretion. While SOPs are the preferred method of accomplishing a task, the agency recognizes that an employee may depart from procedures if unusual circumstances warrant, and supervisors approve. Employees must justify their actions and document any departure from a standard operating procedure.
 - b. While created by various offices within the department, the Chief of Police approves all SOPs.

B. No policy, rule, regulation, procedure, or memorandum is valid unless signed by the Chief of Police or a designee.

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

D. Any member of the department may suggest or recommend changes to the Chief of Police concerning the *Policy Manual* or an SOP by forwarding the suggestion through the chain of command.


E. The Chief of Police or a designee will completely review the policy manual and the standard operating procedures at least biennially to ensure continued compliance with Texas law and operations. Revisions may be made at any time. Once a revision

is approved and published, each employee shall be deemed to be on notice with regards to the current version.

NOTE: The office of the Chief of Police is responsible for distribution of all material to the employees of the department. A system for ascertaining that each employee has received the material must be set up and maintained. It must include a method for determining that each employee has received the information.

VI. COMPLIANCE WITH DIRECTIVES

- A. All employees of this department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material that they have received and signed for.
- B. All employees are responsible for adherence to all written directives that they have signed for and that affect the employee and the employee's work status.
- C. All employees are responsible for maintenance of all directives that are distributed to that employee. Each employee of the department shall sign a statement acknowledging that the member has received, read, understands, and agrees to abide by the directive supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of an order or directive, or believes that an order or directive is illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.
- D. Copies of the statements of receipt (see above) shall be maintained in the written directive file.
- E. All employees shall comply with the provisions of these directives and with the City Employee Handbook. If an issue is not addressed in the Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the Employee Handbook, the Employee Handbook shall control unless the Department Policy Manual is more restrictive.
- F. The policies in this manual and the standard operating procedures (SOPs) apply to all sworn officers and non-sworn employees of the police department both on and off duty.

	MINEOLA POLICE DEPARTMENT	
	Policy 1.2 Jurisdiction, Organization, and Authority	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: center;">Chief of Police</div>	
Reference: TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05, and 8.10.		

I. POLICY

The department is established by state law and local ordinances, and consists of a Chief of Police and other full and part-time officers and non-sworn employees as determined by the city manager and council. The Chief executive of the police department is the Chief of Police, appointed by and subordinate to the city manager. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Texas and all local ordinances. The jurisdiction of the police department is limited to the city limits, except in cases of pursuit of offenders who have committed a violation within the city limits and then flee outside the city limits, or when another department requests assistance, or when enforcing laws on property owned by the city but outside its boundaries. The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented policing principles.

II. PURPOSE

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

III. AUTHORITY AND AGENCY JURISDICTION

The jurisdiction of the Mineola Police Department is limited to within the city limits of the city with certain exceptions. (TBP: 1.05, 1.06)

- A. Police officers appointed by the city have all the authority granted to them by the State of Texas as Peace Officers. Appointed officers have the responsibility to act within the law, preserve order, arrest offenders, and protect the residents and visitors to our city.
- B. Officers have arrest authority anywhere within the State of Texas; however, the exercise of that authority will be limited when outside the city limits to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have appropriate equipment, communications, or the assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by

calling appropriate authorities and remaining on scene to provide witness information.

- C. Officers have authority to enforce the law on property owned by the city but outside the city limits.
- D. Officers have authority to pursue offenders outside the city limits who have committed violations inside the city pursuant to the department's pursuit policy. When investigating a crime that occurred inside the city, officers may utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants, and making lawful arrests without warrants anywhere in the State of Texas.
- E. Officers have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- F. While officers have full authority to make arrests, issue summonses, and use force in enforcing the law, officers are also expected to use discretion and common sense in the application of this authority. Officers should always seek the least intrusive level of intervention appropriate to preserve the peace and protect the public safety.

IV. CHAIN OF COMMAND, AND AUTHORITY

A. Chain of Command and Succession

- 1. The police Chief has full control over departmental activities. In the absence of the police Chief, the police captain shall take command and notify the Chief of all major decisions that he or she may make. If the Chief and the police captain are not available, then the Lieutenant or the next senior officer shall take command until a higher-ranking officer is available and shall make any necessary reports to the Chief.
- 2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.
- 3. Plans for any event utilizing departmental personnel will clearly delineate the command structure and outline the span of control.

B. Authority and responsibility

- 1. At each rank within the department, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. The department is committed to fostering an organizational climate that rewards employees for initiative, innovation, community involvement, and problem solving.
- 2. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her

delegated authority shall refer the matter to the on-duty supervisor or the Chief of Police for prompt resolution.

3. Supervisors will be held accountable for the condition and preparedness of the personnel assigned to them.
4. Supervisors are responsible for the good order and sanitary condition of department offices, vehicles, and equipment.
5. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all allegations of employee misconduct.
6. Supervisors shall ensure that employees have been supplied with all appropriate written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.

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

1. As the Chief executive of the department, the Chief of Police has full authority and responsibility for the management, direction, and control of the operation and administration of the department.
2. The Chief of Police shall attend the initial police training provided by the Law Enforcement Management Institute of Texas as required by the Texas Education Code within 12 months of appointment.

D. OATH OF OFFICE REQUIRED (TBP: 2.03)

1. All sworn officers will swear or affirm any oath required by state law or city ordinance before assuming law enforcement duties. All sworn officers shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn officer.
2. Such oath shall be made in public and shall be witnessed by the city secretary or other notary who shall witness and record it on the form approved by the department. The oath shall be filed in the officer's personnel file.

E. AUTHORITY TO CARRY WEAPONS AND USE FORCE (TBP: 6.05)

1. Sworn officers who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives, and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
2. Sworn officers who are off duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon.
3. Officers are not to carry any weapon when off-duty if they have consumed or intend to consume any alcoholic beverages.

F. OFF-DUTY AUTHORITY

1. Liability Protection: Officers of this agency have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, conflicted with the law or the established policies of this department.

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

- a. There is an immediate need to prevent a crime or apprehend a suspect.
- b. The crime would require a full custodial arrest.
- c. The arresting officer possesses appropriate police equipment and police identification.

2. Off-Duty Responsibilities

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

3. Prohibitions of Off-Duty Arrests


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

- a. The officer is personally involved in the incident underlying the arrest.
- b. The officer is engaged in off-duty employment of a non-police nature.
- c. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication, or by a physical ailment or injury.
- d. A uniformed police officer is readily available to deal with the incident.

4. Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training. The department's training authority shall establish protocols (including the use of signs and signals) for recognition of off-duty officers in plain clothes so as to reduce the potential of misidentification of such personnel during enforcement encounters. Such protocols shall be reviewed periodically during in-service training.

G. RESERVE OFFICERS

1. Reserve officers have the same authority and responsibility as regular sworn officers when on duty and working for the department. They are bound by the same policies and standard operating procedures as regular officers.
2. Reserve officers are required to have the same level of both initial and in-service training as regular officers. (TBP: 3.07)
3. Reserve officers are armed in the same manner as regular officers when working on duty but do not carry weapons in an off-duty capacity.

	MINEOLA POLICE DEPARTMENT	
	Policy 1.3 Inspections and Audits	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 1.13, 7.25	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Line Inspection. Line inspections are ones conducted by the supervisory personnel directly responsible for the person, equipment, or facility being inspected. They are designed to examine, evaluate, and improve the performance of departmental personnel and equipment. A written report is not required for a line inspection unless it reveals a critical problem that should be brought to the attention of a higher command level.

- B. Readiness Inspections. A readiness inspection is one conducted to evaluate both equipment and operational readiness of the department to respond to exceptional or emergency circumstances. Such inspections are regularly scheduled but may be initiated at any time at the direction of the Chief of Police or a designee.

IV. PROCEDURES

A. Line Inspections

1. Line inspections shall be conducted by the immediate supervisor of the unit or personnel being inspected.
2. Line inspections shall be accomplished at the beginning of tour of duty or at such other times as are appropriate for the type of inspection being conducted.
3. Line inspections shall be conducted at least once per month or at such intervals and times as otherwise directed by departmental policy and the supervisor of the unit concerned.
4. Special line inspections may be ordered at any time by the Chief of Police.
5. Line inspections shall, at a minimum, include an examination of each of the following items that are applicable to that particular unit and that particular type of inspection:
 - a. Personal appearance and personal hygiene of unit personnel
 - b. Proper wearing of uniforms and uniform equipment
 - c. Health, physical fitness, and fitness for duty of unit personnel
 - d. Appearance and maintenance of department-owned vehicles assigned to or used by that unit
 - e. Unit compliance with departmental policies, regulations, and orders
 - f. Availability and currency of departmental policy and procedure manuals and other departmental publications and documents applicable to that unit
 - g. Such other items as are applicable to the functions of that unit.
6. Inspection Procedure
 - a. Unit supervisors shall conduct informal physical inspections of personnel, equipment, and other items, as directed. Normally no formal written report of line inspections will be required. However, the date of such inspections, items inspected, and condition shall be recorded on an inspection sheet, and the inspecting supervisor shall document any problems encountered.
 - b. All line inspections shall be conducted in accordance with all appropriate safety precautions.
 - c. Firearms, both individual and department owned that are used on duty, will be inspected for cleanliness and functionality at least monthly. Firearms and other equipment with the potential for causing injury shall be examined only by persons thoroughly familiar with the item being inspected. Inspection of firearms and other weapons shall be conducted only in a manner consistent with standard safety requirements for the presentation and handling of such weapons.


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

B. Readiness Inspections (TBP: 7.25)

1. Equipment readiness inspections will be conducted on all department special-use equipment on a quarterly basis.
2. Each departmental unit will create a checklist of equipment possessed by the unit for special or periodic use. This is typically equipment that is not assigned to individual members of the department. (Emergency Response Team Equipment is covered in Policy 8.4.) Special-use equipment includes special-use vehicles, equipment, or supplies for special events or disasters, or specialized investigative equipment.
3. Checklists should indicate the unit, date inspected, condition of each item, and the person who inspected the equipment. Any maintenance needs will be identified. Copies of each unit checklist shall be forwarded to the Chief of Police for review.

V. Maintaining Compliance with Texas Law Enforcement Best Practices (TBP 1.13)

- A. The department Patrol Sergeant is responsible for ensuring continued compliance with the Texas Law Enforcement Best Practices.
- B. The Patrol Sergeant will design and implement a system to ensure all continuing compliance requirements are met and provide immediate feedback to the Chief of Police if a continuing compliance issue is not met.
- C. The Patrol Sergeant shall provide the Chief of Police with a memorandum at least monthly advising the status of Best Practices compliance.

	MINEOLA POLICE DEPARTMENT	
	Policy 1.4 Mutual Aid	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: center;">Chief of Police</div>	
Reference:		

I. POLICY

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

II. PURPOSE

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

III. PROCEDURE

A. Jurisdiction

1. Generally, the legal jurisdiction of the department stops at the city limits, as defined by charter and ordinances; however, officers also have authority to act as peace officers in other areas within the state when requested through a properly executed mutual aid agreement. This authority may be used for the following reasons:
 - a. Assisting neighboring law-enforcement agencies, the county sheriff, or the Texas Department of Public Safety in handling emergency calls and at times when they are unable to respond immediately.
 - b. Assisting neighboring law-enforcement agencies, the county sheriff, or the Texas Department of Public Safety when they are in need of assistance in safely completing a task or assignment.

B. Mutual aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for between the department and other law-enforcement agencies during emergencies. The circumstances that require mutual aid can include one or more of the following situations:
 - a. Enforcement of laws that control or prohibit the use or sale of controlled drugs;
 - b. Any law-enforcement emergency involving an immediate threat to public safety;
 - c. When executing orders for the temporary detention or emergency custody of people for mental health evaluation;
 - d. Any public disaster, such as fire, flood, epidemic, or civil disorder.
2. Mutual aid may be requested from or provided to another law-enforcement agency by the department at the discretion of the on-duty supervisor. However, officers must remember that they are primarily responsible for providing law-enforcement service to their own jurisdiction. There are generally three levels of mutual aid assistance as follows:
 - a. Short duration, approximately 30 minutes or less, where an additional show of force, backup, traffic control, or assistance with prisoner transportation is required.
 - b. Medium duration, approximately one to four hours, where the senior officer on duty may provide or request assistance from the neighboring law-enforcement agencies, the county sheriff, or Texas DPS; however, their role is normally confined to a show of force, backup, transporting prisoners, or traffic control.
 - c. Long duration, more than four hours, when full-scale assistance is required. The on-duty supervisor shall immediately notify the Chief of Police or his designee who will assist in coordinating additional aid as required.
3. Any mutual aid support between the department and neighboring law-enforcement agencies shall be coordinated in advance through a written agreement. A list of cities with existing mutual aid agreements can be found in the city emergency action plan and in the communications center.
4. Mutual aid agreements shall be reviewed annually to ensure compliance with national incident management system requirements.
5. When taking law-enforcement actions at an emergency site, including uses of force, officers from this department shall at all times adhere to this department's policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
6. Occasionally it is necessary to request assistance from a federal law-enforcement agency, such as when a major crime has occurred and the suspect may have left the state. The Chief of Police shall decide whether or not to notify the FBI or other appropriate agency.


7. If the department, with the help of neighboring law-enforcement agencies and DPS, is unable to cope with an emergency, such as a riot or other civil disturbance, the Chief may contact the Governor's Office for National Guard assistance.

C. Statewide law-enforcement support.

1. The department participates in the use of the Texas Crime Information Center (TCIC) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime Reporting system and NIBRS administered by the Texas Department of Public Safety and the FBI.
2. Some state-owned law-enforcement resources may be made available to the department for special use. These resources, and the state agency to contact, include:
 - a. Special Weapons and Tactics (SWAT) teams.
 - b. Canine teams —DPS. Canine teams, if requested, shall be used only to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.
 - c. Helicopter or fixed-wing aircraft: DPS. Normally the Chief of Police requests the use of this equipment in advance from the DPS director. The equipment may be available on an emergency basis.
 - d. Polygraph: DPS
 - e. Riot truck and equipment: DPS.
 - f. Bomb disposal: DPS.

D. State law-enforcement assistance during declared emergency or disaster situations

1. Only the governor has the authority to provide state law-enforcement assistance during an emergency or disaster situation. State equipment and personnel can be used to support local emergencies or to protect life and property in natural disasters per the governor's authorization. The Chief of Police shall request the mayor to contact the governor if state law-enforcement assistance is required.
2. During declared emergencies and disasters, the support listed in section C above is requested through the mayor in the regular NIMS process.

	MINEOLA POLICE DEPARTMENT	
	Policy 1.5 Departmental Reports	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

The department is required to maintain records of operations for purposes of investigation and the prosecution of offenders. Records that concern the internal operations of the department must also be kept. It is the intent of the department to provide a reporting system through which quality management and administrative decisions may be made.

II. PURPOSE

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

III. ADMINISTRATIVE REPORTS

- A. Monthly Report: The department secretary will provide a monthly report to the Chief of Police. This report contains information specified by the Chief of Police.
- B. Monthly Uniform Crime Report (U.C.R.) or NIBRS: A monthly U.C.R. or NIBRS is compiled by the records supervisor or designee and a copy provided to the Chief of Police for review. The original of this report is submitted to the Texas Department of Public Safety and or the FBI.
- C. Annual Report: The annual report is compiled by the department secretary. The report contains an annual summary of the monthly report information and other information that is required by both policy and law. The annual report is forwarded to Chief of Police for review and submission.

IV. POLICE RECORDS


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

V. DESTRUCTION AND RETENTION OF RECORDS

Texas state law provides a criminal penalty for willful destruction, mutilation, or alteration of public information. Destruction or removal of documents and records of the department shall be made only in accordance with the city's records retention schedule.

VI. DEPARTMENTAL FORMS

- A. The department shall develop standard forms to be used by officers to assure uniform and consistent reporting of enforcement and enforcement related activities, and to satisfy the requirements of state and federal agencies.
- B. Departmental forms may be created by the unit needing the form if a form does not yet exist. Any personnel in the department may suggest revisions to an existing form or propose a new form. Proposals and suggestions are submitted to the employee's supervisor. In creating a new form or revising an existing one, care must be exercised to make sure that the new or revised form in no way conflicts with any city policies or other forms.
- C. The Chief of Police must approve all departmental forms.

	MINEOLA POLICE DEPARTMENT	
	Policy 2.1 Rules of Conduct	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22	

I. POLICY

The Mineola Police Department and the public expect all personnel to maintain high standards of appearance and conduct. The mission of the department is to work with all members of the community to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

II. PURPOSE

The purpose of this policy is to define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12)

III. CODE OF ETHICS (TBP: 2.02)

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

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

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

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear, favor, malice,

or ill will, never employing unnecessary force or violence and never accepting gratuities.

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

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

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

IV. DEFINITIONS

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

V. GENERAL DUTIES

- A. All officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and all local ordinances, according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, and custom. Further, officers shall exhibit good moral character in the administration of their duties according to departmental orders.
- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the prerogative to discipline personnel for violations of the rules listed in this order as well as violations of all other departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated, the consequences of the employee's actions, and the employee's prior history and experience.
- D. Duty to Report
 - 1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
 - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
 - 3. All employees have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
 - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher-ranking employee in the chain of command.
 - 5. In uncommon situations involving highly appalling offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the chief executive officer. Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

VI. PERFORMANCE PROHIBITIONS

A. As appropriate, disciplinary action may be taken for any of the following reasons:

1. Incompetent or inefficient performance or dereliction of duty.
2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature that discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.)
3. Mental or physical unfitness for the position that the employee holds.
4. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
5. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
6. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.

B. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders, or policies of the department, or in the laws or ordinances that the department has the responsibility to enforce.

C. No member of the department shall be a member of any organization that advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government.

D. No department member shall participate in any organization that has as its purpose, aim, objective, or has any practices that are contrary to the obligations of a law-enforcement officer under these rules and regulations.

VII. Obedience to Rules of Conduct, laws, and orders

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

A. Obedience to Laws. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the City of Mineola.

B. Adherence to Departmental Rules. Employees shall abide by the rules of the City Personnel Rules, and the Policy and Procedures Manual and other properly issued internal directives of the Police Department.

- C. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.
- D. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing his or her orders shall likewise be deemed insubordination. (TBP: 1.08)
- E. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
- F. Obedience to Unjust or Improper Orders. An employee who receives an order he/she believes is unjust or contrary to a departmental General Order or rule must first obey the order and then may appeal the order to the Chief of Police via the proper chain-of-command.
- G. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of the City of Mineola. An employee who receives an unlawful order shall report in writing the full facts of the incident and any action taken to the Chief of Police via the chain-of-command.
- H. Conflicting Orders. If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department. (TBP: 1.08)

VIII. Attention to Duty

- A. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.
- B. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the Mineola Police Department. They will not permit, or fail to prevent, violations of the law, departmental rules, policies, or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all times use sound judgment.

D. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel, and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond personally to the inquiry or request for assistance.

E. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression, or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity. (TBP: 2.17)

F. Truthfulness. Members shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.

G. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.

1. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature or traffic offenses except for breach of the peace, theft, or assault.

2. While off-duty, or in their personal vehicle, officers shall not enforce, or take any police action to enforce Class "C" traffic offenses.

H. Officers Required to Take Action. Except where expressly prohibited, officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.

I. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared

at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16, 2.22)

- J. Exceptional leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.
- K. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
- L. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business that would cause them to neglect their duty.
- M. Availability While On-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.
- N. Assistance to Fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.
- O. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws, and departmental policy.
- P. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, and police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, and information.
- Q. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
- R. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be

familiar with the names and general locations of the City of Mineola streets and highways and the names and locations of hospitals and major public buildings.

- S. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
- T. Sleeping On-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
- U. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
- V. Reading On-duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless a supervisory officer has assigned such reading.
- W. Studying On-duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments.
- X. Maintaining Communications. While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.
- Y. Reporting Accidents and Injuries. Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving city equipment whether on or off-duty.
- Z. Report Address and Telephone Number. Employees shall have a working telephone or other means of communication in case of emergency at their residence, and shall register their correct residence address and telephone number with the department on the prescribed form. Any change in address or telephone number must be reported immediately.
- AA. Testifying in Departmental Investigations. When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.

BB. Carrying of Firearms. Except for senior staff or as approved by the Chief of Police or established procedures, all officers are required to carry sidearms while on-duty. While off-duty, officers should but are not required to carry firearms while in the City Limits of Mineola.

CC. Registration of Firearms. All weapons carried and used by officers in the performance of their official duties must be registered with the department. Required registration information must be kept current.

IX. Cooperation with Fellow Employees and Agencies

A. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.

B. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

X. Restrictions on Behavior

A. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.

B. Use of Intimidation. Employees shall not use their official positions to intimidate persons.

C. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the Mineola Police Department may not accept any reward, gratuity, gift, or other compensation for any service performed as a result of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee, or reward. (TBP: 2.21)

D. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen,

or other persons whose vocations may profit from information obtained from the police department. (TBP: 2.21)

E. Reporting Bribe Offers. An officer who receives a bribe offer shall promptly make a written report to his/her commanding officer. (TBP: 2.21)

F. Accepting Gifts from Subordinates. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)

G. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)

H. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

I. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Mineola Police Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.

J. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise, or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.

K. Drinking On-Duty. Employees shall not drink any intoxicating beverages while on-duty. (TBP: 2.19)

L. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall officers be intoxicated off-duty while in the public view. While off-duty, officers that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired shall refrain from exercising any police authority. Officers assigned to special units, or assignments where they may consume alcoholic beverage during the

performance of their duties, shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)

M. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform. (TBP: 2.19)

N. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into a Police Department building or vehicle except as evidence. (TBP: 2.19)

O. Entering Bars, Taverns, and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain in, or frequent such places. Officers on-duty or while in any part of the uniform also shall not purchase intoxicating beverages. (TBP: 2.19)

P. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision-making. (TBP: 2.20)

Q. Tobacco Use. Smoking is prohibited in all office and building areas under departmental control and occupied by department employees, except in designated smoking areas. Smoking is prohibited in all department vehicles.

R. Public Tobacco Use Prohibited. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public.

S. Playing Games On-Duty. Officers on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or Internet based games, or other games.

T. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate in political campaigns (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes). Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15)

U. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of

which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.

V. Seeking Personal Preferment. Employees shall not solicit petitions or influence, or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion, or change of duty for themselves or for any other person.

W. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, bigoted, or unlawful, or if it undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

X. Disruptive Activities. Employees shall not perform any action that tends to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.

Y. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic, bigoted, or obscene language, or making unnecessary sounds are not permitted.

Z. Use of Racial or Religious Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, or religious slur or joke, whether in the presence of the public or of other employees.

AA. Use of Force. Officers shall use only that amount of force reasonably necessary to accomplish their police mission.

BB. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.

CC. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation. (TBP: 2.18)

DD. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, bigoted, or insulting language.

XI. Identification and Recognition

- A. Giving Name and Badge Number. Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.
- B. Carrying Official Identification. Officers shall carry their official identification on their persons at all times. All employees will carry their official identification on or about their persons while on-duty.
- C. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.
- D. Exchange, Alteration, or Transfer of Badge. An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the Chief of Police. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department. All badges must be purchased unless exempted by the Chief of Police.
- E. Plainclothes Officers – Identification. A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

XII. Maintenance of Property

- A. Use of City Property or Service. Officers shall not use or provide any city equipment or service other than for official city business.
- B. Responsibility for City Property. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
- C. Departmental Vehicles. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident. The Department of Public Safety will be requested to investigate police fleet involved accidents.
- D. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no

damage or defects. The employee, in this case, shall be held responsible for the damage.

- E. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
- F. Care of Quarters. Employees shall keep their offices, lockers, and desks neat, clean, and orderly.
- G. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
- H. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to such equipment unless approved by the Chief of Police.


XIII. Relationship with Courts and Attorneys

- A. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify wearing Class A Uniform. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.
- B. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
- C. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the City of Mineola or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.
- D. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel, or prosecutor.

- E. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.
- F. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
- G. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.
- H. Arrest of Officer from another Agency. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.
- I. Arrest of a Mineola Officer. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

XIV. Expectation of Privacy

- A. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the agency chief executive or his or her designee.
- B. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

	MINEOLA POLICE DEPARTMENT	
	Policy 2.2 Bias Based Policing	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
	Reference: TBP 2.01	

I. POLICY

The Mineola Police Department is committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate based on a person's race, ethnic background, gender, sexual orientation, national origin, religion, economic status, age, cultural group, or any other identifiable group. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, national origin, religion, economic status, age, cultural group, or any other identifiable group.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement consensual contacts between officers and the public. This order shall not preclude police officers from offering assistance, such as when they observe a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost, or confused. Nor does this order prohibit an officer from stopping a person suspected of a crime based upon observed actions and/or information received about the person.

II. PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: The selection of an individual based solely on a common trait of a group, including, but not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- B. Biased-based policing: Stopping, detaining, searching, or attempting to search, or using force against an individual based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- C. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.

- J. Stop: An investigative detention of a person for a brief period of time, based on reasonable suspicion.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of 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, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in Section A.3. below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. 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 can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer

disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.

- b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint's process and shall give copies of "How to Make a Compliment/Complaint" when requested.
6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
7. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
8. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.

3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the law engenders not only mistrust of law enforcement, but increases safety risks to personnel as well as exposing the employee(s) and department to liability consequences.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
7. Supervisors shall facilitate the filing of any complaints about law-enforcement service.
8. Supervisors will randomly review at least three video tapes per officer (either body camera and/or in-car camera video) per quarter. For this policy a "quarter" is defined as a 3-month period of time. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors will document the random review of the video in their video review logs and any violations of policy or law will be addressed through the use of existing internal affairs policy. (TBP: 2.01)
9. Section B.8 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the police lieutenant.

C. Disciplinary consequences

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

D. Training (TBP: 2.01)


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

V. COMPLAINTS

- A. The department shall publish “How to Make a Compliment/Complaint” literature and make them available with statement forms at police department facilities in the city. The department’s complaint process and its bias-based profiling policy will be posted on the City of Mineola’s website. The information shall include, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. Whenever possible, the media and social media will be used to inform the public of the department’s policy and complaint process.
- B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when the investigation is completed.

VI. RECORD KEEPING

- A. The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop as required by law and TCOLE.
- B. The information collected above will be reported to the city council as required by law.
- C. The information will also be reported to TCOLE in the required format.

	MINEOLA POLICE DEPARTMENT	
	Policy 2.3 Sexual or Other Illegal Harassment	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 2.11	

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 or other forms of illegal harassment, which include color, race, religion, age, and national origin.

No employee shall be subjected to unsolicited or unwelcomed sexual overtures or conduct, either verbal or physical. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work and at other locations. Sexual or other unlawful harassment, regardless of the type, is misconduct and the department shall apply appropriate disciplinary sanctions.

Two kinds of sexual harassment apply: quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

II. PURPOSE

The purpose of this policy is to define and give examples of sexual and other unlawful harassment, outline prohibited behavior, and describe reporting procedures. (TBP: 2.11)

III. DEFINITIONS

A. Sexual harassment

The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination. It is defined as follows:

1. Unwelcome sexual advances
2. Requests for favors
3. Verbal or physical conduct that enters into employment decisions
4. Conduct that unreasonably interferes with an employee's work performance

5. Conduct that creates an intimidating, hostile, or offensive working environment.

B. Quid pro quo harassment. ("Quid pro quo" means "something for something.")

This form of sexual harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits, or working conditions, or promotion prospects. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances, e.g., offering an employee sexually explicit magazines.

Examples of this form of harassment include the following:

- A request for sexual favors, accompanied by implied or overt threats concerning a person's employment status.
- Promise of preferential treatment in terms of benefits or status.
- Granting job favors to those who participate in consensual sexual activity or penalizing those who refuse to participate.
- Unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching).
- Telephoning or following an employee, during work hours or not, and harassing the employee by requesting sexual favors or in other ways.

C. Hostile work environment harassment

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

- The employee tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature.
- One employee makes jokes or suggestive remarks intended for and directed to another employee.
- An employee leaves sexually explicit books, magazines, photographs, or other items where employees will find them.
- An employee makes unwelcome, demeaning comments (such as talking about physical attributes) to another employee.
- Ridicule, offensive language, propositions, or other similar actions are directed toward an employee, or more than one employee.
- An employee makes unwanted, unwarranted, unsolicited off-duty telephone calls and/or contact.
- An employee leaves signed or anonymous notes or drawings on or in desks, on bulletin boards, in lockers or others places.
- An employee deliberately singles out women in front of men co-workers (or vice versa) and subjects them to demeaning or derogatory remarks.

IV. PROHIBITED CONDUCT

- A. Employees shall not commit or participate in any form of sexual or other illegal harassment.
- B. The department considers romantic relationships between supervisors and subordinates potentially non-consensual. Personal relationships between supervisors and subordinates should be brought to the attention of the Chief of Police at the earliest point so that a proper course of action can be determined. Failure to do so may result in discipline.
- C. Supervisors shall ensure that pornographic, demeaning, intimidating, or suggestive photographs, illustrations, cartoons or any other form of suggestive material are not posted or kept in any area of the department, including locker rooms, desks, offices or other locations. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards. The material in question may be sexual in nature or insulting to a person based on race, religion, national origin, color, or age.
- D. Supervisors shall order employees on department premises who are making sexually hostile comments or degrading or demeaning remarks about other persons of the same or opposite sex to cease doing so or face discipline.
- E. Employees shall avoid inappropriate physical contact with one another unless required by a training situation or police procedure. Actions such as kissing, back rubbing, embracing, and any other unnecessary touching are prohibited on department premises or while on duty.
- F. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

V. PROCEDURES

A. Employee Responsibilities

- 1. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee or supervisor shall immediately submit a memorandum to the Chief of Police through the chain of command detailing circumstances. Employees may also report incidents of harassment directly to the Chief of

Police, city manager, city secretary or human resources director if the offender is a higher-ranking member of the department.

If a supervisor learns of an incident of harassment, he or she shall report the matter to the Chief of Police even if the victim did not submit a complaint.

2. If the complainant is not an employee of the department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in Policy 2.4.
3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations.
4. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
 - a. refraining from participation in or encouragement of action that could be perceived as harassment and/or discrimination;
 - b. reporting observed acts of harassment and discrimination to a supervisor, and
 - c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
5. Failure of any employee to carry out these responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

B. Supervisor Responsibilities:

1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
 - a. advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;
 - b. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;
 - c. stopping any observed acts that may be considered harassment and discrimination;
 - d. taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
 - e. utilizing all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity;
 - f. taking immediate action to prevent retaliation towards the complaining party;
 - g. eliminating the hostile work environment where there has been a complaint of harassment and/or discrimination.
2. No supervisor shall make any employment decision that affects the terms, conditions, privileges, or responsibilities of an individual's employment

based on that person's race, sex, religion, national origin, color, sexual orientation, age, or disability.

3. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant.
4. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
5. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
6. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.

C. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.

1. The Chief of Police shall immediately take action to limit the employee(s) involved from any further work contact with the alleged offender.
2. The Chief of Police shall conduct an investigation pursuant to the provisions of Policy 2.4.
3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the departmental grievance procedure.

D. The Chief of Police shall report such allegations to the city manager without delay.

E. Retaliation is prohibited


1. Retaliation against employees who make a good faith charge or report of prohibited conduct or harassment or who assist in a complaint investigation is prohibited.
2. Acts of retaliation must be reported immediately as set out above.

F. Responsive action

1. Violations of this policy will be dealt with appropriately.
2. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy.
3. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct or harassment were fabricated or exaggerated.

VI. TRAINING

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

	MINEOLA POLICE DEPARTMENT	
	Policy 2.4 Internal Investigation Process	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10.	

I. POLICY

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

II. PURPOSE

The purpose of this policy is to describe the procedure that a citizen must follow in making a complaint against department personnel, to outline the procedure for investigating complaints, and to list and define the dispositions of complaints.

III. PROCEDURES – GENERAL (TBP: 2.04)

A. Receipt of complaints

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

B. Responsibilities of supervisors

1. First-line supervisors are primarily responsible for enforcing conformance with departmental standards and orders.
2. First-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.
3. First-line supervisors shall be alert to behavioral changes or problems in their subordinates and, if necessary, document these changes and confer with

higher authorities. The first-line supervisor shall assess the behavior, and take or recommend appropriate action.

4. The supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing according to established standards.
5. The first-line supervisor shall employ counseling techniques sanctioned by the department. Counseling is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance.

C. How to make a complaint

A copy of "How to Make a Complaint" will be posted in the public area of the department, provided to media representatives, and given to any person requesting information on how to make a complaint.

D. Responsibility for handling complaints

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

E. Complaint-handling procedures. NOTE: This same procedure can also be used by agency employees who wish to file a complaint against another employee.

1. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed notarized complaint prepared.
2. A signed notarized letter of complaint will be accepted as a signed complaint without requiring any specific form.
3. Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall reduce the complaint to writing in a memorandum with as much information as possible and forward the report to the Chief of Police.
4. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
5. Normally, a person with a complaint shall be referred to a supervisor or the Chief of Police, who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary

investigation consists of questioning the officer, complainants, or witnesses, and securing evidence. Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:

- a. a report of the alleged violation
 - b. any documents and evidence pertinent to the investigation
 - c. recommendations for further investigation or other disposition.
6. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions.
 7. Any visible marks or injuries relative to the allegation shall be noted and photographed.
 8. Prisoners or arrestees also may make complaints. Circumstances may require that a department representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of any injuries suffered by the complainant.
 9. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
 10. Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to a supervisor or the Chief of Police. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable, the supervisor will call back as soon as practical.
 11. In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any other serious violation should be reported immediately regardless of the time of day. (TBP: 2.07)

F. Disposition of complaints generally

The Chief of Police or his/her designee shall:

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

G. Disposition of a serious complaint

1. Allegations of misconduct that might result in discharge, suspension, or demotion, or allegations of criminal charges are serious complaints. The term "serious complaint," in this manual, means that there will be an "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted: a criminal investigation and an administrative or internal investigation. The criminal investigation examines compliance with criminal law while the internal investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
3. In cases of a serious complaint the Chief of Police shall:
 - a. Determine if the officer complained of should remain on-duty, be relegated to non-contact assignments, or put on administrative leave until the investigation is complete.
 - b. Determine and assign responsibility for the investigation.
 - c. Cause the complaint to be registered and assigned an investigation number in the complaint log.
 - d. Maintain close liaison with the district attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the city attorney or legal counsel.
4. All investigations will be completed within 30 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If the Chief agrees to an extension a specific number of days will be approved. A copy of the request for extension will be provided to the involved officer and the original placed in the case file. (TBP: 2.05)
5. Upon completion of any investigation, the Chief of Police will notify the complainant in writing of the results of the investigation and any action taken. (TBP: 2.10)

IV. INVESTIGATIVE PROCEDURES

- A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.
- B. Assistance of legal counsel
 1. Employees are permitted to have an attorney, supervisor, or other representative with them in the room during any interview regarding allegations of misconduct.
 2. The employee's representative is limited to acting as an observer at the interview, except that where the interview focuses on, or leads to, evidence

of criminality, the attorney may advise and confer with the employee during the interview.

C. All Interviews

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

D. Interviews for criminal investigative purposes

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

E. Interview for administrative purposes

1. If the Chief of Police wishes to compel an employee to answer questions directly related to his or her official duties, the Chief of Police or another interviewer shall advise the employee of the following:
 - a. You are advised that this is an internal administrative investigation only.
 - b. You will be asked and are required to answer all questions specifically related to the performance of your duties and your fitness for office.
 - c. All questions specifically related to employment must be fully and truthfully answered.
 - d. If you refuse to answer these questions, you can be subject to discipline that can be as much as discharge or removal from office.
 - e. Any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur.

- f. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. In an interview for administrative purposes, no Miranda rights are required.

V. INVESTIGATIVE TOOLS AND RESOURCES

A. In addition to interviews of the employee and witnesses, other activities in support of a complaint investigation or internal investigation may be required, including:

1. The Chief of Police may order medical and laboratory examinations.
2. The Chief of Police or officer in authority may, based on reasonable suspicion or his/her observation, require a department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.
3. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator shall administer the test. The Chief of Police or officer in authority shall witness the test and sign the report.
4. If the employee has a reading of .02 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officers in authority.
5. If the employee is believed to be under the influence of self-administered drugs, he/she may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall be handled using the same safeguards as evidence in a criminal process.
6. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.
7. If an employee refuses to submit to a test, (alcohol or drugs) the Chief of Police or other officer in authority shall immediately relieve the employee from duty for failure to cooperate in an administrative investigation.
8. Property assigned to the employee but belonging to the department is subject to inspection if the department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes files, storage lockers, desks, and vehicles.

B. Financial disclosure statements

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

C. Polygraph

1. All personnel shall be required to submit to a polygraph if ordered to do so by the Chief of Police.
2. The Police Chief may order employees to take a polygraph under the following circumstances:
 - a. The complainant has taken and passed a polygraph concerning the incident, unless the complainant is willing to submit to testing but the polygraph operator determines the complainant is not a fit subject due to mental condition, age, or medication.
 - b. Regardless of whether or not the complainant takes a polygraph (or is positively identified), and the complaint is of such a nature as to bring severe discredit and suspicion on the department and cannot be satisfactorily resolved in any other manner.
3. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another employee.
5. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impeding the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the department.

VI. ADJUDICATION OF COMPLAINTS


- A. The Chief of Police will classify completed internal affairs investigations under the following headings:
 1. Unfounded - No verifiable factual base for complaint.
 2. Exonerated - The alleged act or occurred, but was justified, legal, and/or proper. Exonerated complaints will be reviewed by the Chief of Police for consideration of policy revision.
 3. Not sustained - Insufficient evidence to prove or disprove the allegation.
 4. Sustained - Improper conduct, as supported by a preponderance of the evidence, was committed by the accused employee.
 5. Policy Failure- Alleged act was committed, but employee's actions were consistent with Department policy/procedure. However, policy and procedure corrections are called for to address the nature of the complaint.
 6. Administrative Inquiry- Circumstances not adequately covered by the dispositions above, and as deemed necessary by the Chief of Police.
- B.
- C. Completed investigations classified as unfounded, exonerated, or not sustained will be maintained in internal affairs files in the Chief's office. Sustained complaints

shall be filed in the individual employee's department personnel file with a copy in the internal affairs files.

D. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident, and the employee's service record, including prior sustained complaints, will be considered.

E. Disciplinary records (TBP: 2.09)

1. The department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and city policy.
3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public.

	MINEOLA POLICE DEPARTMENT	
	Policy 2.5 Employee Disciplinary Process	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: center;">Chief of Police</div>	
	Reference:	

I. POLICY

It is the department's policy to impose any necessary disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected.

Discipline is the process of taking specific actions that will help train, develop, or modify the inappropriate actions of an employee, preferably through positive rather than negative measures.

Discipline in the department takes two approaches: (1) rewarding employees for excellence and positive actions and (2) training, counseling, and in some cases sanctioning for inappropriate actions or behavior.

II. PURPOSE

The purpose of this policy is to establish procedures concerning informal and formal disciplinary practices within the department.

III. DEFINITIONS

A. Days: The term "days," as used herein, means "work days provided"; however, if the last day of any time period mentioned is a Saturday, Sunday, or holiday, the time period shall be extended to the next day.

B. Moral turpitude: An intentional act or behavior displayed in words or actions that violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of

perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.

C. Relief from duty: An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

D. Discipline: The taking of specific actions intended to help train, develop, or modify the actions of an employee. Discipline may be positive (awards and training) or negative (punishment).

IV. PROCEDURES

A. Positive Reinforcement

1. Positive discipline seeks voluntary compliance with established policies, procedures, and orders. Methods of positive discipline include:
 - a. Recognition of excellent job performance through rewards or awards.
 - b. When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor. A chief who receives compliments about an employee should write a thank-you note to the individual. Copies of the person's statement and the chief's response shall be sent to the officer involved and the supervisor. A copy of all correspondence shall be placed in the employee's personnel file.
 - c. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by community groups or media coverage.
2. Discussion and counseling
3. Training

B. Consistency in discipline

1. The department abides by the philosophy that discipline must be applied consistently and uniformly.
2. The department provides employees with descriptions of prohibited behavior in the "Rules of Conduct Policy" and elsewhere in these orders. No list, however, can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on training and experience.

C. Relief from duty

1. An employee may be relieved from duty whenever a supervisor, whether the Chief of Police, sergeant, or senior officer, questions an employee's physical or psychological fitness for duty. An internal investigation may follow.
2. The sergeant or senior officer has authority to relieve an employee from duty, but must promptly report this action to the command staff, accompanied by a written report setting forth details and circumstances.
3. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an internal investigation, only the Chief of Police or his designee may relieve an

employee from duty. Only the Chief of Police or his designee, in consultation with the city manager, may suspend an officer without pay.

4. An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the sergeant or senior officer, who may recommend suspension to the Chief of Police. The chief, in consultation with the city manager, may then suspend without pay.

D. Penalties: Documented oral reprimand, counseling, and/or training.

1. Oral reprimands resulting from improper actions, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:
 - a. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record.
 - b. The employee shall be further advised that he or she has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.
2. The reprimanding supervisor shall prepare a memorandum for the personnel record that contains the following information:
 - a. Employee's name
 - b. Date of reprimand/counseling
 - c. Summary of reasons for reprimand/counseling
 - d. Summary of employee's response
 - e. Suggestions for improvement or specific actions suggested
 - f. Name and signature of counselor
 - g. The following statement must appear:

"I acknowledge that I have today received counseling and I have been advised of the following rights: (1) that a written record of reprimand/counseling shall be maintained; (2) that the employee has a right to review the record and respond in writing; (3) that the form shall become part of the personnel file; and (4) that the employee is required to acknowledge the reprimand/counseling by signing the record."

- h. The employee shall sign and date the form on which the statement appears.
3. Oral reprimand/counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the correct behavior. All training shall be documented.
4. If the employee's actions did not result in a formal internal investigation and employee has not behaved improperly following counseling for two years,

the record of counseling shall be expunged from the employee's personnel file.

5. Accumulation of three oral reprimands in a twelve-month period may result in a written reprimand or suspension, depending on circumstances.
6. Supervisors are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
7. Supervisors are responsible for counseling employees concerning job-related matters within their capabilities. Since many things can affect the job and an employee's performance, job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.

E. Written reprimand. A written reprimand becomes a permanent part of the officer's file.

1. A written reprimand, issued by the Chief of Police:
 - a. cautions an employee about poor behavior,
 - b. sets forth the corrected or modified behavior mandated by the department,
 - c. specifies the penalty in case of recurrent poor behavior.

An employee may appeal a written reprimand in writing within ten days of its receipt. The employee may appeal the reprimand to the city manager, who shall be the final arbiter.

F. Demotion or suspension without pay

1. If the situation warrants, the Chief of Police, in consultation with the city manager, may demote an employee, suspend without pay.
2. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police and City Manager.
3. If an employee becomes a candidate for suspension a second time within one year after the first suspension, the employee may be dismissed.
4. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.
 - a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, he/she shall immediately be placed on administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may take appropriate disciplinary action based on the

results of the internal investigation, including indefinite suspension or termination.

- b. An employee who is acquitted of criminal charges may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
5. Any employee suspended for a period five days or longer shall return all department-owned property. On any suspension, the officer must return to department custody his or her badge, identification card, and issued firearm.
6. During a suspension, the employee shall not undertake any official duties.
7. Demotion shall be to the next lowest rank. Demotion shall apply only to the sergeant or senior officer.
8. An employee may appeal a suspension within five days of notice. An employee may appeal a suspension through the Chief of Police to the city manager, whose decision is final.

G. Termination

1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.
2. Employees may appeal a dismissal within five days of receipt of notice, and may appeal in accordance with the procedure outlined under Policy 4.7

H. Reporting arrests


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

V. PROGRESSIVE DISCIPLINE

- A. Except for gross breaches of discipline, moral turpitude, or serious violations of law or conduct, the department generally follows the principles of progressive discipline.
- B. Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that a probationary employee has no right of appeal. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.

VI. ADMINISTRATION OF SUSPENSIONS, DEMOTIONS, OR DISMISSALS

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension, demotion, or termination the chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.
- B. Upon receipt of the recommendations, if the Chief of Police believes the discipline should be greater than a written reprimand, the chief shall request that the officer read the written investigation summary and initial each page. The review will take place in the presence of the investigating officer or other staff member. The employee will be allowed to add a written statement to the investigative package stating any arguments with the evidence or investigation process. This statement will be prepared and added to the investigation summary before the employee and the investigating officer leave the review site.
- C. The Chief of Police will meet with the employee and allow the employee to make any statement regarding the evidence or investigation, and review any written statement provided by the employee. The Chief of Police will then have the employee report back after a period of time determined by the chief.
- D. The Chief of Police will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- E. The chief will meet with the employee to inform him or her of his/her decision. The chief will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline, and the employee's appeal rights.
- F. Copies of all investigation reports that indicate disciplinary action and all other disciplinary paperwork will be filed in the employee's personnel file. A copy of the investigation report will be maintained in the internal investigations files.

	MINEOLA POLICE DEPARTMENT	
	Policy 2.6 Accident and Injury Prevention	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference: 4.10	

I. POLICY

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

II. PURPOSE

The purpose of this policy is to provide the authority and operating procedures for review of agency motor vehicle crashes and personnel injuries.

III. DEFINITIONS

- A. Motor Vehicle Accident: For purposes of this policy, a motor vehicle crash is any collision of a vehicle owned by or assigned to this agency with another vehicle, stationary object, or person that results in property damage (regardless of amount) and/or personal injury.
- B. Personal Injury: For purposes of this policy, a personal injury is any injury to a member of this department that results in immediate or subsequent treatment by a physician, in lost work time, or one requiring reporting under workers’ compensation rules.
- C. Non-preventable Crash or Injury: A crash or personal injury shall be classified as non-preventable when it is concluded that the member/operator exercised reasonable caution to prevent the crash or injury from occurring and observed applicable agency policy, procedures, and training.
- D. Preventable Crash or Injury: A crash or injury shall be deemed preventable when the member/operator failed to observe agency policy, procedures, or training.

and/or failed to exercise due caution or appropriate defensive driving or trained defensive tactics.

IV. PROCEDURES:

A. Training

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

B. Accident Review Board Authority and Responsibilities

1. This agency's Accident Review Board (ARB) shall be responsible for conducting administrative reviews and/or hearings regarding agency motor vehicle crashes and on-duty personal injuries of agency personnel.
2. The ARB is responsible for reviewing all aspects of these incidents and identifying causative and/or contributory factors, where possible. The ARB shall serve in an advisory capacity only, using this agency's chain of command to present findings and make recommendations to the Chief of Police. The ARB may draw conclusions concerning whether the accident or injury was preventable but may not recommend discipline or other personnel action.

C. Board Composition

1. The ARB shall consist of at least three and not more than five voting members as determined and selected by the Chief of Police. Three voting members are required to establish a quorum.
2. The board shall be chaired by a senior supervisor or command-level officer for a period of time designated by the Chief of Police. The chairperson shall be responsible for establishing board-operating procedures, where not otherwise specified in this policy, subject to the approval of the Chief of Police. The chairperson shall ensure that all personnel under review are provided with current operating procedures of the ARB.
3. The ARB chairperson may appoint a nonvoting board coordinator on a permanent or temporary basis for the purpose of processing departmental motor vehicle crash and injury reports, scheduling cases for review or hearing, and processing disposition reports, among other tasks.
4. Any member of the ARB who does not feel capable of making an impartial decision in a given case because of a conflict of interest with individuals involved or for other reasons shall request replacement for purposes of that specific case review.

5. The ARB chairperson has the authority to call members of this agency to testify at board hearings or to provide written statements necessary for board review.
6. Recommendations of the ARB shall be made by a simple majority vote.

D. Reporting and Investigating Motor Vehicle Crashes and Injuries.

1. Unless incapacitated, employees are responsible for immediately notifying communications or their supervisor of any motor vehicle crashes and any personal injury sustained while on duty. Communications shall notify the on-duty patrol supervisor and the watch commander.
2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. The supervisor will also conduct an investigation and complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury.
3. Where feasible, the supervisor, any accident investigators, and the involved officer(s) shall file reports on departmentally approved forms within 24 hours of a crash or injury occurrence.
4. The supervisor shall prepare a memorandum to the Chief that shall include the following information:
 - a. Details of the accident or injury and contributory factors to the crash or injury.
 - b. Statements of witnesses.
 - c. Name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.
 - d. A statement as to whether the supervisor believed the member's injury or crash was "preventable" or "non-preventable"—as defined by this policy—with documentation supporting those conclusions.
 - e. Any recommendations that would help prevent similar crashes in the future.

5. ARB Proceedings

- a. The ARB shall convene as soon as practicable or as directed by the Chief of Police following an agency-involved motor vehicle crash or reportable injury for hearings and/or deliberations.
- b. The board may consider investigative reports submitted from agency personnel and/or statements of witnesses. The board's findings will be classified as preventable or non-preventable.
- c. As soon as possible after completing its review, the ARB shall submit a preliminary written report of its findings, conclusions, and recommendations to the involved officer(s), through the chain of command to the agency Chief of Police. Such recommendations may include but are not limited to the following:
 - i. remedial or refresher training,
 - ii. modifications or evaluation of equipment; and

iii. modifications or review of agency policy, procedures, training, or tactics.

d. The Chief of Police may order an internal investigation if policy or procedure were violated.

6. Appeal Procedures

a. Officers may appeal findings and recommendations of the ARB regarding preventable crashes or injuries by submitting a written appeal to the Chief of Police within five days of the issuance of its preliminary report. Appeals must be accompanied by a written statement specifying points of disagreement with, or perceived oversights in, board findings, and/or provide additional information not previously considered that may bear on the board's findings and recommendations.

b. Where uncontested within five days or when otherwise unmodified, the preliminary report of findings of the ARB shall be considered final.

c. The Chief of Police will notify the employee of his or her decision by memorandum within ten days of receipt of their appeal.

7. Remedial Action

In addition to any other disciplinary measures taken by the department for a violation of policy, the department has the options listed below that can be applied to personnel involved in crashes:

a. Members of the department that have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or undergo other corrective measures.


b. A member of the department has two or more preventable vehicle crashes within a 12-month period may be placed on non-driving status for a period of six months, in addition to any necessary training.

c. A member who has three or more preventable vehicle crashes in a 24-month period may be placed in a non-driving status.

d. More than four vehicle crashes in any five- year period may result in termination for failure to perform basic job functions in a safe manner.

e. Members of the department who have repeated preventable injuries may be terminated due to inability to perform basic job functions in a safe manner.

E. Annually the patrol supervisor shall conduct an analysis of all accidents and injuries and make any recommendations for training, equipment, or policy changes needed to reduce employee motor vehicle accidents resulting in property damage and/or personal injuries. The report with its recommendations will be forwarded to the Chief of Police for review and any action necessary.

	MINEOLA POLICE DEPARTMENT	
	Policy 2.7 Court Appearance	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURES

A. Subpoenas


1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action.
2. Officers who have been served subpoenas or been given other official notice to appear before a criminal court by means other than the foregoing are responsible for complying with this directive and for providing agency notification as soon as possible of the need for appearance.
3. Officers who are served with a subpoena shall immediately notify their supervisor and provide the supervisor with a copy.

B. Preparation for Trial

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

C. Appearance in Court

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

	MINEOLA POLICE DEPARTMENT	
	Policy 2.8 Use of Social Media	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

Social media platforms provide a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem solving, investigations, crime prevention, and other related objectives. The department supports and utilizes the secure and appropriate use of social media to enhance communication, collaboration, and information exchange.

The department also recognizes the role that these tools play in the personal lives of department personnel. Because the improper use of social media platforms by employees may impact department operations, the department provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

These policies and procedures apply to all personnel including sworn and non-sworn employees, reserve officers, and any volunteers working with the department.

II. PURPOSE

The purpose of this policy is to establish guidance for the management, administration, and oversight of social media. This policy is not meant to address one particular form of social media but social media in general, as advances in technology will occur and new tools will emerge.

III. DEFINITIONS

A. Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “web log.”

B. Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

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

IV. DEPARTMENT SPONSORED SOCIAL MEDIA

A. Requirements for Department Sponsored Public Social Media Sites

1. The department's Public Information Officer is responsible for the management, posting, and monitoring of the department's public social media network sites. Other members of the department may post and monitor specific social media sites as approved by the Chief of Police.
2. The Chief of Police, with input from departmental members and the public information officer will determine the extent of the department's official use of social media platforms. No social media platform will be utilized by the department without the express approval of the Chief of Police.
3. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
4. Where possible, the page(s) should link to the department's official website.
5. Social media pages shall clearly indicate that they are maintained by the department and shall have department contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
7. Content is subject to open government laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open government laws, records retention laws, and e-discovery laws and policies.

8. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
9. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any posting.
10. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

B. Operation of Department Sponsored Public Social Media Sites

Department personnel approved by the department to post to social media outlets shall do the following:

1. Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
2. Identify themselves as a member of the department.
3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
4. Not conduct political activities or private business.
5. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
6. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

C. Uses of Departmental Sponsored Social Media Sites

1. Social media can be used to make time-sensitive notifications related to:
 - a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
2. Social media is a valuable investigative tool and may be used to seek evidence or information about the following:
 - a. missing persons,
 - b. wanted persons,
 - c. gang participation,
 - d. crimes perpetrated online,
 - e. photos or videos of a crime posted by a participant or observer.
3. Social media can be used for community outreach and engagement for the following purposes:
 - a. providing crime prevention tips,
 - b. offering online-reporting opportunities,
 - c. sharing crime maps and data

- d. soliciting tips about unsolved crimes (e.g., Crime Stoppers, text-a-tip).
4. Social media can be a valuable recruitment mechanism, since many people seeking employment and volunteer positions use the internet to search for opportunities.
5. Background investigations.
 - a. This department has an obligation to include internet-based content when conducting background investigations of job candidates.
 - b. Search methods shall not involve techniques that are a violation of existing law.
 - c. Vetting techniques shall be applied uniformly to all candidates.
 - d. Every effort must be made to validate internet-based information that is considered during the hiring process.

D. Use of Covert Social Media Sites for Investigative Operations

1. Covert or undercover social media sites are exempt from the requirements of sections 1, 2, and 3 above.
2. Only the Chief of Police may approve the use of any covert or undercover social media site or postings to other social media sites for undercover investigative operations. A supervisor will be assigned to monitor the operation of the investigation.
3. Prior to operating any covert or investigative social media site, or posting to other social media sites for purposes of a covert or undercover investigation, the supervisor shall make contact with the prosecuting attorney and the city attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government as well as records retention requirements.

V. PERSONAL USE OF SOCIAL MEDIA

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following rules when using social media:

1. Members of the department may not access social networking or social media sites through the use of departmentally provided information systems unless authorized to do so on behalf of the department or during the course of an investigation.
2. Social media activities shall never interfere with work commitments.
3. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or an assisting agency is absolutely prohibited without the approval of the Chief of Police.
4. All matters of, by, within, and about department details regarding calls for service and the customers we interact with are generally considered confidential information that may not be released, blogged about, posted, or otherwise shared

outside the department without prior authorization that has been obtained through an official open- records request, or without the information already being in the public realm [already otherwise released officially].

5. Display of departmental logos, uniforms, uniform patches, or departmental badges on their own or other social media sites is prohibited without written approval of the Chief of Police.

6. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

7. As public employees, department personnel are cautioned that speech, whether on or off-duty, made pursuant to their official duties—that is, speech which owes its existence to the employee’s professional duties and responsibilities—may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.

8. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

9. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police.

a. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without that member’s permission. In relation to this, department personnel are cautioned not to post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are working, or who may reasonably be expected to work, in undercover operations shall not post any form of visual or personal identification.

b. Personnel are reminded that many individuals that we contact in our profession become angry and on occasion seek revenge for official actions taken. Employees are encouraged not to post any information that could be used to identify an employee’s residence, vehicle, or the identity of family members.

10. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department’s code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.


b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

- c. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
 - d. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
 - e. Department personnel should be aware that they may be subject to civil litigation for the following:
 - i. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - ii. publishing or posting private facts and personal information about someone without that person's permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - iii. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
 - iv. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
12. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and never assume that personal information posed on such sites is protected.
13. Department personnel are reminded that the department policies and Code of Conduct applies to on-line activities.
14. There should be no expectation of privacy for items or activities conducted on-line.

B. Monitoring of Social Media

1. Supervisors within the department may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.
2. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

3. No supervisor or member of the department below the rank of Chief of Police is authorized to cancel, modify, or make exceptions to the contents of this order at any time.

	MINEOLA POLICE DEPARTMENT	
	Policy 2.9 Mental Health Leave	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. REFER TO CITY OF MINEOLA HANDBOOK POLICY 5.12.1

	MINEOLA POLICE DEPARTMENT	
	Policy 3.1 Basic Training Requirements	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 1.09, 3.05, 3.06, 3.07, 3.08, 3.09, 3.18, and 8.11.	

I. POLICY

Today’s society is both multi-faceted and complex. In order to provide effective law enforcement services, it is imperative that officers as well as non-sworn employees have the training necessary to accomplish their mission. The Mineola Police Department is committed to providing the training necessary to meet Texas state requirements.

II. PURPOSE

The purpose of this policy is to provide members of the department with details of the training required by the department and their responsibilities with regard to maintaining that training.

III. REQUIRED TRAINING

A. Basic Training

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

B. Field Training

1. All sworn members of the department are required to complete the department’s field training program as outlined in Policy 4-2 within the time period specified.
2. Officers with prior experience may qualify for expedited field training if they are able to demonstrate proficiency in all required areas.

C. In-service training (TBP: 3.06)

1. All sworn personnel of the department shall, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include, but is not limited to, the following:
 - a. A review of changes or revisions in Texas state law
 - b. Training required by the legislature during each four-year training cycle
 - c. Specialized training required at the direction of the Chief of Police or the Commission based on assignment
 - d. Supervisory training
 - e. Policies and procedures
 - f. Firearms training and qualifications.
2. In each two-year cycle, sworn officers must receive the following training:
 - a. Hands-on arrest and/or defensive tactics training
 - b. Initial or refresher self-aid /buddy aid training
 - c. Initial or refresher implicit bias training
 - d. Initial or refresher force avoidance training (de-escalation training)
 - e. Initial or refresher crisis intervention training
 - f. Initial or refresher mental health training
3. Sworn personnel are responsible for remaining current on the training necessary to maintain their license and any special certifications they may hold. The department will provide officers with the training or provide the time and funding necessary to obtain the training, provided such certifications are deemed beneficial to the agency. Much of the required training can be obtained on-line from the Commission website.
4. Reserve officers will meet the same in-service training requirements as regular officers. (TBP: 3.07)

D. Supervisory training (TBP: 3.09)

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

E. Civilian personnel (TBP: 3.08)

1. All newly appointed civilian personnel will receive the following training from the Chief or his/her designee:
 - a. Orientation to the department's role, purpose, goals, policies, and procedures
 - b. Working conditions, rules, and regulations
 - c. Responsibilities and rights of employees.
2. Non-sworn communicators and communications supervisors will complete a TCOLE basic tele-communicators and TCIC/NCIC full operators training within one year. Telecommunicators will also complete departmental field training. TBP: 3.18)

3. Records personnel or personnel assigned to records processing will complete a course in Texas state open records and records retention within six months of hire.
4. Any non-sworn personnel who have state-required or job-specific training will be provided that training either prior to job assignment or within one year of assignment.

IV. TRAINING EXPECTATIONS

A. Attendance

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

B. Expenses

Refer to City of Mineola Employee Handbook policies 2.10 and 2.12

V. DEPARTMENTAL TRAINING

A. Performance-based training

The Commission requires performance-based training. This method of training requires the development of performance objectives. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. This approach also enables the instructors to relate training directly to the job performance that will be expected by supervisors. An employee who develops an outline for instruction of a topic must develop objectives that have the following characteristics:

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

B. Lesson plans

1. Lesson plans are required for all training courses conducted or sponsored by the department. It is the responsibility of the individual instructor, whether a member of the department or not, to provide the Chief or his/her designee,

with a copy of the lesson plan for approval. A copy of the lesson plan will be maintained along with rosters of personnel attending the training.

2. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationship to the job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include the following:
 - a. Conferences (debate, discussion groups, panels and seminars)
 - b. Field experiences (field trips, interviews, operational experiences, and observations)
 - c. Presentations (lectures, lecture-discussion, lecture-demonstration)
 - d. Problem investigations (committee inquiry, critical incidents)
 - e. Simulations (case study, simulation, games, and role-playing).

C. Instructors

1. Instructors for all department training programs shall:
 - a. Have a minimum of two years law-enforcement experience, or
 - b. Have completed a TCOLE instructor's course and be certified as an instructor, or
 - c. Possess a demonstrated skill in an area of instruction, or
 - d. Have knowledge of teaching theories, methods, and practices along with some knowledge of law-enforcement practices.
 - e. Provide the department with a resume or CV setting forth the experience and qualifications of the instructor.
2. Instructors enlisted from outside the department shall be approved by the Chief or his/her designee. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for lesson plans as previously stated. Any compensation will be determined by the Chief of Police.
3. Before being allowed to instruct any state-mandated courses at the department, instructors shall be certified as a TCOLE Basic Instructor.

VI. REMEDIAL TRAINING

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

VII. TRAINING RECORDS (TBP: 3.05)


A. Training records

1. The Chief of Police, or his/her designee, shall maintain a training record for each employee that includes the following:

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

The Commission's TCLEDDS will be used for sworn members of the department.

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

	MINEOLA POLICE DEPARTMENT	
	Policy 3.2 Field Training	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 3.12, 3.13, 3.14, 3.15, and 3.16	

I. POLICY

It is the policy of the Mineola Police Department that all employees receive training that is mandated by the state and adequate additional instruction in all areas required for the proper performance of specific tasks that are assigned to the department's officers.

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

This training takes place during a field training program. Experienced officers who have been trained as field training officers (FTO) are used to instruct new officers to ensure that our officers are trained and capable of performing their duties.

II. PURPOSE

The purpose of this policy is to outline the procedures to be used in the field training program.

III. PROCEDURES

A. Organization and Administration

The authority and responsibility for the initial field training of sworn officers shall be vested in the supervisor of the field training program of the Mineola Police Department.

B. Field Training Program Requirements

1. Newly hired officers, after successful completion of the basic police academy training, are required to complete the field training program prior to being released for full field duty. (TBP: 3.12c)
2. The eighteen (18) week training period for new officers shall be divided into five phases in which the officer will be rotated to each of the patrol shifts, whenever possible. Each phase has a duration as follows:
 - a. Phase I – Four (4) weeks
 - b. Phase II – Four (4) weeks

- c. Phase III – Four (4) weeks
 - d. Phase IV – Four (4) weeks
 - e. Phase V – Two (2) weeks
 - f. Following the successful completion of the eighteen (18) week field training program, qualified officers shall be evaluated weekly for an additional twelve (12) weeks by their immediate supervisor. (TBP: 3.12b, e; 3.16)
3. Newly hired officers who have at least two years prior service as a sworn officer may complete a more abbreviated field training program, the length and content of which is determined by the field training supervisor. (TBP: 3.12d)
4. During the field training program, the new officer shall receive additional training and evaluations in such areas as department policy, procedures, rules, regulations, patrol procedures, first aid, and victim/witness rights, etc., as outlined in the Mineola Police Department Field Training Manual.
 - a. The field training program shall identify the tasks most frequently performed by officers and evaluate the new officer's job performance in those dimensions.
 - b. Standardized evaluation techniques designed to measure the new officer's competency in the required skills, knowledge, and abilities shall be used.
 - c. New officers will be evaluated daily by their field training officer and the evaluation discussed with the new officer. The new officer and the FTO will sign the evaluation and it will be forwarded to the field training supervisor for filing. If the new officer disagrees with any comments or ratings, the new officer may note the disagreement on the form and request review by the field training supervisor. (TBP: 3.15)
5. The field training period may be extended when the performance of the new officer indicates additional training is needed, which would be indicated in the FTO evaluations.
6. New employees shall be informed of the activities and actions involved in the recognition process as part of their orientation period with the department.
7. The field training supervisor will maintain communication with the FTOs for the purpose of assisting with training problems and for conducting end-of-phase evaluations at the end of each of the five training phases. The field training supervisor will maintain responsibility for the training files that contain the FTO evaluations.
8. All reserve officers are required to successfully complete a structured field training program before the reserve may operate as a solo unit.
9. Reserve officers are required to complete the field training program. The field training must be completed within three years of completion of the reserve academy or appointment as a reserve officer. If the reserve officer fails to complete the FTO program within the three-year period without reasonable justification, or if the reserve officer is failing to progress through the field training program due to performance problems, a recommendation of termination will be made by the field training supervisor to the Chief of Police.


10. Following the successful completion of the field training program, solo reserve officers will be evaluated monthly for an additional six months by their immediate supervisor.
11. The field training period may be extended when the performance of the reserve officer indicates additional training is needed, as indicated in the FTO evaluations.

C. Field Training Officer Selection and Training

1. The Chief of Police will solicit recommendations from departmental supervisors. The Chief will review prior performance evaluations, activity levels, any complaints and commendations as well as advanced training. The Chief will interview potential candidates and make a determination based on the best interests of the department. Selection of field training officers will be based on the best officers available for the assignment and those that represent the true mission and values of the department. (TBP: 3.12a)
2. FTO's will successfully complete an approved training program that meets TCOLE standards prior to receiving an FTO assignment. All officers assigned as FTO's will receive FTO orientation training conducted by the field training supervisor. (TBP: 3.13)
3. The training effectiveness of the FTO's shall be evaluated by their immediate supervisor and field training supervisor.
4. FTO's shall conduct their training and make required reports and recruit evaluations as outlined in the Field Training Manual.
5. New officers and lateral sworn officers shall evaluate each FTO from which they have received training after completion of each phase in the FTO program. This shall be accomplished in writing, as outlined in the FTO Manual, utilizing the appropriate form.

D. Periodic Program Review

1. Each January, the field training supervisor will meet with all field training officers to review the conduct of the FTO program and determine if any changes are required. (TBP: 3.14)
2. A report of the findings of this meeting shall be forwarded to the Chief of Police for any action required.

	MINEOLA POLICE DEPARTMENT	
	Policy 4.1 Hiring and Selection	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: 2.23, 3.17, 4.01, 4.02, 4.03, and 4.04.	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Disability: A physical or mental impairment that substantially limits one or more of the major life activities.
- B. Good moral character: The attributes of a prospective employee that enhance his or her value to the department and the goals of community-oriented policing, among which are honesty, integrity, truthfulness, obedience to the oath of office and the department's code of ethics, respect for authority, and respect for the rights of others.

IV. QUALIFICATIONS FOR EMPLOYMENT

- A. The minimum qualifications that all applicants for the position of police officer must meet include the following:
 - 1. Age of 21.
 - 2. High school graduation or GED completion.
 - 4. Pass a background investigation that includes the following:
 - a. Personal and family history
 - b. Credit history, including current creditors
 - c. Education, including all schools attended and degrees or certificates obtained

- d. All residences for the past ten years
 - e. Comprehensive employment history
 - f. A fingerprint-based criminal history search, including all arrests, locations, dates, and dispositions
 - g. Traffic summonses and accidents
 - h. An inquiry of family, friends, and associates as to character and reputation, plus an informal interview with the applicant's spouse or "significant other," as well as any ex-spouse.
- 6. Pass a polygraph test.
 - 7. Pass an oral interview.
 - 8. Pass a physical examination, psychological screening, and a drug test.
 - 9. Be of good moral character.

NOTE: Good moral character is determined by a favorable report following the comprehensive background investigation. Also, the interview shall be employed to help evaluate good moral character. Good moral character ensures compatibility with the department's community-oriented policing goals.

- 10. Any other standards set by law or by policy of the Texas Commission on Law Enforcement.

V. DISQUALIFIERS FOR EMPLOYMENT

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

- A. Conviction or admission of any felony, or a conviction of a Class A misdemeanor.
- B. Conviction of any Class B misdemeanor in the past ten years.
- C. Conviction or admission of marijuana use within the past two years, or of any other illegal drug within the past five years.
- D. Conviction of family violence.
- E. Dishonorable discharge from the military.

VI. APPLICATION PROCESS FOR SWORN OFFICERS

A. The applicant must do the following:

- 1. Complete a written city application and a personal history statement, and submit them to the Chief of Police.
- 2. Submit a copy of each of the following documents:
 - a. Birth certificate
 - b. Driver's license
 - c. High school diploma or transcript, or GED certificate
 - d. Credit report dated no more than 90 days prior

- e. Any college transcripts
 - f. Copy of military discharge papers, if any.
3. Arrange with the Chief of Police to appear for other steps in the selection process.

VII. SELECTION PROCESS FOR SWORN OFFICERS (TBP: 4.01)

- A. The Chief of Police or designee will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief assigns an officer to conduct a preliminary review of the candidate and schedules appropriate interviewing. If no opening exists, the application will be placed in a file to await an opening. When an opening occurs, the applicant will be contacted to determine if he/she is still interested in the position.
- B. An employee will be assigned to conduct a preliminary review of the applicant. He/She shall perform the following:
- 1. Obtain the applicant's driving record from DPS.
 - 2. Have the applicant sign information release forms.
 - 3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities.
 - 4. Obtain an NCIC/TCIC criminal history check.
 - 5. The candidate is graded on an applicant interview sheet and either passes or fails the interview.
 - 6. Those passing the interview will then be considered for conditional offers of employment. The applicant's packages will be forwarded to the Chief for offering employment.
- C. The Chief of Police will meet with the applicant who best meets the needs of the department and conduct a detailed interview with the candidate. If the Chief approves, he/she will issue the candidate a conditional offer of employment. A copy will be given to the applicant. The offer of employment is conditional upon the whether the candidate passes the following:
- 1. A polygraph examination
 - 2. An in-depth background investigation. NOTE: The background check shall specifically include contact with all former law enforcement employers. (TBP: 3.17) Also, see A.4 above.
 - 3. A physical exam
 - 4. A drug screen
 - 5. A psychological screen.
- D. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may question the applicant regarding his or her prior medical problems, including any worker's compensation claims and conditions. The officer will then conduct a detailed background investigation in accordance with the Background Investigation Manual. He/she shall also schedule the applicant for any further testing. (TBP: 4.03)

E. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the Background Investigation Manual.

F. The polygraph examination will be conducted by an operator certified and licensed by the State of Texas to conduct polygraph examinations. (TBP: 4.02)

G. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.

H. Following a medical examination, an offer of employment may be withdrawn if the applicant is incapable of performing the core job functions for the position or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced . . . through reasonable accommodation"). The Chief must base the threat on medical knowledge, not just speculation.

I. If the individual is approved for hire, the Chief will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the Conditional Offer of Employment has been withdrawn and the reason stated plainly.

J. Unsuccessful applicants who do not have permanent disqualifiers may re-apply after one year from the date of the last application if a vacancy exists.

VII. APPLICATION PROCESS FOR NON-SWORN PERSONNEL

A. The applicant must do the following for all positions within the police department:

1. Complete a written city application and personal history statement and submit them to the Chief of Police.
2. Copies of the following documents will also be submitted:
 - a. Certified Birth certificate
 - b. Driver's license
 - c. High school diploma or transcript, or GED certificate
 - d. Any college transcripts
 - e. Copy of social security card
 - f. Copy of Peace Officer certificate
 - g. Copy of Texas Peace Officer License and all training certificates
 - h. Certified Copy of Naturalization papers, if applicable.
 - i. Current proof of automobile liability insurance
 - j. Copy of military discharge papers, if any.
3. Arrange with the Chief of Police to appear for other selection process steps.

VIII. SELECTION PROCESS FOR NON-SWORN PERSONNEL (TBP: 4.01)

- A. The Chief of Police will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief assigns an officer to conduct a preliminary review of the candidate. If no opening exists, the application will be placed in a file until there is an opening. When an opening occurs, the applicant may be contacted to determine if he/she is still interested in the position.
- B. The employee assigned to conduct a preliminary review of the applicant shall perform the following:
 - 1. Obtain the applicant's driving record from DPS
 - 2. Have the applicant sign information release forms
 - 3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities
 - 4. Obtain an NCIC/TCIC criminal history check
 - 5. Conduct any job-specific testing required, such as a typing test for communications.
- C. The Chief of Police will meet with the applicant who best meets the needs of the department and conduct a detailed interview with the candidate. During the interview, the Chief of Police shall consider the applicant's appearance (for neatness and cleanliness), mannerisms, judgment, maturity, resourcefulness, and compatibility with departmental goals. If the Chief approves, he/she will issue the candidate a conditional offer of employment. A copy will be given to the applicant. The offer of employment is conditional upon the candidate passing:
 - 1. A background investigation
 - 2. A physical
 - 3. A drug screen
- D. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The officer will then conduct a detailed background investigation in accordance with the Background Investigation Manual. He/she shall also schedule the applicant for the necessary medical testing. (TBP: 4.03)
- E. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the Background Investigation Manual. (TBP: 3.17)
- F. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.
- G. Following a medical examination, an offer of employment may be withdrawn if the applicant cannot perform the core job functions or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced . . . through reasonable

accommodation"). The Chief must base the threat on medical knowledge, not just speculation.

- H. If the individual is approved for hire, the Chief will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the Conditional Offer of Employment has been withdrawn and the reason stated plainly.


IX. PERSONNEL RECORDS

- A. For each employee, the department maintains a personnel file. This file contains the background investigation package, a copy of all forms completed during the hiring process, all evaluations, disciplinary action amounting to a written reprimand or higher, leave/attendance record, and assignments. The original of the officer's background investigation and all selection materials are sealed in an envelope in this file, which is confidential. All TCOLE required documents are maintained in this file and must be secured with access limited to designated personnel. (TBP: 2.23, 4.04)
- B. The Chief of Police/Records Clerk maintains and controls all personnel records. The department complies with the records retention schedule set by state law and city policy. (TBP: 4.04)
- C. Employees may review their records at any reasonable time upon request. The Chief may release a copy of a record from file upon obtaining a signed authorization from the employee.
- D. All personnel records are considered confidential. Supervisory or investigative personnel who have a need to review sensitive information may do so only with the express approval of the Chief of Police.
- E. If the Chief deems it necessary to include derogatory information in a personnel file, he/she shall notify the employee of the fact in writing. The employee may protest the inclusion of such information in writing to the Chief. Probationary employees have no right of protest in such matters.
- F. Personnel records are the permanent property of the department.
- G. Officers from the department may terminate employment and seek a lateral hire with another agency. Requests for employment information on these officers shall be referred to the Chief. The Chief shall disclose the employee's performance record consistent with current law.
- H. All records of unsuccessful applicants shall be maintained in a confidential file by the Chief of Police. These records can be released to other law enforcement agencies when requested and a properly executed release form is obtained from the subject of the records. (TBP: 4.04)
- I. Photographs of sworn officers shall not be released by the department to any organization or media outlet, nor shall any be posted on any department website, or

in a publicly displayed department yearbook or photograph unless the officer has given his or her consent or signed a release to that effect. Exceptions to this prohibition include:

1. If the officer is charged by indictment or information.
2. If the officer is a party in an arbitration process.
3. If the officer's photograph is introduced in judicial proceedings.

NOTE: Photographs displayed on officer's identification cards are not considered released as they are intended for internal use or to properly identify an officer if required.

	MINEOLA POLICE DEPARTMENT	
	Policy 4.1.2 Medical and Psychological Examination of a Licensee	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

This agency strives to provide a safe and productive work environment and ensure that all members of this agency can effectively perform the essential functions of their jobs. Under limited circumstances, the agency may require a professional examination of a member’s physical or mental capabilities to determine the ability to perform essential functions.

II. PURPOSE

Monitoring a member’s fitness for duty, both medically and psychologically, is essential for the safety and welfare of the members of the agency and the community. The purpose of this policy is to ensure that all members of this agency remain medically and psychologically fit for duty and able to perform their essential job functions.

III. MEMBER RESPOSIBILITIES

1. It is the responsibility of each member of this agency to maintain physical stamina and psychological stability sufficient to effectively perform the essential duties of the position.
2. Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event a member believes that another agency member is unable to effectively perform their duties, such observations or belief shall be promptly reported to a supervisor.

IV. SUPERVISOR RESPONSIBILITIES

1. All supervisors should be alert to any indication that a member may be unable to safely perform their duties due to an underlying physical or psychological impairment or condition.
2. Such indications may include, but are not limited to the following:
 - a. An abrupt and negative change in the member’s usual or normal behavior;
 - b. A pattern of irrational conduct, hostility, or oppositional behavior;
 - c. Personal expressions of instability.

- d. Inappropriate use of alcohol or other substances, including prescribed medication;
 - e. A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions; and
 - f. Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.
3. Supervisors shall maintain the confidentiality of any information consistent with this policy.

V. REPORTING

1. A supervisor observing a member, or receiving a report of a member, who has just cause to believe the member is unable to effectively perform their duties shall promptly document all objective information or observations.
2. The supervisor should attempt to meet with the member to inquire about the Conduct or behavior giving rise to the concerns.
3. If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document observations and actions in writing and inform the appropriate supervisor within the member's chain of command.

VI. DUTY STATUS FITNESS-FOR-DUTY EXAMINATION

1. The appropriate supervisors within the member's chain of command should make a preliminary determination regarding the member's duty status.
2. If a determination is made that the member can effectively perform essential job functions, the member should be returned to duty and arrangements made for appropriate follow-up.
3. If a preliminary determination is made that there is just cause to believe the member's conduct or behavior represents an inability to effectively perform essential job functions, the appropriate supervisor should immediately relieve the member of duty pending further examination.
4. Members relieved of duty shall comply with the administrative leave provisions as set out by agency policy.
5. The chief administrator shall be promptly notified if any member is relieved of duty.

VII. FITNESS-FOR-DUTY EXAMINATION

1. A fitness-for-duty examination (FFDE) may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.
2. DEFINITION OF A FFDE: An FFDE is a formal, specialized examination of an

incumbent member that results from:

- a. Objective evidence that the member may be unable to effectively perform a defined job function; and
- b. A reasonable basis for believing that the cause may be attributable to a medical or psychological condition or impairment.

As such, an FFDE is considered a “medical” examination under the terms of the Americans with Disabilities Act. The central purpose of an FFDE is to determine whether the member is able to effectively perform his or her essential job functions.

3. **THRESHOLD CONSIDERATIONS FOR A FFDE:** Referring an member for an FFDE is indicated whenever there is an objective and reasonable basis for believing that the member, as a result of a medical or psychological condition or impairment:
 - a. May be unable to perform one or more essential job functions; or
 - b. Poses a direct threat to themselves or others.An objective basis is one that is not merely speculative but derives from direct observation or other reliable evidence.
4. When deciding whether to conduct an FFDE, both the employer and examiner may benefit from considering its potential usefulness and appropriateness given the specific circumstances, and the employer may consider whether other remedies (for example, education, training, discipline, physical FFDE) are appropriate.
5. The examiner strives to remain impartial and objective and to avoid undue influences by any of the parties involved in the case.
6. Mental health professionals refrain from rendering fitness-for-duty opinions when they are not conducting an FFDE.

VII. PROCESS FOR NON-SWORN PERSONNEL

1. The chief administrator, in cooperation with the personnel department, may order a member to undergo an FFDE whenever a question arises as to whether the member is medically or psychologically fit to continue in their duties. The examination shall be conducted by the member’s personal physician, psychiatrist, or psychologist, as required by agency policy.
2. To facilitate the examination of any member, the agency will provide all appropriate documents and available information to the person or entity responsible for conducting the examination.
3. The examining practitioner will provide the agency with a report indicating whether the member is fit for duty. If the member is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.
4. A second examination may be ordered by the appropriate authority if the member, the civil service commission, or the chief administrator questions the practitioner’s report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final

determination as to the member's fitness shall be decided in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

5. All reports and examinations submitted by the examining practitioner shall be part of the member's confidential medical file.
6. Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the personnel department.
7. Any member ordered to undergo a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

IX. PROCESS FOR PEACE OFFICERS

1. The chief administrator, in cooperation with the personnel department, may order an officer to undergo an FFDE whenever a question arises as to whether the officer is medically or psychologically fit to continue in their duties. The examination shall be conducted by the officer's chosen physician, psychiatrist, or psychologist, as appropriate and in accordance with applicable laws, including Texas Local Government Code §§ 143.081 and .1115, provisions of collective bargaining, meet and confer, other agreements, or policies.
2. The chief administrator shall provide written notice of the examination to the license holder not later than the tenth business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.
3. To facilitate the examination of any member, the agency will provide all appropriate documents and available information.
4. The examining practitioner will provide the agency with a report indicating whether the officer is fit for duty. If the officer is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.
5. A second examination may be ordered by the appropriate authority if the officer, the civil service commission, or the chief administrator questions the practitioner's report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the officer's fitness shall be decided in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.
6. All reports and examinations submitted by the examining practitioner shall be part of the officer's confidential medical file.
7. Determinations regarding duty status of officers who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the personnel

department.

8. Any officer ordered to undergo an FFDE shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the officer to discipline, up to and including termination.

IX. AGENCY'S RESPONSIBILITIES TO NOTIFY TCOLE

1. License Holder: A Texas County Jailer, Peace Officer, or Telecommunicator.
2. The chief administrator shall notify the Texas Commission on Law Enforcement (TCOLE) upon a final determination that a license holder is unable to effectively perform essential job functions. This notification shall be in writing and submitted to TCOLE within 30 days of the final determination that the license holder is unable to effectively perform essential job functions.
3. The chief administrator shall notify TCOLE if a license holder fails to submit to an examination within the deadline set by the agency. This notification shall be in writing and submitted to TCOLE within 30 days after the deadline set by the agency has expired.
4. The chief administrator shall notify TCOLE as soon as practicable if a license holder has completed the required examination or received notice that the license holder's circumstances have been successfully resolved.


X. FITNESS-FOR-DUTY EXAMINATION MINIMUM STANDARDS

1. Given the nature of these examinations and the potential consequences to the employer, the examinee, and the public, it is important for examiners to perform FFDEs with maximum attention to the relevant legal, ethical, and practice standards and guidelines. Such standards include, but are not limited to, the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. Consequently, it is recommended that these examinations be conducted by a psychologist, psychiatrist, or medical doctor with the appropriate qualifications.
2. Depending on the referral question and the examiner's professional judgment, an FFDE examiner strives to utilize multiple methods and data sources to optimize the accuracy of findings. Examiners integrate the various data sources, assigning them relative weight according to their known reliability and validity. The range of methods and data sources used by an FFDE examiner can vary, but such suggestions and further information about this process can be found in the International Association of Chiefs of Police (IACP) 2018 Psychological Fitness-for-Duty Examination.
3. When conducting the FFDE, it may be necessary for the examiner to receive background and collateral information regarding the member's past and recent performance, conduct, and functioning. The information may include, but is not limited to, job class specifications or job description, performance evaluations, previous remediation efforts, commendations, testimonials, internal affairs investigations, formal citizen or public complaints, use-of-force incidents, reports related to officer-involved

shootings, civil claims, disciplinary actions, incident reports of any triggering events, health care records, prior psychological examinations, and other supporting or relevant documentation related to the member's psychological fitness for duty. In some cases, an examiner may ask the examinee to provide relevant medical or mental health treatment records and other data for the examiner to consider. It is important that all collected information be related to job performance issues or the suspected job-impairing mental condition. Where possible and relevant, it may prove helpful to gather information from other collateral sources.

XI. APPEALS

1. Members disputing the application or interpretation of this policy may submit a grievance as provided in the applicable grievance policy.
2. RESOURCES FOR MEDICAL AND PSYCHOLOGICAL EXAMINATIONS1.
2018 Psychological Fitness-for-Duty Evaluation Guidelines from the IACP
3. The APA Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations
4. 2017 American College of Occupational and Environmental Medicine Guidance for the Medical Eval

	MINEOLA POLICE DEPARTMENT	
	Policy 4.2 Appointment and Probation	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: 1.09 and 2.03	

I. POLICY

The Mineola Police Department is committed to ensuring that the standards of the department are maintained and that the people of our city are served by a competent and professional police department.

II. PURPOSE

The purpose of this policy is to provide a systematic process for the appointment of sworn and non-sworn personnel.

III. PROCEDURES FOR SWORN PERSONNEL

- A. Applicants who have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full-time police officers:
 1. The applicant will meet with the Chief of Police, or designee, and determine a starting date.
 2. On the day selected for employment, the applicant will report to the city personnel office for completion of all initial paperwork and issuance of an identification card.
- B. Upon completion of the initial processing at city personnel, the new employee will report to the police department where he/she will be issued the appropriate equipment. The employee shall sign for the issued equipment.
- C. The new employee shall be issued a complete and up-to-date copy of the department's general orders and field manuals.
- D. The Chief, or designee, shall set a time and place where the new officer shall swear the oath of office. The new officer must take and sign the oath of office before performing any law enforcement duties. (TBP: 2.03)

- E. The Chief, or designee, shall also assign the new employee to a senior training officer for initial field training. The new employee will work the same hours and days off as the field-training officer.
- F. The new officer must possess a valid Texas peace officer license before performing any law enforcement functions. If the officer begins work before attending a basic academy and obtaining a license, he or she shall perform non-police duties only and shall accompany experienced officers as an observer only. (TBP: 1.09)


IV. PROCEDURES FOR NON-SWORN PERSONNEL

- A. Applicants who have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full-time employees:
 - 1. The applicant will meet with the Chief of Police and determine a starting date.
 - 2. On the day selected for employment, the applicant will report to the city personnel office for completion of all initial paperwork and issuance of an identification card.
- B. Upon completion of the initial processing at city personnel, the new employee will report to the police department where he/she will be issued any necessary equipment for a job assignment. The employee shall sign for any issued equipment.
- C. The new employee shall be issued a complete and up-to-date copy of the general orders and field manuals.
- D. The employee will be assigned to another employee for training as required and shall receive training in department operations, personnel rules, and departmental philosophy.

V. PROBATION

- A. All new employees are on probation for a period of one year.
 - 1. Non-sworn personnel are on probation for one year from the date of their employment.
 - 2. All newly hired police officers shall be considered on probation for one year from the date of hire.
 - 3. The same probationary period applies to officers hired through lateral entry.
- B. An employee may be released from employment at any time during the probationary period for any reason. Supervisors who believe a probationary employee's job performance is unsatisfactory should provide evidence of the unsatisfactory performance to the Chief of Police for consideration at any time.

- C. A new employee's supervisor shall rate the new employee using the employee evaluation form at the three, six, and nine month anniversary dates from employment for non-sworn employees. Sworn officers will be rated as required by the field-training manual during the first year. Two weeks prior to the one-year anniversary, the supervisor shall complete and forward a final evaluation form to the Chief of Police recommending the employee be retained or terminated. If the recommendation is for termination, the supervisor shall document the specific work-related performance that is deficient. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures.
- D. Prior to the end of the probationary period, the Chief of Police shall review the performance evaluation. The Chief may approve the employee's permanent appointment or discharge him/her for failure of probation.
- E. Probationary employees who wish to protest their performance ratings have no grievance rights except to request an interview with the Chief of Police.

	DEPARTMENT	
	Policy 4.4 Performance Evaluations	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: 4.08 and 4.09	

I. POLICY

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

II. PURPOSE

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


III. PROCEDURES

A. General

1. All employees shall be evaluated using the departmentally approved form.
2. Supervisors will be trained in the evaluation process prior to conducting the evaluations. (TBP: 4.08, 4.09)
3. Personnel shall be rated based on current City of Mineola personnel policy.
4. With the exception of probationary employees, all performance evaluations will cover one calendar year and shall be completed, signed by the employee and the rating supervisor, and turned in to the Chief of Police at the specified time each year.
5. All evaluations shall be reviewed with the employee and placed in the employee's personnel file.
6. All newly hired employees and officers in their probationary year shall receive quarterly written evaluations if no significant deficiencies are observed.
7. Officers shall be evaluated formally by their immediate supervisor.

B. Evaluation of non-sworn employees and supervisors

1. Non-sworn employees shall be evaluated on forms as required by current City of Mineola personnel policy by their supervisor.
2. Supervisors shall be evaluated by their next level supervisor as required by current City of Mineola personnel policy.

	MINEOLA POLICE DEPARTMENT	
	Policy 4.5 Uniforms, Appearance, and Equipment	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: 1.11, 1.12, 2.13, 7.17, and 7.23.	

I. POLICY

Proper uniforms and equipment are essential to the performance of our law enforcement duties. Officers must present a professional image to the community we serve, one that promotes respect and confidence. All employees must strive to present a clean, well-groomed image when wearing the departmental uniform or representing the department in any capacity.

II. PURPOSE

The purposes of this policy are to provide officers with a list of uniform and equipment items and to provide a departmental dress code for all employees, sworn and unsworn.

III. UNIFORMS AND EQUIPMENT

- A. New employees shall be issued the uniforms and the equipment needed to perform their duties. Employees may purchase and carry additional items that are approved and authorized in writing by the Chief of Police. Employees will not wear, carry, or use any personally owned equipment without the written approval of the Chief of Police, a copy of which will be kept in the employee's personnel file. (TBP: 1.11)
- B. Each employee must sign an inventory sheet listing all uniform and equipment items issued to the employee. The inventory sheet will be maintained in the employee's personnel file.
- C. Employees are responsible for the uniforms and equipment issued.
- D. The employee's supervisor shall ensure that all departmental uniforms and equipment are returned to the department upon resignation, termination, or retirement. Failure to return all items of city property may result in legal action against the employee. (TBP:1.12)
- E. Employees shall have as a part of their issued equipment a copy of the rules and regulations and a copy of the general orders manual. Employees shall maintain these and make appropriate changes or inserts as directed.

IV. UNIFORMS AND EQUIPMENT PROVIDED BY THE CITY

- A. Uniforms and equipment provided to police officers by the City of Mineola shall include:
1. Three (3) pair of trousers
 2. Two (2) short-sleeved shirts
 3. Two (2) long-sleeved shirts
 4. One (1) tie
 5. One (1) shirt badge
 6. One (1) name plate
 7. One (1) raincoat
 8. One (1) winter jacket
 9. One (1) set of leather gear which includes belt, holster, handcuff case, magazine case, and radio case
 10. One (1) protective vest (body armor)
 11. One (1) rifle vest (body armor)
 12. One (1) traffic vest
 13. One (1) duty handgun and magazines with 100 rounds of duty ammunition
 14. Collar Brass or Rank insignia as needed
 15. Duty boots after completion of one year of service or release of probation if probationary period is extended.
- B. Uniforms and equipment that are excessively worn or damaged are replaced by the department. An employee requesting replacement should have the item inspected by his/her supervisor, who will provide written approval for the replacement.
- C. With the written approval of the Chief of Police officers are allowed to purchase additional uniforms and equipment as needed or desired. These items may be purchased from any vendor, but they must comply with current uniform or equipment standards.
- D. The department will not be responsible for personally owned equipment
- E. Uniform items and equipment meeting departmental specifications and provided by individual officers shall include the following:
1. Black, dark navy blue, or white undershirts
 2. Black or dark navy blue socks
 3. Footwear, black leather
- F. Class A Uniforms or civilian business attire (coat and tie for men or equivalent for women) shall be worn for all court appearances.

V. PROTECTIVE VESTS (TBP: 7.23)

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

VI. REFLECTIVE VESTS

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

VII. DEPARTMENTAL APPEARANCE REQUIREMENTS (TBP: 2.13)

A. Uniform Employees

- 1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniform and accessories must be clean and well pressed. No part of the uniform is worn with civilian clothing or vice-versa.
- 2. Undershirts worn with an open-collar, short-sleeve shirt shall be dark navy blue, black, or white in color. Shirrtails will be worn tucked in at all times. Employees wearing a long-sleeved shirt may wear a dark navy or black turtleneck or mock turtleneck during cold weather.
- 3. Rank Insignia. The Chief will wear four gold stars or "CHIEF" on each point of the uniform shirt collar. Employees holding the rank of captain will wear ½- inch gold captain's bars (two gold bars) on each collar point ½ inch from the front edge of the collar centered between the neck line and the bottom edge of the collar. Employees holding the rank of lieutenant will wear one ½-inch bar on each collar point ½ inch from the front edge of the collar centered between the neckline and the bottom edge of the collar. Employees holding the rank of sergeant will wear embroidered chevrons (three) approximately ¼ inch below the

department-issued shoulder patch with the single point up. Employees holding the rank of corporal will wear embroidered chevrons (two) approximately ¼ inch below the department-issued shoulder patch with the single point up.

4. Nameplates. Each employee, regardless of rank, will wear a departmentally issued nameplate, centered ½ inch above the right shirt pocket seam. The nameplate will have the officer's last name and a first initial or first name. The nameplate for officers holding the rank of corporal or higher will be gold while those with a rank below corporal will be silver.
5. Department Shirt Badges. All sworn personnel when in the standard duty uniform will wear their department badge prominently displayed above the left-shirt or outer vest pocket.
6. Footwear. Footwear will be solid black and capable of being shined. Officers must wear solid navy blue or black socks if the socks are visible.
7. Hats or Caps. The departmentally issued hat or cap will be determined and approved by the Chief.
8. Officers are authorized to wear baseball style caps only in conjunction with a utility uniform during specialized assignments upon approval of the Chief or outdoor training. Winter headgear may consist of a navy blue or black knit cap with no visible logos or emblems.

B. Award Ribbons or Medals

Commendation ribbons and medals approved for wear by the department will be worn, centered, above the nameplate on the uniform shirt, no more than three across and three up, and will be worn in order of importance. The wearing of commendation ribbons and medals is optional for those officers who are recipients of such awards while wearing the standard duty uniform and while assigned to standard duty assignments. The wearing of commendation ribbons and medals is mandatory for those officers who are recipients of such awards in all formal settings.

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

With the exception of officers working in a covert capacity, clothing worn by employees in any departmental, non-uniform assignment will conform to accepted business practices. These include but are not limited to the following:

1. Sworn-Slacks or 5.11 style pants, polo or dress shirts (long or short sleeved), ties (excluding bow ties), socks, shoes, and appropriate headwear.
2. Plain color jeans (free of excessive wear or holes) and polo style shirts.
3. Headwear must be appropriate for business dress attire, and the particular item must have prior approval from the Chief or his/her designee.
4. Business or sports coats are optional unless required for a court appearance or other specific event or task.

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

D. Special Assignments

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

E. Court Attire

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

F. Physical Appearance

1. Employees shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner that would draw undue attention to the employee. Female employees will apply their makeup tastefully. Male employees shall not appear for work needing a shave or haircut.
2. Hair length
 - a. Male employees shall wear their hair so as to present a groomed appearance. Hair will not extend past the collar at the back of the neck. Hair on the sides will not extend below the top of the ear and must be mildly tapered. Hair in the front will not extend below the middle of the forehead. Sideburns may extend no lower than the lowest tip of the employee's ear lobe. They shall be of a naturally even width and shall end with a clean-shaven horizontal line.
 - b. Female employees shall wear their hair so as to present a groomed appearance. They shall not be restricted as to the length of their hair; however, if the hair extends below the bottom of the collar it

shall be secured in a bun or ponytail. It shall not hang into the employee's face, either in front or on the sides.

3. Mustaches and beards

Mustaches will not extend beyond the corner of the mouth on a horizontal line, nor below the corner of the mouth on a vertical line, nor below the top line of the upper lip. They shall be neatly trimmed at all times. Goatees and beards will not be permitted except by approval of the Chief of Police.

4. Jewelry

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

5. Personal Hygiene

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


6. Tattoos, Body Art, Piercing, or Branding

- a. While representing the department in an official capacity, no department personnel shall exhibit any visible tattoos, body art, or branding unless approved by the Chief of Police. The only acceptable methods for covering tattoos, body art, or branding are with the official uniform or plainclothes apparel. This regulation does not apply to undercover officers when they are, in fact, undercover. No agency personnel will have tattoos, body art, or branding that cannot be covered by the official uniform or plainclothes apparel.
- b. With the exception of pierced ears, body piercing is not authorized for any agency personnel while representing the department. Body piercing(s) must be covered by the official uniform or plainclothes apparel when agency personnel are representing the department.

VIII. USE OF DEPARTMENTAL FACILITIES AND EQUIPMENT AND EXPECTATION OF PRIVACY.

All employees, reserves, and volunteers are advised that the use of departmental facilities, lockers, vehicles, and any equipment, including computers, telephones, or other electronic devices, is governed by departmental rules and regulations and

that there is no expectation of privacy regardless of whether locks, passwords, or privacy settings are employed.

	MINEOLA POLICE DEPARTMENT	
	Policy 4.6 Off-Duty Employment	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: 4.05	

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 promote the welfare and good reputation of the department this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

II. PURPOSE

The purpose of this policy is to define regulations governing off-duty employment and conduct for an officer who is employed in an off-duty capacity.

III. DEFINITIONS

- A. Off-Duty Employment: Work not done as part of regular employment by this department but which is performed or which provides services for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law-enforcement duties.
- B. Employment related to law enforcement: Off-duty employment that may entail the use of law-enforcement powers granted by the State of Texas or the City of Mineola.
- C. Probationary time: The period of time measured by one calendar year beginning with the date of hire for sworn and non-sworn personnel.
- D. Secondary employment: Any off-duty work for pay that is not related to law enforcement. Secondary employment that does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

IV. PROCEDURES (TBP: 4.05)

A. General.

- 1. All employees are eligible to work off-duty employment subject to the requirements of this policy.

2. No employee shall work off duty during a probationary period.
3. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment.
4. An employee engaged in any off-duty employment may be called to duty in an emergency.

B. Secondary employment restrictions: conflict of interest.

Employment shall not in and of itself constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity that is inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of police department employment.

C. Restriction on off-duty employment that is law-enforcement related.

1. Employment related to law enforcement shall not exceed 16 hours per day, including on-duty time. For example, an employee working a 12-hour tour may work four hours of off-duty employment on the same day, and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time.
2. Officers shall not work any off-duty employment on the same calendar day they call in sick to on-duty employment.
3. Employment related to law enforcement is restricted to the city boundaries unless the officer is working in conjunction with another jurisdiction's regular law-enforcement agency and after having been requested to do so by the Chief of Police or a command level law-enforcement officer in that jurisdiction.
4. Serving as a recruiter and receiving compensation for procurement of law-enforcement related jobs for other department employees is prohibited.
5. No employee shall solicit any person or business for the purpose of gaining law-enforcement related off-duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining secondary employment.
6. Except for public school security activities and other employment specifically authorized by the Chief of Police, city-owned vehicles, radios, or other equipment shall not be used while traveling to and from or engaging in law-enforcement related off-duty employment.
7. Officers engaged in law-enforcement related employment shall be subject to the orders of the on-duty law-enforcement supervisor.

D. Administration.


1. Employees must submit a written request to the Chief of Police through the chain of command for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file.
 - a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the Chief of Police as soon as possible.

- b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the department. Continued permission to work off duty is contingent upon remaining in good standing.
2. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law-enforcement profession or otherwise represents a conflict of interest. Examples of such employment include the following:
 - a. Retailers that sell pornographic materials or provide services of a sexual nature.
 - b. Gambling establishments not exempted by law.
 - c. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, re-possessors, private investigators, or process servers.
 - d. Performance in department uniform of any tasks other than those of law enforcement.
 - e. Performance of any work for a business or labor group that is on strike.
 - f. Performance of any work regulated or licensed through the department.
 - g. Performance of personnel investigations for private firms, or any employment requiring the officer to have access to police files, records, or information as a condition of employment.
 - h. Performance of any activity that supports case preparation for the defense in any criminal or civil action.
3. Arrests made while engaged in off-duty law-enforcement related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
4. Employees shall understand that department liability protection does not extend to willful acts that cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
5. Off-duty arrests shall not be made when the officer's actions only further the interests of the private employer.
6. Officers will not enforce by arrest, request, or threat any house rules or private employer rules.

E. Liability, indemnification, insurance

1. All employees who wish permission to engage in law-enforcement related employment shall submit a request in writing to the Chief of Police. The Chief of Police must grant permission before the employee may work off duty.
2. The submission in writing to the Chief of Police must include the following:
 - a. The precise nature of the work to be performed
 - b. Hours or schedule of the work to be performed
 - c. What equipment the employee must maintain

- d. Insurance coverage of the business providing for medical treatment for job-related injuries and indemnification for litigation arising from off-duty employment.
3. The department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.
4. The department recognizes that an officer in law-enforcement related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and, therefore, an extension of the job. Officers are reminded that their off-duty performance must meet the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.

	MINEOLA POLICE DEPARTMENT	
	Policy 4.7 Community Outreach and Customer Service	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 2.24	

I. POLICY

It is the policy of the Mineola Police Department to embrace the tenants of community policing and engage the community in a positive and trusting manner. Community involvement is essential to the successful operation of any police department. Without the assistance and acceptance of the community, a police agency’s effectiveness will not reach its full potential. Whenever possible, all avenues should be utilized in promoting the respect and cooperation of the public we serve.

All employees will extend reasonable assistance to the public. Reasonable assistance means the level of assistance that call load and current demand levels would permit. Employees must not neglect community services in the belief that the police function is restricted to crime control. It is the goal of the Mineola Police Department to promote good relationships with the public and this goal can be facilitated by professional conduct and effective community outreach.

II. PURPOSE

The purpose of this policy is to guide personnel and to affirm the department’s commitment to seek out opportunities to interact with the public and to build trusting relationships with the community. Feedback from the community and effective community outreach are expected from all employees.

III. COMMUNITY OUTREACH


- A. Manager’s and Supervisor’s Role – Managers and Supervisors, by their words and actions, are to set the example for their subordinates in establishing and maintaining professionalism when interacting with the public and other employees.
 - 1. All managers and supervisors shall ensure their employees maintain professionalism in their conduct, and support them in promoting the respect and cooperation of the community in our daily contacts.
 - 2. Managers and supervisors are expected to keep their subordinates apprised of specific community problems and concerns.

3. Managers and supervisors should strive to cultivate avenues of communications with individual residents and groups within the community where they are assigned. Whenever practical, managers and supervisors should assign personnel to attend neighborhood meetings and civic functions.
 4. Managers and supervisors are responsible to ensure that community feedback is sought by all personnel. (TBP 2.24)
 5. Regardless of workload, the Chief of Police and all command staff should attend community meetings to seek out opportunities and meet with all segments of the community.
- B. The Employee's Role – No one can do more to foster positive police/community relations than the employee who is in contact with the public on a day-to-day basis. Employees must realize that their actions in every community contact have an impact on how the Mineola Police Department is perceived by those we serve. Whenever possible, employees are expected to cultivate the respect and cooperation of the public through these contacts.
1. Employees shall provide reasonable assistance to all residents in need of service.
 2. All personnel are expected to seek out opportunities to promote trust and positive dialog with the public.
- C. Community Outreach –The Mineola Police Department is committed to seeking out constructive community outreach programs that provide opportunities for members of the community and the police department to come together. Department employees are also expected to seek feedback from community members. If actions plans or a new approach is needed to help solve a community concern, police personnel are expected to follow established internal protocols to recommend viable solutions.
1. Examples of Community Outreach Programs that are endorsed by this agency include, but are not limited to (TBP 2.24):
 - a. "Coffee with a Cop" meetings at local venues / restaurants
 - b. Social media outlets
 - c. Officers eating lunch at area schools with students
 - d. Mentorship programs with local at-risk youth
 - e. Regular attendance at civic functions
 - f. Blue Santa
 - g. Infant seat installation safety checks
 - h. Citizens Police Academy
 - i. Back to school – shopping with a cop
 - j. National Night Out/Texans Against Crime

IV. MANDATORY COMMUNITY OUTREACH ON IMMIGRATION STATUS

It shall be the policy of this agency that community outreach shall be established with regard to immigration status information.

1. A peace officer may not inquire into the immigration status of a victim or witness to a crime unless the officer determines the inquiry is necessary to:
 - (1) investigate the offense; or
 - (2) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.
2. Community outreach regarding immigration status shall include, but shall not be limited to, outreach to the following persons:
 - (1) family violence, as that term is defined by Section 71.004, Family Code, including those receiving services at family violence centers under Chapter 51, Human Resources Code; and
 - (2) sexual assault, including those receiving services under a sexual assault program, as those terms are defined by Section 420.003.

	MIINEOLA POLICE DEPARTMENT	
	Policy 4.8 Reserve Officer Program	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 3.07 and 7.27	

I. POLICY

It is the policy of the Mineola Police Department to maintain the highest standards of professional law enforcement services. Volunteers for reserve police officers must meet the same standards as other members of the organization. Reserve police officers should fulfill two primary functions. First, reserve officers serve as auxiliary manpower in situations as needed. Second, they provide an additional interactive link between the community and the police department. Reserve officers are subject to all the applicable rules and regulations that govern regular sworn personnel.

II. PURPOSE

The purpose of this order is to describe the Police Reserve Unit, and outline its objectives, responsibilities, and operation.

III. RESERVE PROGRAM (TBP: 7.27)

A. Requirements and certification

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

B. Certification and reserve officer levels

1. Apprentice Reserve Officers. Active reserve police officers who have obtained required peace officer training but have not completed field training.

2. Reserve Officer. Active reserve officers who have successfully completed basic peace officer certification, have completed field training, and hold basic peace officer license.
 - a. Reserve officers will be assigned their duties on the reserve schedule by the reserve commander.
 - b. Reserve officers shall report to the supervisor or ranking officer for assignment duties and/or training.
 - c. The on-duty patrol supervisor may, at his/her discretion, reassign the officer when personnel are required to assist in other areas.

3. "Inactive reserve status" refers to reserve police officers who are no longer able to serve at the minimum required level. Inactive status may be temporary or permanent at the discretion of the reserve commander as approved by the Chief of Police.

C. Training and Performance Standards

1. Reserve police officers serve at the discretion of the Chief of Police and may be called into service at any time the chief or his designee considers it necessary to have additional officers.
2. Reserve police officers shall be considered "on duty" when they are
 - a. performing "assigned duty"
 - b. representing or identifying himself/herself as a peace officer for the purpose of taking enforcement action or discharging legal duties.
3. All reserve police officers must serve a minimum of 16 hours of duty per calendar month. Officers who are unable to meet this requirement must submit a written request through the chain of command to the Chief of Police for an approved leave of absence.
4. Depending on the level of training and experience, reserve officers may perform the same duties as other full-time, sworn personnel or be assigned to work with a regular officer.
5. All reserve police officers are subject to the same rules, regulations, and orders as regular sworn personnel.
6. All reserve police officers must successfully complete the basic and intermediate reserve officer course required by TCOLE and obtain their license as a peace officer.
7. All active reserve police officers must successfully complete the police training officer program under the supervision and evaluation of a departmentally approved field training officer. Upon the successful completion of training, reserve officers will assume duties as designated by the reserve supervisor.
8. All reserve officers will be required to attend periodic department in-service training to complete the following:


- a. The same training as required of regular sworn officers including courses mandated by TCOLE for certification requirements; (TBP: 3.07)
- b. All departmentally required qualifications on firearms, the baton, and any other equipment deemed necessary.

D. Chain-of-Command and Operations

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

E. Organizational Function

1. The primary function of reserve police officers will be to supplement patrol operations personnel.
2. Additionally, reserve officers will be on call for assistance in emergency situations such as disasters, riots, etc., and to provide additional manpower for special enforcement assignments.
3. All reserve police officer assignments will be coordinated through the office of the supervisor of the patrol division.
4. Reserve officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on the skills and experience of each individual.

	MINEOLA POLICE DEPARTMENT	
	Policy 5.1 Departmental Records	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 5.01, 5.02 5.03 and 10.02 f	

I. POLICY

A “records unit” that functions well is critical for the effective delivery of law enforcement services. An efficient means of storing, cataloging, and retrieving records is essential for meeting the management, operational, and informational needs of the police agency.

II. PURPOSE

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

III. RECORDS SECURITY (TBP: 5.01)

- A. The police records unit is housed in a restricted area. Personnel assigned to the records unit are directly supervised by the records supervisor who reports directly to the Chief of Police or his/her designee.
- B. The records supervisor is responsible for the maintenance of department records and will be provided training in Law Enforcement Records Management and the Public Information Act.
- C. Access to the police records unit is restricted to assigned records personnel only. Entry by unauthorized personnel is prohibited.
- D. The records unit will be secured and locked when it is not staffed by assigned records personnel.

IV. RECORDING OF INCIDENTS BY CATEGORY

- A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for

service or for self-initiated actions. Each reported incident occurring within the department's service area will be categorized as one of the following and will receive a sequential incident or case number:

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

B. Assignment of Case Numbers

1. Dispatch personnel who become aware of an incident occurring within the city service area that requires the initiation of police activity will assign an incident number generated by the CAD (Computer Aided Dispatch) system.
2. Case numbers will be assigned in numerical order.
3. Other reports, such as an accident, impoundment, property and evidence recovery, etc., will be assigned a CAD incident number.
4. When an incident is assigned a CAD number, the following information regarding that incident will be entered into the CAD system by dispatch personnel:
 - a. Date and time of the initial reporting
 - b. Name and address of the complainant or victim requesting the service
 - c. Nature of the incident and the location
 - d. Identification of the officers assigned to the call
 - e. Time when officers were dispatched, arrived, and returned to service
 - f. Status, date, and time of action taken on the call.

C. Officer's Responsibilities

1. Officers will complete all required reports and turn them in to a supervisor prior to ending their shift.
2. Officers shall provide required information of the event on the offense or incident report (who, what, when, and where). Details, including any listing of evidence, identification of witnesses, description of injuries, and any exculpatory information, shall be provided in an offense or incident report.
3. Supervisors will review all reports for accuracy and completeness and submit completed reports before the end of shift or as soon as practical.
4. Reports returned to officers for correction will be documented by the supervisor. At the next shift the supervisor shall follow up, making sure that the report has been corrected and submitted.

D. Master Name Index

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

E. Juvenile Records (TBP: 10.02 f)

1. A file is maintained on each juvenile (ages 10 to under 17) arrested, referred, or detained by an officer.
2. State and federal laws require that juvenile files be kept separate from adult files.
3. Juvenile fingerprints and photographs, if any, will be turned over to the Juvenile Probation Department intake officer.
4. Police records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to police records they will be destroyed as specified in the Family Code sections 58.001 and 58.002.

F. Computerized Criminal History Information

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

V. DISTRIBUTION OF REPORTS AND RECORDS

- A. After reviewing the reports for completeness, the patrol supervisor will forward all reports and citations to the applicable supervisor.
- B. All offense/incident reports will then be copied and the copies forwarded to the appropriate section within the department, such as investigations, traffic, etc.

- C. Originals are maintained in the records unit.
- D. All additional information to an original report are made by supplement and not by changing the original report. Supplementary reports will be sent to the records unit whenever additional information is processed.
- E. Citations are entered into the computer system and forwarded to the municipal court.
- F. Field interview cards are forwarded to and maintained on file by the Criminal Investigation Division.


VI. RECORDS RETENTION AND DESTRUCTION (TBP: 5.02)

- A. Records will be retained in the records unit as specified by state mandated records retentions until they are purged or destroyed in accordance with the approved City Records Retention Policy and any court orders requiring them to be expunged.
- B. Juvenile Arrest Files: (TBP: 10.02 f)
 - 1. A juvenile arrest file will be created for every juvenile taken into custody by members of this department. Juvenile files are maintained separately from adult files and, like all files, are kept secure from unauthorized disclosure.
 - 2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Family Code section 58.003.
 - 3. A court may order destruction of juvenile detention files as specified in Family Code section 58.006.
 - 4. Arrest report files on juveniles who were referred to juvenile court may be purged after the person reaches the age of 23.
 - 5. Arrest report files on juveniles who were not referred to the juvenile court may be purged after the person reaches the age of 18.
 - 6. As specified in Chapter 58 of the Family Code, police records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to juvenile probation department officials. Should it happen that fingerprints or photographs have been turned over to police records they will be destroyed as specified in Family Code sections 58.001 and 58.002.
 - 7. Any juvenile records that are in a gang or criminal street gang intelligence file will be maintained, managed, and removed pursuant to the Texas Code of Criminal Procedure Articles 61.04 and 61.07.
- C. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the police records supervisor and the records coordinator

for the City of Mineola when documents have been held beyond the required retention schedule.

VII. UCR/NIBRS AND RELEASE OF RECORDS (TBP: 5.03)

- A. It is the responsibility of the records supervisor to complete the monthly NIBRS/UCR and department crime report in a timely manner.
- B. The records supervisor must read and be familiar with the NIBRS/UCR handbook, including all NIBRS/UCR reporting standards.
- C. The records supervisor must perform several audit checks for each crime reported.
- D. The Texas Public Information Act governs release of information reported to law enforcement agencies.
- E. Any request for information contained in any report made or compiled by the department is to be referred to the records unit.
- F. All arrest files maintained in the records files and the computer will be the responsibility of the records supervisor. Copies of files will be released only to the following authorized persons:
 - 1. Personnel of this department
 - 2. Sworn officers from other agencies upon written request
 - 3. Courts of law under proper process
 - 4. District attorneys
 - 5. Federal law enforcement agencies
 - 6. Probation departments
 - 7. Military personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.
- G. Juvenile arrest information is closed to public information requests and will not be released without a court order or signed waiver from the juvenile and a parent or guardian.
- H. Original reports will be released only to members of this department.
- I. Records personnel will respond to all requests from the courts for original records. A complete copy of the requested records will be made before they are removed from the original records unit.

	MINEOLA POLICE DEPARTMENT	
	Policy 5.2 Media and Public Information	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 5.03 and 5.04	

I. POLICY

This agency must have the support of the community to be successful. Establishing and maintaining an effective relationship with the news media is crucial to accomplishing this goal. A positive working relationship with the media is mutually beneficial. It shall be the policy of this agency to cooperate with the news media and to maintain an atmosphere of open communication. To this end, information shall be released to the news media in an impartial, accurate, and timely fashion. It shall be the responsibility of each employee to abide by this philosophy of cooperation.

II. PURPOSE

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

III. RESPONSIBILITIES IN RELEASING INFORMATION

- A. The Chief of Police may designate any member of the department as the Public Information Officer (PIO) for the department. The PIO is the primary contact for the news media. In the event that no PIO has been designated or if he/she is unavailable, the Chief of Police or his/her designee is responsible for PIO duties.
- B. Supervisors with responsibility for a specific case or incident may be the secondary contact for the news media with the approval of the PIO.
- C. The Chief of Police or supervisors may direct other employees to respond to media inquiries.

IV. TRAINING

This agency is committed to providing proper training for its public information officer. Supervisors, line officers, and other personnel who interact with the

media shall also be provided appropriate training in media relations and the Public Information Act.

V. PROCEDURES

A. Media Requests: The agencies will respond to all media inquiries in a timely and professional manner.

1. Media inquiries shall be directed to the Chief of Police.
2. No employee shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial, or violate the law.
3. The Chief of Police or PIO shall be responsible for assisting the news media by conducting interviews or coordinating interviews with other qualified agency personnel.
4. Employees contacted directly by the media requesting an interview shall notify the Chief.
5. All conversations with members of the news media should be considered "on the record" and subject to being quoted.

B. News Releases

1. News releases shall be written and disseminated to the media and to agency employees on major incidents and events of community interest or concern.
2. The Chief of Police or appropriate designee will write the news release.
3. The Chief of Police, or designee, will approve all news releases.
4. News conferences shall be held only in connection with major events of concern to the community.

C. Access to Crime Scenes and Critical Incidents

1. Agency personnel shall be courteous to news media representatives at crime and critical-incident scenes.
2. At such scenes, agency personnel shall ensure that the media respect the established perimeter.
3. In general, members of the media shall receive no more and no less access to an incident scene than members of the general public.
4. No member of this agency shall prohibit the media from news-gathering practices, including photography and interviews, outside the established perimeter of a crime scene or critical-incident scene.
5. Only the Chief or PIO designee shall release information to the news media at crime and critical incident scenes. Agency personnel who are authorized to make statements and answer questions from media sources may also assist with this flow of information.

6. At critical incident scenes, the Chief or PIO designee shall establish a media briefing area as close to the scene as safety and operational requirements allow.
7. At critical incident scenes, members of the agency shall work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.

D. Access to Suspects

No member of this agency shall pose any suspect or accused person in custody or make him or her available for media interviews.

E. Joint Investigations or Operations Involving Another Agency

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


VI. INFORMATION RELEASE GUIDELINES

- A. The release of information is subject to restrictions placed by applicable state and federal laws.
- B. No member of this agency shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons.
- C. Agency members can release the following information:
 1. Basic information about a crime or incident
 2. Basic information about victims, except as excluded by law
 3. Description of suspects
 4. Basic description of weapons and vehicles used
 5. Basic description of stolen items
 6. Basic description of injuries and condition of victims
 7. The name, age, address, and other basic information about arrestees and the charges against them
 8. Information contained in arrest affidavits and other applicable crime or incident reports that are not protected by the public information act
 9. Booking photographs.
- D. Agency members shall not release the following information:

1. Names, addresses, or any other information that would identify the victim of a sex offense, child abuse, or any other crime where the privacy of the victim is protected by law
2. Names, addresses, and basic information about juvenile arrestees, as governed by state law
3. Active criminal investigative information, active criminal intelligence information, and surveillance techniques
4. Names of informants and information provided by them
5. Supplemental or investigative reports until such time as the case is closed or the lead investigator deems it permissible
6. Grand jury testimony and proceedings
7. Active internal affairs investigations, as governed by state law
8. Names of witnesses, unless required by state law
9. The identity of critically injured or deceased persons prior to notification of next-of-kin
10. Home address, telephone numbers, and familial information of law enforcement personnel
11. Names of undercover personnel
12. Any other information prohibited by state law from public disclosure.

VII. SOCIAL MEDIA SITES

- A. The Public Information Officer shall be responsible for operating, managing, and monitoring all department-sponsored social media sites.
- B. Operation of the social media sites shall be in accordance with Policy 2.8 Use of Social Media.

	MINEOLA POLICE DEPARTMENT	
	Policy 5.3 Computer and Electronic Equipment Usage and Data Security	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

- I. **POLICY:** It is the policy of this department to ensure proper use of electronic computing and recording systems by establishing authorized uses and users. It states the protocols for storage, security, and retention. It also establishes what uses of such equipment are prohibited and what constitutes inappropriate use of such equipment.

- II. **PURPOSE:** It is the purpose of this policy to define and provide clear direction as to the allowed uses and the prohibited uses of departmental and personal electronic computing and recording equipment, to provide for data security and retention periods, and to establish protocols for proper handling of digital evidence.

- III. **DEFINITIONS**
 - A. Network Terminals: Desktops, laptops, or any other electronic devices that connect to the department’s internal computer network.

 - B. Mobile Digital Computers (MDC): In-vehicle computers or any other electronic devices that in some manner connect to the Internet, department computer networks, or other service, such as TCIC, that provides officers with data or allows officers to conduct field reporting or communications with other officers or the department.

 - C. Mobile Phones: Either department owned or personally owned cell phones or smart phones.

 - D. Body Cameras / Digital Media Recorders (DMR): Video/Audio recordings made via a camera system that is worn by police personnel.

 - E. Mobile Video Recording: In-vehicle camera systems that are permanently mounted in department vehicles.

 - F. Digital Media Recorder (DMR): Officer-worn digital audio or video recording device.

 - G. Digital Camera: A single-purpose, handheld camera designed to take digital photographs.

IV. PROCEDURES: The sections below outline the procedures to be used and list the specific prohibitions regarding the use of specific equipment.

A. General Provisions

1. Any electronic document, report, audio, or video recording, image, email, voice communication, or any other form of electronic data created while on or off duty that is directly related to official department operations or investigations, whether created on personal or department-owned equipment, is considered to be a government record. As such, it is subject to public record laws, and it shall be preserved accordingly. Officer or employees who use personal devices to conduct and official business are responsible for the preservation of the documents, texts, etc. as listed above.
2. Anything that is created on department-owned equipment, whether or not it is directly related to official department operations or investigations, may be considered a government record, and may be reviewed and shall be preserved as required by state law or department policy. This includes any electronic document, report, audio or video recording, image, email, voice communication, and any other form of electronic data created while on or off duty.
3. All department-owned equipment and its use are subject to routine or specific review and/or investigation by department supervisors as needed to ensure appropriate use.
4. On-duty use of any electronic device, such as a mobile phone or phone camera, for strictly personal purposes not related to departmental operations is generally considered private unless the information would tend to show inappropriate activity. Off-duty use of personal electronic devices is also generally considered private unless the use results in a violation of departmental general orders or state or federal law. These exceptions do not apply to any cell phone or computer issued to the officer by the department.
5. All employees that directly access the TCIC/NCIC database will be trained in the appropriate level of access.
6. If any form of digital evidence exists, formal departmental reports will include a notation that such evidence exists, including the type of evidence and the storage location.

B. General Prohibitions

1. Employees will not release, share, or make copies of any electronic documents, reports, audio or video recordings, images, emails, voice communications, or any other form of electronic data created while on or off duty that is directly related to official department operations or investigations, whether created on personal or department-owned equipment, unless specifically authorized by this order or the Chief of Police.

2. Employees will not use department-owned equipment, electronic or otherwise, for personal benefit or to conduct personal business.
3. Employees are allowed to access the internet for personal use during meal and other breaks as long as the sites accessed are appropriate for public viewing.
4. No video games will be played on department equipment.
5. No inappropriate websites will be visited. In this context, “inappropriate” is defined as opposing the mission, values, and vision of the police department, and employees are reminded that their time and attention should focus on these core values.
6. Inappropriate use of electronic devices or the release or posting on the internet or various social media sites of another party’s private information, or governmental information usually deemed private can lead to internal investigations and subsequent disciplinary action.
7. An officer can be questioned about his/her internet activities by defense counsels in criminal trials, potentially damaging the officer’s credibility as a witness.

V. DEPARTMENT NETWORK TERMINALS

A. Security

1. The department has a number of computers, and other devices, throughout the department that have access to the department network. All employees will be issued a unique password to allow access to the system.
2. Employees will safeguard their password to ensure no other person will gain access using their password.
3. Employees will not leave a computer connected to the network with their password if they are not physically able to prevent access, such as by closing and locking a door, or by visible monitoring of the computer.
4. Employees are responsible for all access to the network using their password.
5. The department will assign appropriate security levels within the network to all access to certain files only as required.

B. Required Access

1. All employees are required to sign in to the network at least twice each workday (at the beginning and end of their shifts).
2. Employees must read and respond to all department emails and training assignments in a reasonable amount of time.
3. Employees who discover network terminals in need of repair will notify the administrative Captain or designee as soon as possible.

VI. MOBILE DIGITAL TERMINALS / COMPUTERS – MDT/MD

- A. The Mobile Data Terminal/Computer (MDT/MDC) is a part of department’s network.

- B. Messages (1) will not be personal, (2) will not contain derogatory references to other persons or agencies, and (3) will not contain any text that a reasonable person would find offensive.
- C. Using the MDT/MDC, field officers may signal (1) receipt of a call for service, (2) arrival at the scene of a call, (3) request for assistance, and (4) clear from a call, but they shall also do so by voice communications so that other field units and supervisors will be kept aware of ongoing operations.
- D. There is NO EXPECTATION of privacy concerning sending or receiving messages via the CAD/MDT system.
- E. Except in emergency situations or in single-key response to dispatched calls or enquiries, the driver of the vehicle will not utilize the MDT/MDC keyboard while the vehicle is in motion. Drivers will pull to a safe location before utilizing the keyboard.

VII. MOBILE VIDEO RECORDING SYSTEMS

- A. The use of a Mobile Video Recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Such evidence is often used in court cases and can help in determining the guilt or innocence of accused people.
- B. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.
- C. General Procedures
 - 1. It shall be the responsibility of this department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.
 - 2. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating.
 - 3. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
 - 4. Placement and operation of system components within the vehicle shall be based on officer safety requirements.
 - 5. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings.
 - 6. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
 - 7. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters:
 - a. Remote activation of system via transmitter
 - b. Windshield and camera lens free of debris
 - c. Camera facing intended direction

- d. Recording mechanism capturing both audio and video information, that is, the system plays back both audio and video tracks.
 - e. Logging into the system to personalize the recording.
8. Malfunctions or damage of in-car camera equipment shall be reported to the fleet supervisor prior to placing the unit into service.
9. Mandatory Use:
 - a. All official contacts whether on a call or officer initiated
 - b. Traffic stops (to include, but not limited to, traffic violations stranded motorist assistance, and all crime-interdiction stops)
 - c. Priority responses
 - d. Vehicle pursuits
 - e. Prisoner transports
 - f. Pedestrian encounters
10. When the MVR is activated, officers shall ensure that the audio portion is also activated so that all events are properly documented. Officers are encouraged to narrate events using the audio recording, which will provide the best documentation for pretrial and courtroom.
11. Officers using the digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
12. When officers park patrol units in their designated parking place, the MVR downloads automatically to the server.
13. Officers shall not erase, alter, reuse, modify, or tamper with MVR recordings.
14. When the MVR is activated to document an event, it shall not be deactivated until one of the following has occurred:
 - a. the event has been concluded
 - b. the event is a nonconfrontational encounter
 - c. the officer decides that deactivation will not result in the loss of critical documentary information
 - d. the intention to stop the recording has been noted by the officer either verbally or in a written notation.
15. Supervisor Responsibilities
 - a. All recordings are maintained on the server.
 - b. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
 - c. Supervisors shall conduct periodic reviews of officer-assigned media in order to periodically assess officer performance.
 - d. Supervisors will assure proper functioning of MVR equipment and determine if MVR equipment is being operated properly.
 - e. Supervisors will identify recordings that may be appropriate for training.

- f. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy.
 - g. Supervisors shall conduct quarterly reviews.
 - i. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions.
 - ii. Should the behavior or action persist after it has been informally addressed, the appropriate disciplinary or corrective action shall be taken.
 - h. Supervisors shall ensure that adequate recording media is on hand and available for issuance
17. Technicians' Responsibilities
- a. A designated officer or other employee shall be responsible for the ordering, issuance, retrieval, storage, erasing, and duplication of all recorded media.
 - b. Recorded media may only be degaussed/erased pursuant to a court order, or in accordance with established retention guidelines of at least 90 days.

VIII. MOBILE TELEPHONES

A. Department Issued Cell Phones

1. Cell phones are issued by the department to increase the level of communication between field officers and the department as well as citizens.
2. Cell phones are to be used for appropriate departmental activities only.
3. Employees are allowed to use department cell phones for emergency and short personal calls during breaks.
4. The department regularly inspects cell phone usage records for inappropriate activity.

- B. Personal Cell Phones: The department allows employees to carry personally owned cell phones when their use does not negatively impact department operations.

IX. CELL PHONE CAMERAS

A. Departmental Cell Phones

1. Cell phone cameras, both still and video, may be used to record department activities only when another more suitable camera or recording device is unavailable.
2. Activities may include victim, witness, or suspect information, crime scenes, field and eyewitness identifications, witness statements, etc.

3. All activities recorded on cell phone cameras will be transferred immediately to departmental records systems as soon as the incident can be concluded and no later than the end of shift. Appropriate information technology staff will be consulted regarding the safest transfer method.

B. Personal Cell Phones

1. Personal cell phones, both still and video, should not be used to record department activities.
2. If any department activity is recorded using a personal cell phone, a department supervisor will be notified immediately.
3. All activities recorded on cell-phone cameras will be transferred immediately to departmental records systems as soon as the incident can be concluded and no later than the end of shift. Appropriate information technology staff will be consulted regarding the safest transfer method.
4. After transfer to departmental media, all parts of the activity recorded will be permanently deleted from the personally owned cell phone prior to end of shift. Department supervisors may require proof of deletion.

X. DIGITAL CAMERAS

A. Department Issued Cameras

1. Personnel assigned to crime scene investigations are assigned appropriate camera systems for recording crime scenes and incidents.
2. Field officers are assigned field cameras to record images and data beneficial to an investigation when crime scene personnel do not respond.
3. Department-issued cameras will not be used for any personal use.
4. All images or data recorded will be transferred to appropriate departmental media or storage before the end of shift.

B. Personally Owned Cameras

1. No employee will carry a personally owned camera on duty unless authorized in writing by the Chief of Police.
2. If a personally owned camera has been authorized in writing by the Chief of Police, the employee will report any use of the camera during a police incident to his/ her supervisor immediately and shall transfer the data to department media before the end of shift.
3. After transfer to departmental media, all parts of the activity recorded will be permanently deleted from the personally owned camera prior to end of shift. Department supervisors may require proof of deletion.

XI. DIGITAL MEDIA RECORDERS (Body Worn Audio/Video Recorders)

Note: These procedures do not apply to mounted in-vehicle audio/video systems, which are covered elsewhere in this order.

A. Department Issued Digital Media Recorders DMR.

- 1.All digital multimedia evidence that is captured during the scope of an officer's duties is the property of the department and shall not be converted or copied for personal use. Accessing, copying, editing, erasing, or releasing recordings or depictions of recordings without proper approval is prohibited and subject to disciplinary action.
- 2.The Chief of Police will designate an individual to manage the receipt and storage of DMR data. The DMR manager will routinely save DMR data as necessary to long-term storage media. DMR data not identified as necessary will be deleted after 90 days.
- 3.Officers issued a DMR shall use the device as required below in section B.

B. When usage is required. NOTE: When the DMR is activated for any of the reasons listed below, the recording shall continue until the incident is complete or the officer has left the scene.

- 1.During any citizen contact outside the officer's vehicle.
- 2.During any interview with a victim, witness, or suspect.
- 3.During any field or eyewitness identification.
- 4.During any enforcement contact when the officer is outside his/her vehicle.
- 5.During building searches and alarm responses.

C. Prohibitions


- 1.Officers shall not intentionally create digital recordings of other employees in areas where a reasonable expectation of privacy exists.
- 2.Officers shall not intentionally create digital recordings of citizens' activities in areas where a reasonable expectation of privacy exists, unless the recording is made while the officer is legally in the area for one of the situations listed in section B above. Officers should be aware that under certain circumstances, e.g. victims or suspects in various stages of undress, the officer may consider stopping the recording and will explain the stopped recording in the report.
- 3.Officers shall not knowingly record undercover officers or informants.
- 4.Officers shall not use a departmental device to record any personal activities.
- 5.Officers shall not allow any non-sworn personnel to view the DMR or any other recorded data without the permission of the officer's supervisor.
- 6.Uploading of any DMR data to any social media site is prohibited.
- 7.Officers may use DMRs only in patient care areas of hospitals or emergency rooms when the recording is for official business.
- 8.To the extent possible, officers will attempt to prevent the recording of non-involved individuals.

D. Officer Responsibilities

1. Officers issued a department-owned DMR shall attend training, and they will demonstrate proficiency with the recording and transfer of recorded data.
2. Officers shall inspect the device at the beginning of each shift to ensure proper operation, including sufficient battery life and recording medium.
3. Any device found deficient at any time will be reported to the officer's supervisor who will issue a replacement if one is available.
4. Any DMR data created will be downloaded or copied to the appropriate department storage location before the end of shift.
5. Much of the recorded data will not be needed – as in a building search where nothing is found, or a citizen contact that did not result in any action. But any data that an officer believes might be evidence or is likely to be needed for any other purpose, such as a potential employee complaint, should be noted in official reports. If the recording may be needed and no report is made, the officer should contact the DMR manager so the data may be flagged and kept secure as needed; however, all recorded data will be held in accordance with applicable laws

E. Supervisor's Responsibilities

1. Supervisors will attend department training on the use, retrieval, and storage of data, using DMRs.
2. Supervisors will take such action to ensure data from DMRs is transferred and stored properly and in a timely manner.
3. Supervisors will ensure that DMR data has been deleted from personally owned devices before officers leave shift.
4. Supervisors will remind officers of rules regarding DMR evidence on a regular basis.

	MINEOLA POLICE DEPARTMENT	
	Policy 6.1 Use of Force	
	Effective Date 06-28-2021	Replaces: All Prior Use of Force Policies
	Approved: <u>Charles Bittner</u> Chief of Police	

I. POLICY

This department values the sanctity of human life. It is, therefore, the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer and others.

The use of force must be objectively reasonable. The officer must use only the force that a reasonably prudent officer would use under the same or similar circumstances.

The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

Officers are prohibited from using any force as a means of punishment or in the process of an interrogation.

II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force. Nothing in this policy is intended to create any benefit for third parties, nor does this policy set forth a higher standard of care with respect to third party claims.

III. DEFINITIONS

- A. Deadly force: Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. Non-deadly force: Any use of force other than that which is considered deadly force. Non-deadly force includes but is not limited to handcuffing and any physical force, effort or technique used against another.
- C. Serious Bodily Injury: "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

D. Objectively reasonable:

1. "Objectively reasonable" means officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community when determining the necessity for force and the appropriate level of force.
2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

IV. PROCEDURES

A. Use of non-deadly force

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

B. Use of deadly force

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

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

C. Deadly Force Restrictions

1. Warning shots shall not be fired.
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Officers threatened by an oncoming vehicle shall make a reasonable effort to attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if an officer reasonably believes that a person is immediately threatening the officer or another person with deadly

force by means of a vehicle, an officer may use deadly force against the driver of the vehicle.

4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure if the animal is seriously injured and the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits and if time does not permit, a supervisor shall be contacted immediately following the use of force.

V. LIMITATIONS ON FORCE

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

- A. Application of a choke-hold, carotid-control holds, or any neck only restraint hold except when the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized.
- B. Use of flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or another from imminent serious bodily injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

VI. TRAINING

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

VII. REPORTING USE OF FORCE

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations, or off-duty recreational activities.
- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject and then they will do the following:
 1. Immediately notify the on-duty or on-call supervisor of any use of force or discharge of a weapon. The Chief of Police shall be notified immediately through chain of command. The Chief of Police shall determine if an immediate investigation is required.
 2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.
 3. Submit a use-of-force form to the immediate supervisor prior to the end of shift describing the incident, the force used, and any medical aid rendered. The use of force form shall be in addition to any other required reports.

VIII. Unauthorized Use of Force

- A. The Mineola Police Department does not allow any of its employees and officers to use choke holds, carotid artery neck restraints, or any type of neck only restraint holds. The only exception to the use of a choke hold, a carotid artery neck restraint, or any type of neck only restraint hold could be when the officer involved is justified in the use of deadly force. Any officer using such force will cease immediately upon control of the subject (normally when the person has been handcuffed or no longer actively resisting) and begin the application of an appropriate medical response if needed. Officers are required to report these incidents through the process outlined in this agency's use of force reporting policy.

IX. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine the following:
 - a. If there was a violation of law or departmental orders were violated.
 - b. If the relevant departmental policy was clearly understandable and effective enough to cover the situation.
 - c. If departmental training was adequate.
 - d. If departmental equipment operated properly.


2. At least annually, the Chief of Police shall conduct an analysis of use-of force incidents and determine if additional training, equipment, or policy modifications may be necessary.
3. The department shall comply with all state mandated reporting requirements.

B. Internal Investigations

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

C. Assignment

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use-of-force weapon or action or a vehicle accident, shall be removed from line-duty assignment. This action protects the interests of both the officer and the community until the situation is resolved. This re-assignment is not considered punitive in nature.

	MINEOLA POLICE DEPARTMENT	
	Policy 6.2 Firearms and Qualification	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: 3.01, 3.02, 3.03, and 6.04.	

I. POLICY

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

II. PURPOSE

The purpose of this policy is to establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

III. PROCEDURES

A. Authority

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

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

1. Only weapons issued by the department or approved by the Chief of Police will be carried or used while on-duty.
2. The departmental armorer or firearms instructor shall issue departmental weapons to authorized personnel.

3. Department firearms and ammunition are determined by the Chief of Police based on the needs of the agency.

C. Shotguns

Shotguns are assigned to patrol cars and individual officers as appropriate.

1. All shotguns shall be carried in the designated locked vehicle rack, the magazine fully loaded with approved ammunition, chamber empty, trigger released, and safety off.
2. A minimum of five extra rounds of approved ammunition shall be carried with each shotgun.
3. All shotguns left at the police department shall be unloaded, with chamber open, and stored in gun vault or other designated location.

D. Patrol Rifles

Patrol rifles are assigned to patrol cars and may be used by officers and supervisors who have received appropriate training and have maintained their required qualifications.

1. All patrol rifles shall be carried in the designated locked vehicle rack, magazine fully loaded with approved ammunition, chamber empty, bolt forward, dust cover shut, and safety on.
2. A minimum of two extra magazines fully loaded with approved ammunition shall be carried with each patrol rifle.
3. All patrol rifles left at the police department shall be unloaded, with bolt forward, dust cover shut, safety on, and stored in gun vault or other designated location.

E. Off-duty and/or secondary weapons

1. Off-duty and/or secondary weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. The armorer shall inspect and certify the off-duty or secondary weapon before it may be carried. Only weapons approved by the department firearms instructor are permitted for carry.
 - a. Officers using off-duty or secondary weapons shall qualify with the off-duty or secondary weapons at the annual qualification.
 - b. The armorer shall approve any concealed holster for an off-duty or secondary weapon.
 - c. The armorer shall maintain a record of all weapons used by each officer.
2. While off duty, officers may carry either an issued weapon or one purchased at officer expense, subject to the terms of this policy.
3. Officers should not carry weapons when it is socially inappropriate to do so, e.g., at a sports event.
4. Officers will not carry weapons when consuming alcoholic beverages.

5. Off-duty weapons shall be carried safely and concealed from public view.
6. Officers shall carry the departmental badge and identification any time that they are carrying an off-duty weapon.

F. Departmental Ammunition (TBP: 6.04)

1. Only factory ammunition approved by the department will be used in departmental or personal weapons for on-duty or off-duty use. No reloaded ammunition will be used except for practice. The department will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms.
2. Officers are responsible for the purchase of ammunition for their off-duty weapon.
3. Only department approved rounds will be used in departmental shotguns.
4. Only department approved ammunition will be used in departmental patrol rifles unless otherwise authorized by the Chief of Police.

G. Security of weapons

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

H. Department Firearms Proficiency Officer and Armorer

1. The Chief of Police shall appoint at least one sworn member of the department to be the departmental firearms proficiency officer and armorer. The armorer shall be a firearms instructor certified by the Texas Commission on Law Enforcement.
2. The duties are as follows:
 - a. Schedule, supervise, and maintain records on all firearms qualifications required by the department.
 - b. Maintain non-issued departmental weapons and associated equipment.
 - c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
 - d. Repair or submit to a qualified gunsmith or armorer for repair all departmentally owned malfunctioning weapons.
 - e. Maintain records of issuance, care, and maintenance of departmental and personally owned weapons and associated items used on-duty.
 - f. Issue departmental ammunition.
 - g. Annually inspect and certify as serviceable both departmental and personally owned firearms that are authorized for on-duty and off-duty use.

- h. Inspect and authorize the use of holsters for off-duty use and for on-duty use if the officer prefers to use a holster other than one issued by the department.
 - 3. The armorer shall maintain a record that includes identification of all firearms that have been certified as safe, and identification of those officers who have qualified with each of the firearms. This record shall include the following:
 - a. Officer's name and identification number.
 - b. Make and model of weapon.
 - c. Serial number of weapon.
- I. Modification of weapons: Departmental weapons shall not be modified or altered without the written approval of the Chief of Police except as outlined below.
 - 1. Substitution of grips
 - a. Grips shall be of high quality wood, rubber, or polyurethane.
 - b. Grips shall be the color of the natural wood, or plain black or brown.
 - c. Target-style grips, or any grips that interfere with the operation of the weapon, are not authorized.
- J. Firearms inspections
 - 1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor.(TBP: 3.03)
 - 2. Monthly supervisors shall inspect subordinate officers' issued firearms to ensure that they are maintained in a clean and serviceable condition.
 - a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
 - b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.
 - c. Upon completion of monthly inspections, the supervisor shall forward a memorandum to the Chief of Police that documents the following information:
 - i. The date the inspection was held.
 - ii. The name of each officer inspected.
 - iii. The findings of the inspection.

IV. PROCEDURES FOR QUALIFICATION

A. Qualification rules

- 1. Officers must qualify at least annually with any weapon they carry or use on-duty or when they change weapons. (TBP: 3.01)
- 2. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification.
- 3. Officers using departmentally issued weapons must qualify with ammunition issued by the department.

4. Every officer shall fire the regular firearms course approved by the Texas Commission on Law Enforcement.
5. Officers who fail to qualify on their first attempt shall immediately attempt qualification a second time. Officers who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to termination. (TBP: 3.01)
6. The firearms instructor will maintain records of each officer's firearms qualifications including:
 - a. The officer's name and identification number
 - b. The date of qualification
 - c. The weapons(s) used during qualification
 - d. A description of the course of fire and score.
7. The armorer or firearms instructor shall inspect all weapons before firing to (1) ascertain that the weapons are safe and (2) to ensure that the weapons have been properly maintained.

B. Shotgun


1. Every officer must pass the shotgun qualification course before carrying a department-issued shotgun.
2. The qualification course shall include the following:
 - a. Knowing how to load and unload the shotgun combat style.
 - b. Firing at least 5 shots in a combination of buckshot and slug.
3. Officers shall qualify with the shotgun at least annually.

C. Patrol Rifle

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

D. Firearms and Use of Force Instruction

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

	MINEOLA POLICE DEPARTMENT	
	Policy 6.3 Less-than-Lethal Weapons	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: 3.04	

I. POLICY

In the interest of public safety, the department provides officers with a range of less lethal options. The department's policy intends to ensure that officers are properly trained in the use of less lethal weapons, and that they will adhere to the department's policy for the circumstances of their use. Supervisors shall rigorously enforce departmental weapons standards.

All sworn personnel shall qualify at least annually with departmental less lethal weapons. Officers shall not carry or use any less lethal weapon if they have not received training and been qualified. Officers will carry only those less lethal weapons that have been approved by the department. (TBP: 3.04)

II. PURPOSE

The purpose of this policy is to establish procedures governing the issuance, training, care and maintenance, and proper use of less-lethal weapons as well as the standards that officers must meet to qualify for carrying and using such weapons.

III. GENERAL PROCEDURES

A. Approved Weapons

1. Less Lethal weapons currently approved by the department include:
 - a. expandable baton
 - b. Pepper spray
 - c. Shotgun with bean-bag rounds
 - d. Conducted energy device (CED)

2. Based on the needs of the agency, the Chief of Police determines which less lethal weapons will be used by the department.

3. Officers will not carry or use any weapon that has not been approved by the Chief of Police.
4. Officers will not carry or use any weapon that they have not been qualified for by the department.

B. Security of weapons

1. Officers are responsible for the care and security of departmental weapons issued to them.
2. Officers shall make a written report of any weapon loss or malfunction to the Chief of Police via the armorer or supervisor.
3. Officers shall not use a weapon after it has malfunctioned until it has been repaired and approved for use by the armorer or supervisor.

C. Modification and maintenance of weapons

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police.
2. Any modification or alteration shall be in accordance with the manufacturer's recommendation.
3. Officers are responsible for cleaning and maintenance of the non-lethal or less-than-lethal weapons issued to them.
4. All less lethal weapons shall be plainly distinguishable from lethal weapons.

D. Weapon inspections

1. Officers shall inspect issued weapons at the beginning of each duty assignment to ensure that they are in proper working order.
2. Supervisors shall inspect issued weapons at least monthly and shall document the inspections in a memorandum to the Chief of Police indicating which officers' weapons were inspected and the results of the inspection.
3. Weapons that fail inspection shall be returned to the armorer and not reissued to the officer until repairs are made.

IV. QUALIFICATION REQUIREMENTS

A. Required instruction and qualification

1. All department personnel shall receive training with any less lethal weapons that they will carry.
2. Training shall cover the mechanics of the weapon, sound safety practices, and departmental policy governing the use of the weapon and the use-of-force.
3. Tactical considerations shall be a part of this training.
4. Officers will receive training and demonstrate proficiency (qualify) at least annually on all less lethal weapons systems. Failure to qualify will be cause

for remedial training. The officer will not carry or utilize the weapon until properly trained and qualified. Instructors for any less lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing the said training. (TBP: 3.04)

B. Qualification rules

1. The firearms instructor shall be in charge at all times when officers are qualifying with non-lethal or less-than-lethal weapons.
2. The firearms instructor will maintain records of each officer's qualifications with non-lethal and less-than-lethal weapons including:
 - a. The officer's name and identification number
 - b. The date of qualification and the name of the weapon system.

V. EXPANDABLE BATON

- A. The department authorizes the carrying and use of the expandable baton as the only striking weapon for officers. All other forms of striking or punching weapons are prohibited, including but not limited to saps, blackjacks, brass knuckles, slapjacks, nunchaku, and similar sticks.
- B. Flashlights carried by officers are not to be used as striking instruments, unless and to the degree that, the officer reasonably believes its use is immediately necessary to protect the officer from injury.
- C. Officers who carry an expandable baton shall be trained and demonstrate proficiency in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.
 1. The expandable baton should not be used to strike handcuffed individuals or to threaten or intimidate people.
 2. Officers shall not raise the expandable baton above the head to strike a blow to a person's head.
- D. All uses of the expandable baton will be immediately reported to a supervisor and documented in an incident report as well as a use-of-force report.

VI. OC PEPPER SPRAY

A. Authorization

1. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.

2. Officers whose normal duties/assignments may require them to make arrests or supervise arrestees shall be required to qualify for and to carry departmentally authorized OC while on duty.

B. Uniformed officers shall carry only departmentally authorized OC canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry OC in alternative devices as authorized by the agency.

C. Usage Criteria

1. OC spray is considered a “use of force” and shall be employed in a manner consistent with this agency’s use-of-force policy.
2. OC may be used in the following circumstances:
 - a. When verbal dialogue has failed to bring about the subject’s compliance
 - b. When the subject is actively resisting or has signaled his/her intention to actively resist the officer’s efforts to make the arrest.
3. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.
4. Once a suspect is incapacitated or restrained, use of OC is no longer justified.

D. Usage Procedures

1. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the spray area.
2. An officer should maintain a safe distance from the suspect, which is between 2 and 10 feet, depending on the circumstances.
3. A single spray burst of between one and three seconds should be directed at the suspect’s eyes, nose, and mouth. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.
4. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders or contaminate a public facility.

E. Effects of OC and Officer Response

1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain, and/or impaired thought processes.
2. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed.
3. Officers should also be prepared to employ other means to control the suspect—to include, if necessary, other force options consistent with agency policy—if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.

4. Immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these or other medical problems or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.
5. Suspects who have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
6. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
7. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist him by rinsing and drying the exposed area.
8. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent.

F. Reporting Procedures

1. Accidental discharges as well as intentional uses of OC spray against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
2. A use-of-force report shall be completed following all discharges of OC spray except during testing, training, malfunction, or accidental discharge.

G. Replacement

1. All OC spray devices shall be maintained in an operational and charged state by assigned personnel.
2. Replacements for damaged, inoperable, or empty devices are the responsibility of officers to whom they are issued.
3. Replacements of OC spray canisters shall occur when the canister is less than half full, which can be determined by weighing the canister.
4. OC canisters shall be inspected and weighed at the firing range during firearms qualification. A record of the results of this inspection and weighing shall be maintained by the appropriate agency authority.
5. Unexplained depletion of OC from any canister issued to an officer shall require an investigation and written report by the officer's supervisor to the commanding officer.

VII. LESS-LETHAL SHOTGUN

A. Authorization

1. Less-lethal shotguns may be issued to members of the department who have been trained and who demonstrate proficiency in the use of the weapon.
2. These shotguns are identified by the orange fore end and stock of the weapon. Care should be used in ensuring the appropriate weapon is selected for use.
3. The less-lethal shotgun may be loaded with department issued bean bag rounds.
4. Officers must be qualified by the department in the use of all munitions approved for this weapon in order to be allowed to carry the weapon.
5. Officers will not handle lethal shotgun ammunition around a less-lethal shotgun.
6. Officers will load only less-lethal munitions into the less-lethal shotgun at the time of need to ensure the use of proper munitions.

B. Less-Lethal Shotgun Use

1. Officers may utilize the less-lethal shotgun when reasonably necessary and in a manner consistent with the department's use-of-force policy. It is a use-of-force option that has potential risks but may be used as an alternative to the use of deadly force when time and opportunity permit.
2. Officers should be aware of their surroundings and have a backup officer present who is prepared to transition to other force methods if the less-lethal shotgun fails to subdue a subject.
3. Where possible, officers should inform other police personnel in the immediate vicinity that impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other officers.
4. Officers shall deploy the less-lethal shotgun at the mid-section and lower extremities of suspects, never aiming for the head or upper torso.
5. In the event an individual is struck by a less-lethal round, officers shall properly restrain the individual and transport him/her to a medical facility for examination.
6. All use of the less-lethal shotgun will be immediately reported to a supervisor and documented in an incident report as well as a use-of-force form.

VIII. CONDUCTED ENERGY DEVICE

A. Conducted Energy Device

1. A conducted energy device (CED) is used to electrically disrupt muscular control. It allows officers to quickly subdue a resisting subject without having to resort to the use of deadly force.
2. As with any other weapon, precautions must be observed in the use of CEDs. Any subject who has been controlled with the CED must be monitored for any medical problems.

3. The duties of supervisors of officers issued the CED include active supervision, maintaining managerial controls, and ensuring that officers are in compliance with this order.

B. Training and Qualification Procedures

1. Only personnel who successfully complete the department's training course and demonstrate the required proficiency in the use of the CED shall be certified and allowed to carry the CED.
2. All training and qualification for the CED shall be conducted by certified instructors.
3. It shall be the responsibility of the firearms instructor to train and certify all eligible officers on the proper techniques for using the CED.
4. The firearms instructor shall be responsible for compiling and analyzing data from incidents involving the use of the CED to identify training related needs and issues.
5. In order to maintain proficiency in the use of the CED, all officers certified to carry the weapon shall receive mandatory in-service training at least annually.

C. Carrying the CED

1. Certified officers shall carry the CED on their duty belts or external duty vest.
2. The CED shall never be left unsecured.
3. Only holsters approved by the training unit will be utilized.
4. The CED shall always be carried on the side opposite the duty handgun.
5. Personnel issued the CED shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life and the expiration date of air cartridges, wiping away dirt and dust..

D. Authorized Use of the CED

1. The CED may be utilized in situations when necessary to subdue a noncompliant subject when lesser means of control have not been successful and the suspect is *physically* resisting officers.
2. The act of verbal non-compliance shall not justify the use of the CED weapon.
3. The CED may be utilized to debilitate a subject who poses an immediate threat of serious bodily injury or death to himself/herself, the officer, or others.

E. Prohibited Use. Use of the CED is strictly prohibited under the following circumstances.

- a. When flammable gases or liquids are known to be in close proximity to the subject.
- b. One at a time: No more than one officer at a time should activate a CED against any person.

- c. Where the suspect is at an elevated location and there exists risk of serious injury or death from a fall. This includes proximity to deep water or other similar locations.
- d. On higher risk populations unless the situation would justify a high level of force, including deadly force, and the use of the CED is an effort to avoid using the higher level of force. The phrase “higher risk populations” means visibly pregnant females; young children or juveniles; the visibly frail or infirm; elderly (over 65); those who appear to weigh less than 100 pounds.
- e. Handcuffed prisoners, without the expressed authority of a supervisor. Exigent circumstances must exist, such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable.
- f. On a subject who is confined to a wheelchair unless it is reasonably believed that CED is needed to prevent serious injury to the individual and/or if deadly force is justified.
- g. On a subject in control of a vehicle.
- h. On individuals with known neuromuscular disorders, such as muscular sclerosis, muscular dystrophy, or epilepsy.
- i. On persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current.
- j. On a person known to have a heart condition.

F. CED Deployment

1. Prior to deploying the CED, whenever reasonable and practical, verbal warnings shall be issued to the subject, which will allow the subject the opportunity to comply with the officer’s commands.
2. In situations where CED use is a possibility, officers should consider requesting EMS before use.
3. Prior to deploying the CED, the deploying officer shall announce the word “CED” or “Taser” to alert others of the impending use of the weapon.
4. “Clear” shall be announced by the deploying officer subsequent to the use of the CED and prior to affecting the arrest, so as to alert others that the weapon is no longer being deployed.
5. When activating a CED, the officers should use it for one standard cycle and stop to evaluate the situation. (A standard cycle is five seconds.) If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used.
6. Officers should consider that CED exposure lasting longer than 15 seconds (whether due to continuous or multiple cycles) may increase risk of death or serious bodily injury.
7. Applications of more than 15 seconds should be weighed against other force options.
8. Officers will be particularly alert for medical distress of the subject.

9. Officers should make every effort to avoid firing darts or directing the contact stun method at a subject's head, neck, front chest area, or genitalia. Preferred targeting is the center mass of the subject's back. Where back targeting is not possible.
10. The CED direct contact stun method may be utilized as an alternative deployment method when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be ineffective.
11. The CED shall not be used in any manner that constitutes torture or torment.
12. It shall not be used to elicit statements, awaken an intoxicated subject, or punish any individual.

G. Post Deployment

1. Immediate Restraint: The subject will be restrained immediately to prevent additional resistance or injury. The subject will not be restrained in a manner that impairs respiration. Other than initially securing the subject, the subject shall not be left in a face-down prone position. If other restraints are unavailable, the subject may be handcuffed in front using a belt or strap to secure the cuffs to the body.
2. Medical Monitoring. Emergency medical services (EMS) shall be requested to respond to all instances where the CED has been deployed. The requesting officer shall monitor the subject until EMS personnel have arrived.
3. Supervisor Response. The on-duty supervisor or command officer will immediately respond to the scene of any CED use. The supervisor will review the circumstances of the use and conduct a preliminary investigation.
4. Removal of Probes. CED probes shall be removed as soon as possible. CED probes that are imbedded in a subject's skin (as opposed to just clothing) shall be removed only by EMS personnel, other medical personnel, or police personnel who are trained in the removal of the probes.
5. Police personnel shall not remove CED probes that have struck a subject's head, throat, groin, or any other sensitive area.
6. A CED probe that has penetrated a person's skin shall be considered a biological hazard and shall be handled with the appropriate care.
7. All persons who have been subjected to a CED activation should be monitored regularly while in police custody even if they received medical care.
8. Anyone subject to CED deployment showing any signs of physical distress shall be transported immediately to a medical facility.

H. Reporting and Investigation

1. A use-of-force report shall be completed on all CED incidents. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in the use-of-force report. This includes the actual or threatened use of the CED by an officer.

2. The supervisor responding to the scene shall conduct an immediate preliminary investigation that shall include the following:
 - a. Location and interview of witnesses (including other officers)
 - b. Photographs of subject and officer injuries;
 - c. Photographs of cartridges/darts;
 - d. Collection of CED cartridges, darts/prongs, data downloads, car video, body camera video, confetti ID tags, and copies of the device data download.
3. Photographs of the subject shall be taken in all instances involving a subject who is injured or complains of being injured as a result of the use of the CED. Photographs should depict overall condition of the suspect, any injuries, and the locations where the probes made contact. All CED deployments or discharges, including test firings, shall be recorded in a CED log. A supervisor must sign the CED log verifying that the information contained therein is accurate. The presence of a supervisor during testing is not required.
4. Expended CED cartridges shall be submitted to the property unit as evidence. After showing the property clerk a completed CED report signed by a supervisor, the officer shall be provided with a replacement cartridge.
5. The Chief of Police may request an outside investigation by the Department of Public Safety when any of the following factors are involved:
 - a. A subject experiences death or serious injury;
 - b. A person experiences prolonged CED activation;
 - c. The CED appears to have been used in a punitive or abusive manner;
 - d. There appears to be a substantial deviation from training;
 - e. A person in a high-risk population category has been subjected to activation (see list above)
 - f. Any other activation as determined by a supervisor.

I. Inspection

Supervisors shall, on a monthly basis, inspect their officer's CED log and data port to determine if there have been any discharges since the previous inspection. Any undocumented discharges shall require the officer to prepare a memorandum to the Chief of Police explaining the circumstances surrounding the discharge.


J. General Considerations

1. Officers should be aware that multiple activations and continuous cycling of a CED appear to increase the risk of death or serious injury and should be avoided whenever possible.
2. Officers must be aware of the limitations of the CED and be prepared to transition to other force options as needed.
3. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium.

4. Officers should also be aware that CED cartridges have experienced firing problems in extremely cold weather.

K. Defense Against CED Use

1. When a subject is armed with a CED and attacks or threatens to attack a police officer, the officer may defend himself when he/she reasonably believes it is immediately necessary to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. When possible, officers should attempt to move outside the device's range (approximately 21 feet) and seek cover, as well as request back-up officers to mitigate the danger.

	MINEOLA POLICE DEPARTMENT	
	Policy 6.4 Officer Involved Shooting Investigations	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

It is the policy of this agency that officer-involved shooting incidents be investigated with the utmost thoroughness, professionalism, and impartiality to determine if the officer’s actions conform to the law and this agency’s policies.

II. PURPOSE

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

III. DEFINITIONS

- A. Post-Traumatic Stress Disorder:** An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. Officer-Involved Shooting Incident:** A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

IV. PROCEDURES

- A. Officer’s responsibility when involved in a shooting incident**
 - 1. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve evidence essential to the investigation. This includes the following actions:
 - a. Ensure that the threats to officer safety and the safety of others are over.
 - b. Notify communications of the shooting incident and request immediate assistance.
 - c. Secure and separate any suspects.

- d. Relay information on any fleeing suspects to communications and other field units and work with them to establish a containment area.
 - e. Immediately request a supervisor and emergency medical services, if necessary, and any other assistance required.
 - f. If injured, administer emergency first aid to oneself first. Then administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.
 - g. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence.
 - h. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms.
 - i. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects, and suspect vehicles.
2. As time and capabilities permit before supervisory and other assistance arrive:
 - a. Secure the area, establish a perimeter with crime scene tape, and limit access to those authorized persons who are necessary to investigate the shooting and assist the injured.
 - b. Protect evidence from loss, destruction, or damage that is likely to occur before backup can arrive.
 - c. Ensure that evidentiary items are not moved, or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
 - d. Record the names, addresses, and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

B. Supervisor Responsibilities. A supervisor shall be dispatched immediately to the scene of the incident and shall assume primary responsibility for protecting the scene and caring for involved personnel.

1. The supervisor will ensure the safety and determine the condition of the officer(s), suspect(s), and third parties, and summon emergency medical service providers if not yet summoned for officers, suspects, and third parties.
2. If the officer has been shot or otherwise injured, the supervisor will do the following:
 - a. Ensure that an officer accompanies and remains with the officer at the hospital.
 - b. Ensure that the officer's family is notified on a priority basis and in person when possible.

- c. Ensure that family members are assigned transportation to the hospital or any other location where they are needed as soon as possible.
 - d. Not release the officer's name prior to the family's being notified.
 - e. Assign an officer to the family for security, support, control of the press, and visitors.
 - f. Establish communications and related matters.
 - g. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes.
 - h. See that related equipment of the officers is safeguarded.
3. The supervisor should contact communications and advise them of the condition of the officers and suspects and the exact location of the incident and request they immediately contact the following:
 - a. The Chief of Police
 - b. Investigators
 - c. Crime scene search personnel
 - d. The public information officer
 - e. Police chaplain or advocate
 - f. Police legal advisor
4. The supervisor is to establish a command post and appoint a recorder to make a chronological record of all activities, including the names and actions of any personnel who enter the crime scene. The recorder shall prepare a supplemental report detailing his/her activities and observations. The original chronological record and the supplemental report will be placed in evidence after the scene is cleared.
5. The supervisor shall ensure that all audio/video recording systems, including squad-car video systems that were at the scene at the time of the incident, are stopped and secured to protect any evidence thereon. This process shall be consistent with the in-car and body worn camera policy of this agency.
6. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with him/her. Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must, however, obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine the following:
 - a. If any other suspects are at large and get descriptions;
 - b. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured);
 - c. Description and location of any known victims or witnesses;
 - d. Description and location of any known evidence;
 - e. Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.
7. During any period where the involved officer is required to remain on the scene but has no immediate duties to fulfill, the supervisor should see that the officer is taken to a quiet area away from the scene of the incident. If

available, a peer counselor or other supportive friend or officer should remain with him/her, but that person should be advised not to discuss details of the incident.

8. The supervisor will see that a color picture of the involved officer is taken.
9. The supervisor will ensure that the overall scene and evidentiary items are photographed and videotaped.
10. The supervisor will ensure that all persons at the scene are videoed.
11. The supervisor should advise the officer that he/she may seek legal counsel.
12. The supervisor will explain to the officer that any standard investigations concerning the incident will be discussed with the involved officers, and that the investigations shall include a criminal and an internal investigation.
13. The supervisor shall advise the officer not to discuss the incident with anyone except a personal or agency attorney or departmental investigator until the conclusion of the preliminary investigation.
14. The supervisor will ask all officers present at the time of the incident if they are carrying any firearms other than their primary duty weapon. If so, these weapons will be examined before crime-scene personnel have left the scene.
15. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. If the duty weapon is taken, the supervisor shall:
 - a. Take custody of the officer's weapon in a discrete manner;
 - b. Replace it with another weapon and advise the officer that it will be returned or replaced at a later time, as appropriate.
16. The supervisor should ensure that the involved officer may notify his/her family about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify his family and arrange for their transportation to the hospital if needed.
17. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
18. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
 - a. Locate and secure in place the officer's weapon and shell casings.
 - b. Locate and secure the weapons and shell casings of any suspects.
 - c. Collect information about the suspect including name, address, age, and DOB.
 - d. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel.
 - e. Attempt to determine the original shooting positions of the suspect and officer.
19. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident.

20. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of his/her activities after being notified.
21. The supervisor shall also complete a departmental use-of-force report on the incident.


C. Investigation: This agency requests another agency to investigate incidents of officer-involved shootings.

D. Post-Incident Procedures

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
2. All officers directly involved in the shooting incident shall be required to contact an agency-designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency as to the following:
 - a. Whether it would be in the officer's best interest to be placed on administrative leave or light duty, and for how long;
 - b. What will be the best course for continued counseling. (The agency strongly encourages the families of the involved officers to take advantage of available counseling services.)
 - c. If placed back on full duty and another deadly-force situation presented itself in the first work shift, would the officer be capable of defending himself/herself or another with the use of deadly force.
3. Any agency investigation of the incident shall be conducted immediately.
4. The agency should give a general briefing to other agency members concerning the incident.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson, unless they are otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.

E. 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. If a supervisor believes that stress may be disrupting the officer's job performance or other life skills, the Chief of Police should be informed immediately. The Chief of Police may refer the officer back into counseling. Or the officer may be referred to a "fitness for duty" examination.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.1 Constitutional Safeguards	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 7.04	

I. POLICY

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

II. PURPOSE

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

III. THREE LEVELS OF ENCOUNTERS

There are only three levels of encounters between civilians and police officers: consensual encounters, temporary detentions, and arrests. Detentions and arrests are considered seizures of the person for purposes of constitutional analysis.

In order to be lawful a consensual encounter must be voluntary as seen through the eyes of a reasonable person. In other words, if a reasonable person would not believe he or she could simply walk away from the encounter, then the encounter shall be considered a seizure by the courts.

In order to be lawful a temporary detention must be based upon reasonable suspicion, i.e. specific, articulable facts and circumstances that would lead a reasonable officer to conclude criminal activity is afoot.

In order to be lawful and arrest must be based upon probable cause, i.e. specific articulable facts and circumstances that would lead a reasonable officer to conclude a specific person had committed a specific crime.

Reasonable suspicion and probable cause are evaluated by analyzing the totality of the information known to the officer at the moment the person is seized. Information discovered incident to a detention or an arrest cannot retroactively support the seizure.

IV. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable Cause: in all circumstances an officer must have probable cause to make an arrest. Probable cause is also required in most circumstances to search, but there are some exceptions to that requirement.

1. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed." See 7.3 for additional information.
2. When an officer has sufficient probable cause, he or she may arrest or, in certain circumstances, search a person. The purpose of an arrest is to make a formal charge. While formal charges may not be filed for any number of reasons, officers should make a custodial arrest only if a formal charge is anticipated.
3. The test for evaluating the existence of probable cause is based on the totality of the circumstances known to the officer at the moment of the arrest.

B. Reasonable Suspicion: An officer must have reasonable suspicion to temporarily detain a person. The purpose of a detention is to further the investigation into potential criminal activity

1. Reasonable suspicion involves a somewhat lower standard than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot. The same types of facts and circumstances which can be used to build probable cause can also be used to build reasonable suspicion. The test for evaluating the existence of reasonable suspicion is the same test used to evaluate probable cause: the totality of the circumstances known to the officer at the moment of the detention.
2. When an officer has reasonable suspicion, he or she may detain a person for a temporary period of time during which time the officer must work efficiently towards confirming the need for the continued detention of the person, or the release of the person detained. Officers have greater authority to detain a suspect in a crime as opposed to a witness to an offense. "Temporary period of time" shall mean only that relatively brief amount of time that an officer may detain a person so the officer may initiate or continue the investigation, having reasonable suspicion to believe the person is involved in the criminal activity. Once the officer has determined that he or she has insufficient facts and circumstances to establish probable cause, or is not likely to obtain sufficient facts or circumstances to establish probable cause, the officer shall release the person.
3. Frisk authority: officers do not have the authority to automatically frisk a person who has been detained. The frisk has one lawful purpose – to insure

the safety of the officer. In order to support a claim that the officer was at risk the frisking officer must articulate what the detainee was doing at that moment in time that caused the officer to be concerned for his or her safety.

V. AUTHORITY AND DISCRETION

A. Law-enforcement authority: State law invests peace officers with authority to prevent crime, apprehend criminals, safeguard life and property, and preserve the peace. These goals are accomplished by enforcing state and local laws and ordinances. Texas restricts a peace officers authority with regards to making warrantless arrests. In order to effect a warrantless arrest under Texas law an officer must have probable cause to believe the person to be arrested committed the offense and there must be a specific statute which authorizes the warrantless arrest in that situation. Warrantless arrest authority is found primarily in Chapter 14 of the Code of Criminal Procedure, but is also found in other statutes. It is the officer's responsibility to confirm that such statutory authority exists.

B. The use of discretion by officers

1. While officers have the authority to arrest an offender under many circumstances, they seldom are able to make an arrest for every offense they observe. Officers must prioritize their activities to provide the highest level of service to their community. As a result they must often use discretion in deciding the level of enforcement action based on the circumstances.
2. Departmental policy gives officers procedures to follow for common or critical enforcement tasks. Departmental policies and procedure are to be followed unless unusual or extreme circumstances dictate another course of action. In these cases, officers shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.
3. Officers should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors. Additionally, these decisions are subject to review by prosecuting attorneys, defense attorneys, and judges.
4. Supervisors shall observe and review the activities of officers and counsel them as needed regarding the use of discretion. In addition to counseling, officer's decisions are subject to review and discipline through the chain of command.

C. Alternatives to arrest/pre-arraignment confinement

1. Officers are required to arrest suspects for all felony offenses and those major misdemeanor offenses where a victim was injured, property was stolen or damaged, or the public or an individual was placed at risk of great

harm. Officers shall only make warrantless arrests in situations authorized by state law. In all other situations officers shall obtain an arrest warrant. If the immediate arrest of a suspect is not advisable due to the suspect's health, age, infirmity, or family situation, the officer should contact a supervisor for disposition. A supervisor or the Chief of Police can authorize the officer to release the individual and seek a warrant for an arrest at large. Once the arrest is made and the suspect is transported to jail, the officer may contact the magistrate to see if the individual can be released on his own recognizance.


2. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, officers may occasionally be faced with situations where formal action is not advisable. In such cases, officers may elect to exercise alternatives, such as the issuance of citations, referral to a social service agency, or simply to give a warning.
3. In determining whether a citation should be used, the officer shall:
 - a. Decide whether the offense committed is serious.
 - b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
 - c. Make a judgment as to whether the accused poses a danger to the public or himself/herself.
4. Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. In such cases the officer may refer the person to an appropriate social services agency, if the person is agreeable to such a referral.
5. The use of warnings may sometimes provide a 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 shall consider:
 - a. The seriousness of the offense.
 - b. Whether a victim was injured or had property damaged by the offender.
 - c. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
 - d. The likelihood that the violator will heed the warning.

III. PROTECTION OF INDIVIDUAL RIGHTS

- A. Officers will at all times act to preserve and protect the rights of all persons.
- B. Miranda warnings are required prior to any custodial interrogation. A custodial interrogation occurs when a person is not free to leave and is asked questions that are intended to elicit an incriminating response. Officers are expected to understand the requirements of the Code of Criminal Procedure, articles 38.22 and 2.32 before taking any statements from suspects. All custodial interrogations shall be videotaped and audiotaped. If the custodial interrogations are not

recorded, the officer conducting the interrogation shall explain why in the officer's report.

1. Listed below are representative examples of situations that may not require a Miranda warning;
 - a. Questioning during a routine traffic stop or for a minor violation, which includes driving while intoxicated (DWI) stops until a custodial interrogation begins. Such questions may include, but are not limited to, inquiries about: vehicle ownership, the driver's destination, the purpose of the trip, and insurance documents. Any questions focusing on the person's participation in criminal activity may require warnings.
 - b. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
 - c. During voluntary appearances at the police facility when a suspect is not in custody but is responding to questions designed to elicit incriminating responses.
 - d. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require Miranda warnings.)
2. Administering Miranda.
 - a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation. Officers shall confirm that the warning text on the card matches the warning language found in article 38.22 of the Code of Criminal Procedure.
 - b. Freelancing, recitation from memory, or paraphrasing the warnings is prohibited because it precludes officers from testifying in court as to the precise wording used.
 - c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be questioned only when they have knowingly and intelligently acknowledged they understand their rights and have affirmatively waived those rights. Threats, false promises, or coercion to induce suspect statements are prohibited.
 - d. Waivers of the Miranda rights must be performed affirmatively and shall be audio or video recorded as required by state law. If a recorded statement is not an option the statement shall be in writing as required by state law.
 - e. Officers arresting deaf suspects or those suspects that appear to have limited proficiency in English shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
 - f. The administration of the Miranda warning shall be recorded. State law prescribes those circumstances under which a non-recorded statement might be admissible. Officers shall comply with state law in these matters.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.2 Field Interview, Consensual Encounters and Detentions	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 7.07	

I. POLICY

Per the US Supreme Court, there are only three types of encounters between police and civilians: (1) a consensual encounter in which the civilians voluntarily elect to stay and interact with the officer, (2) a detention based upon reasonable suspicion, which may include a frisk for weapons if the officer can state the facts and circumstances that justify the officer’s fear for their safety, and, (3) an arrest based upon probable cause. The agency expects and encourages officers to conduct field interviews. Field interviews are important contacts with individuals that aid in preventing and investigating crime. The agency expects officers to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of all persons and the need of officers to obtain information crucial to the reduction and prevention of crime.

II. PURPOSE

The purpose of this policy is to clearly establish the difference between a consensual encounter and an investigative detention or stop, and to assist officers in determining what compliance is required during field interviews and when frisks for weapons are lawful, necessary, and useful, and to establish procedures for conducting both safely. (TBP: 7.07)

III. DEFINITIONS

- A. Field interview: A brief interview of a person to determine the person's identity and to gather information or to resolve the officer's suspicions about possible criminal activity or to determine if the person has information about a criminal offense. A field interview may take place during a consensual encounter or during a temporary detention. The difference is in the information known to the officer at the outset of the encounter which establishes the encounter as either consensual in nature or a temporary detention based upon reasonable suspicion. Field interviews require voluntary cooperation of the subject for purposes of answering questions.

- B. Frisk: A "pat-down" search of outer garments for weapons.

- C. Reasonable suspicion: Articulate facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed. The reasonableness of an officer's actions will be determined by reviewing the totality of circumstances known to the officer at the time he or she takes the action.

- D. Detention also known as an investigative detention, stop, Terry Stop, or stop-and-frisk: Requiring an individual to remain with the officer for a brief period of time for the purpose of investigating the actions of the individual. In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved. The combination of facts and circumstances must lead a reasonable officer to believe that the person to be detained is involved in criminal activity. It is not permissible to detain a person based upon mere suspicion or the officer's inarticulate hunch that the person is up to no good.

The following list of factors and circumstances may be used to build reasonable suspicion. This list is not all-inclusive nor is the presence of any one of these circumstances alone always sufficient for reasonable suspicion.

1. Officer has knowledge that the person has a criminal record;
 2. A person fits the description of a wanted person;
 3. A person has exhibited furtive conduct, such as attempting to conceal an object from the officer's view;
 4. The appearance, behavior, or actions of the suspect indicate the person is involved in criminal activity;
 5. The time of day or night;
 6. The officer observes a vehicle that matches that of a broadcast description of a suspect vehicle;
 7. A person exhibits unusual behavior, such as staggering or conduct indicating a need for medical assistance;
 8. The suspect is in geographical and temporal proximity to the crime scene;
 9. The suspect is carrying an unusual object, or his/her clothing bulges in a manner consistent with concealing a weapon;
 10. Flight from the officer may be considered as a fact or circumstance, but mere flight alone, without additional facts or circumstances, will be insufficient to establish reasonable suspicion.
 11. Firsthand observations by the officer;
 12. Information from informants or members of the community;
 13. Collective knowledge or information shared by other officers;
 14. Reasonable inferences made by the officer from information known to the officer.
-
- E. Consensual encounter: an encounter between a police officer and a civilian in which a reasonable person would believe, based upon the circumstances of the encounter, that compliance is not mandatory and he or she is free to decline to talk with the officer and is free to leave.

IV. CONSENSUAL ENCOUNTERS

A. Making the consensual encounter

1. An officer may conduct a field interview at any time if an individual is willing to speak with the officer. A field interview requires voluntary cooperation from the individual. The individual may decline to answer any and all questions during either a stop or consensual encounter. The individual may leave at any time during a consensual encounter. The individual may refuse to produce identification or otherwise identify himself/herself during either a stop or a consensual encounter.
2. The officer shall articulate all the reasons for contacting the individual in the first place. The officer shall explain all the steps taken in contacting the individual. Officers should note that if the initial encounter is deemed a seizure by the court, the officer will be required to justify his/her initial detention by describing specific and articulable facts which, taken together with rational inferences from those facts, established reasonable suspicion for that detention. See III. D. above.

B. Place of the interview

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

C. Conduct of Interviews during a Consensual Encounter

1. Officers shall clearly identify themselves and, if not in uniform, display identification.
2. As noted above, a person participating in a consensual encounter with an officer may discontinue the interview at any time. To repeat, during a consensual encounter, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. Since the distinction between a consensual encounter and a detention depends to a great extent on whether, under the circumstances, the subject perceives that he/she is free to leave, officers shall comply with the following guidelines:

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

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

- A. The legal authority to conduct an investigative detention or stop (and frisk when warranted) is based in federal and state constitutions as interpreted by court decisions. A frisk is defined as a limited search for weapons.
- B. Investigative detentions may involve two distinct acts. The first is the actual detention or stop and it is based on reasonable suspicion. A second component may be a frisk of the detainee for weapons. The frisk must be justified by the officer's reasonable fear for his/her safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general. For example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to the following:
 1. The type of crime being investigated, particularly those involving weapons;
 2. When the officer must confront multiple suspects;
 3. The time of day and location of the stop;
 4. Prior knowledge of the suspect's propensity for violence;
 5. Any indication that the suspect is armed;
 6. Age and sex of the suspect. Officers shall exercise caution with very young or very old people or persons of the opposite sex;
 7. Demeanor of the suspect;
 8. Failure or refusal to follow simple commands;
 9. Statements made by the suspect;
 10. Aggressive actions or statement made by the suspect.
- C. Manner of conducting a frisk

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

D. Protective search

1. Under some conditions, the protective frisk may be extended beyond the person detained. This frisk occurs most often involving vehicles. A lawful, protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:
 - a. A lawful detention as defined herein or a lawful vehicle stop.
 - b. A reasonable belief that the suspect poses a danger.
 - c. A frisk of the subject must occur first.
 - d. The search must be limited to those areas in which a weapon may be placed or hidden.
 - e. The search must be limited to an area that would ensure that there are no weapons within the subject's immediate grasp.
 - f. If the suspect has been arrested and removed from immediate access to the vehicle, a search of the vehicle cannot be made for protective reasons. The protective frisk of the vehicle may only occur if the suspect is to be returned to the vehicle. A search may be made of the vehicle if other exceptions to a search warrant exist.


E. Period of detention:

1. Investigative detention must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, or that additional facts and circumstances are not being developed, the person detained shall be released. Should the initial reasonable suspicion be reinforced with additional information that develops probable cause, the period of detention could be lengthened. The courts have not established a exact time limit for detentions, but case law suggests detentions are measured in increments of less than an hour.

VI. DOCUMENTING THE INTERVIEW OR STOP

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

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

	POLICE DEPARTMENT	
	Policy 7.3 Arrests With and Without A Warrant	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 7.02, 7.03, and 7.04	

I. POLICY

Short of the application of force, an arrest is the most serious action an officer can undertake. Being arrested can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. It is of paramount importance that officers not undertake an arrest without the utmost care.

There are two important legal questions facing officers making an arrest in Texas. The first deals with the existence of probable cause. Without probable cause, the arrest violates the Fourth Amendment and any evidence that flows from the arrest is inadmissible. Secondly, The State of Texas mandates that any warrantless arrest by an officer must be authorized by statute. See generally Ch. 14, Code of Criminal Procedure. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, the presence of probable cause and statutory authority and the use of force that may be required to make the arrest.

Officers shall consider alternatives to arrest consistent with their law-enforcement mission.

II. PURPOSE

The purpose of this policy is to define the authority of officers to make arrests and to outline the mechanism for making an arrest with and without a warrant.

III. DEFINITIONS

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

circumstances known to the officer that would cause a reasonable officer to conclude that a specific person has committed a specific offense.

IV. DISCRETION

- A. Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the policies of our department, and any instruction provided by field supervisors.
- B. Officers shall not make arrests or take any enforcement action based in whole or in part on a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation. The exception to this policy is that race and/or other identifying characteristics listed above may be used to build probable cause if they are relevant factors identifying a suspect.

V. ARRESTS WITH A WARRANT (TBP: 7.02)

- A. General Procedures for Obtaining an Arrest Warrant and Arresting with a Warrant.
 - 1. Obtaining an arrest warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure (TCCP). All officers shall become familiar with the specific language/laws concerning obtaining arrest warrants found in Chapter 15 of the TCCP. The following are shortened versions of Articles 15.01, 02, 03, and 05. If departmental approval is received, an officer may obtain an arrest warrant by following these requisites:
 - a. (15.01) An arrest warrant is a written order from a magistrate, directed to a peace officer commanding the officer to arrest a person accused of an offence who is to be dealt with according to law.
 - b. (15.02) A warrant must be issued by a magistrate, in the name of the State of Texas, and must specify the name of the person to be arrested or a reasonable, definite description of the person. The warrant must state that the person is accused of a crime and name the crime. The warrant must be signed by a magistrate and it must indicate the identity of the magistrate's office.
 - c. (15.03) A magistrate in the State of Texas may issue an arrest warrant when a person (the officer) makes an oath (affidavit or complaint) that another has committed an offense against the laws of the State of Texas.
 - d. (15.05) An officer's complaint or affidavit must state the name of the accused or some reasonably definite description of the individual. It must show directly that the person has committed a crime or that there is good reason to believe that the person has committed a crime. The complaint/affidavit must state the time and

place of the offense, as definitely as can be done by the affiant, and it must be signed by the affiant.

2. Unless assigned as an investigator or detective, officers will obtain supervisory approval before applying for an arrest warrant for any individual.
3. All members of the department will utilize approved affidavit and arrest warrant forms provided by the department. Upon completion of the affidavit and warrant, all officers shall have the documents reviewed and approved by a supervisor prior to requesting judicial approval.
4. Warrants will be carried only to the judge of the municipal court or to a county or district court judge for judicial review. If a warrant approval is refused by any judge, the affidavit and warrant shall not be taken to any other judge until substantial additional information proving probable cause has been added to the affidavit. Subsequent reviews will be done by the same magistrate unless he/she is unavailable. If the same magistrate is unavailable, the officer shall inform the new magistrate that the original affidavit was refused and provide the reason(s) why it was refused.
5. Except as authorized by the Texas Code of Criminal Procedure, Chapter 14, or Section 18.16, an officer shall not arrest anyone without an arrest warrant.
6. An officer shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.
7. An officer shall presume that any arrest warrant which appears in proper form is valid. To be in proper form and valid on its face, an arrest warrant shall have the following features:
 - a. Be issued in the name of "The State of Texas"
 - b. Specify the name of the person whose arrest is ordered, or provide a reasonable description if the name is not known
 - c. State that the person is accused of a named offense
 - d. Be signed by a magistrate whose office must be named.
8. An officer shall execute a valid arrest warrant as provided by law and departmental policies.
9. If the arrest warrant lacks proper form, the officer shall not execute the warrant, but shall return the warrant to the magistrate who issued it.
10. An officer who has any question about the details or validity of an arrest warrant shall attempt to verify the information before making an arrest under authority of that warrant.
11. Whenever practical, an officer shall automatically verify the currency of any arrest warrant issued thirty days or more before the date of execution.
12. Any decision to send regional or statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case.
13. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in his possession, the officer shall personally determine the location of the warrant and shall ensure that the arrestee sees a copy of the warrant as soon as possible after his/her arrest.
14. In executing an arrest warrant, whether or not he/she has the warrant in his/her possession, an officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant. An officer has the

warrant in his possession shall show it to the arrestee. If the officer does not possess the warrant, he/she shall advise the arrestee of the charge, the bond, and the originating agency that issued the warrant.

15. Officers may enter a third party's residence in the following situations:
 - a. with consent to search from the resident or person having control of the property, or
 - b. with a search warrant for that residence in order to enter and make the arrest, or
 - c. while in fresh pursuit of the wanted person in dangerous felony cases only.

B. Warrants from Other Jurisdictions

1. If an officer has knowledge that another Texas law-enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person. If an officer makes an arrest on a warrant from another Texas law-enforcement agency, the officer shall do the following:
 - a. Arrest the defendant.
 - b. Notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.
 - c. Make certain that a supervisor is notified if the defendant is booked into this department so that the defendant can appear before a magistrate within 24 hours of the arrest.
 - d. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.
2. The department shall hold the arrestee as the magistrate prescribes until releasing the arrestee to the custody of the department holding the warrant, or until transferring the person to the custody of the county sheriff's department.

C. Warrants from Other States: When any officer has probable cause to believe that a person stands charged of a felony in another state, the officer shall do the following:

1. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. (Such an arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.
2. Book the arrested person directly into the custody and transfer to the county sheriff's department.
3. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a third person's residence in the following circumstances:
 - a. With consent to search from the resident or person having control of the property
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person.

D. Chance Encounters

1. An officer who lawfully stops or otherwise detains and identifies a person may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. An officer may detain a person whom he/she has lawfully stopped for a reasonable period of time in order to conduct a routine record check by radio, telephone, teletype, or computer terminal. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.
3. The detained person may be required to wait in the officer's vehicle, in his/her own vehicle, or in some other convenient place.
4. The person may be frisked if the officer can articulate a reasonable fear for his/her safety.
5. Persons who have been detained are not legally required to identify themselves to the police. Drivers of vehicles who have been detained for a violation of a traffic law are required to produce a driver's license.

E. Planned Executions of Arrest Warrants

1. Prior to executing an arrest warrant, the officer in charge shall notify his/her chain of command.
2. The time of day for executing the arrest warrant shall be based on the following rules:
 - a. Execute during daylight, unless circumstances make this dangerous or impractical.
 - b. Execute when the person named in the warrant is most likely to be present.
 - c. Execute when resistance is least expected and best controlled.
 - d. Execute so as to minimize the danger or inconvenience to other persons who may be on the premises, unless other circumstances make this impractical.
 - e. Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public, as it might in, e.g., crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms.
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located (subject to the third-party, private-location rule.)
4. Officers need not execute the warrant at the first possible opportunity but may choose the time and place in accordance with these rules.
5. An officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
6. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
7. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his/her intentions and purpose, and demand admittance. He/she then may then wait for a reasonable time under the circumstances to be admitted.

8. Officers may only enter a third person's residence in the following circumstances:
 - a. With consent to search from the resident or person having control of the property, or
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person in cases of dangerous felony.
9. If the execution of an arrest warrant may involve significant risk to officers, a statement of the circumstances of this risk should be included in the affidavit with a request that the magistrate include a "No Knock" authorization to the warrant. If a "No Knock" provision has not been authorized by the magistrate, and articulable circumstances occur at the time of execution of the warrant (such as efforts to destroy evidence, evade arrest, or endanger officers) an immediate entry may be made without the required notice and waiting period.
10. An officer who must make a forcible entry shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
11. When it is necessary to forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other appropriate measures, to protect the safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.
12. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person whom the officer reasonably suspects may have a weapon concealed upon his/her person.
13. Officers should make all attempts to leave the premises at least as secure as when they entered by leaving it in the hands of a responsible person or by locking all doors and windows. If the premises are left unsecured, a guard will remain until the site can be turned over to a responsible party or otherwise secured from illegal entry.

VI. ARREST WITHOUT A WARRANT (TBP: 7.03)

- A. Federal and state constitutions protect individuals from unreasonable searches. Further, officers must have probable cause to believe that a crime has been committed, and that the person to be arrested has committed the crime.
- B. When warrantless arrests may be made
 1. The Texas Code of Criminal Procedure, in Chapter 14, gives officers the

authority to make warrantless arrests, supported by “probable cause,” as follows:

- a. Officers may arrest persons found in suspicious places and under circumstances that establish probable cause that such persons have been guilty of a felony or breach of the peace, violation of Ch. 42 of the Penal Code or threaten or are about to commit an offense against the laws.
- b. An officer who has probable cause to believe that a person has committed an assault resulting in bodily injury to another, and there is probable cause to believe there is danger of further bodily injury to the victim, may arrest that person.
- c. An officer who has probable cause to believe that the person has committed an offense involving family violence may arrest the violator.
- d. If a person prevents or interferes with an individual’s ability to place an emergency telephone call as defined in the Penal Code, an officer may arrest the violator.
- e. Officers shall arrest a person who violates a valid protective order when the violation is committed in the officer’s presence.
- f. Officers may arrest a person who violates a valid protective order, if the offense is not committed in the officer’s presence or view.
- g. Officers may arrest an offender for any offense committed within the officer's presence or view, including traffic violations.
- h. Officers may arrest at the direction of a magistrate when a felony or breach of the peace has been committed.
- i. Where it is shown by satisfactory proof to a peace officer, upon the representation of a *credible* person, that a felony has been committed, and that the offender is about to escape, so that there is not time to procure a warrant, said officer may, without warrant, pursue and arrest the accused.
- j. Officers may arrest a person who confesses to a felony crime, provided the confession complies with state law regarding the admissibility of confessions.

2. Warrantless Arrests Outside Officer’s Jurisdiction:

- a. Although officers are discouraged from making arrests outside their jurisdiction, officers may make warrantless arrests in compliance with state law. [Municipal police officers who are outside their jurisdiction may arrest for any offense committed in their presence or view. These officers may only arrest for violations of Subtitle C, Title 7 of the Transportation Code if the violation occurs in the county or counties in which the officer’s municipality is located.] Non-municipal Officers who are outside their jurisdiction may arrest, without warrant, a person who commits an offense within the officer’s presence or view, if the offense is a felony, breach of the peace, or violation of Chapter 42 or 49 of the Texas Penal Code.
- b. Any officer making a warrantless arrest outside his/her jurisdiction shall notify the law-enforcement agency of proper jurisdiction. The

law-enforcement agency shall take custody of the prisoner and arraign the prisoner before a magistrate in compliance with state law.

VII. POST-ARREST PROCEDURES

A. Injury before or during arrest

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

B. Processing of paperwork

1. Outline here the procedure for documenting arrests. Include a provision for supervisory review and approval of reports. Processing and routing procedures should be outlined concerning:
 - a. Offense reports.
 - b. Booking forms.
 - c. Fingerprint cards.
 - d. Photographs.
 - e. Criminal History reports.
 - f. Copies of summonses.
 - g. Copies of warrant.
 - h. Bond papers.
 - i. In the case of juvenile offenders:
 - j. Petitions.
 - k. Detention orders.

C. Mirandizing Arrestees

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

6. All custodial interrogations of arrested persons shall comply with the requirements found in state and federal law.

VIII. RELEASE FROM ARREST

A. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense only to find out shortly thereafter that the person under arrest did not commit a crime or that the event was not a crime. It is imperative, then, that the officer end the arrest process and release the person as soon as possible. Releasing a person who has been arrested incorrectly is not to be confused with releasing a person who was correctly arrested, but is to be released for convenience or medical purposes.

B. Procedure

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

IX. IMMUNITY FROM ARREST


A. Legislative immunity

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

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

B. Diplomatic immunity

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

	MINEOLA POLICE DEPARTMENT	
	Policy 7.4 Searches Without a Warrant	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 7.07, 10.14, and 10.15	

I. POLICY

In order to ensure that constitutional rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances. (Search warrants are discussed under Policy 7.5.)

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

II. PURPOSE

The purpose of this policy is to establish guidelines for searches incident to arrest and other searches without a warrant.

III. SEARCH INCIDENT TO LAWFUL ARREST

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

- C. An officer making a search incident to an arrest may search only the following places:
 - 1. The entirety of the person being arrested.
 - 2. The area within the wingspan or physical arm's reach of the person being arrested where the suspect might reach for a weapon or for evidence.
- D. Accessories, such as a purse or a backpack, carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.
- E. Vehicles may be searched contemporaneous with the arrest of the occupant or driver only in the following circumstances:
 - 1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search and the officer can articulate a safety concern, or
 - 2. The officer has a reasonable belief that evidence related to the crime for which the arrest was made is located within the passenger compartment.
 - 3. Once an occupant has been arrested and secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed.
- F. Strip searches
 - 1. Strip searches shall not be conducted of persons arrested for traffic violations, or for Class C or B misdemeanors unless the officer has an articulable, reasonable suspicion that the person is concealing a weapon or contraband. Reasonable suspicion may be based on, but is not limited to, the following criteria.
 - a. Nature of the offense.
 - b. Arrestee's demeanor and appearance.
 - c. Circumstances of the arrest or evidence of a major offense in plain view or during the course of the arrest.
 - d. Arrestee's criminal record, particularly a history of violence or of narcotics offenses.
 - e. Detection of suspicious objects beneath the suspect's clothing during a search incident to an arrest.
 - 2. Strip searches shall be performed by persons of the same sex as the person arrested and at the jail or lock-up where the search cannot be observed by persons not physically conducting the search.
 - 3. No strip searches will be conducted in the field.
 - 4. In every case, the on-duty supervisor must review the need and expressly authorize the strip search.

5. When authorized by the supervising authority, strip searches may be conducted only under the following conditions:
 - a. In conformance with approved hygienic procedures and professional practices.
 - b. In a room specifically authorized for this purpose.
 - c. By the fewest number of personnel necessary and only by those of the same sex.
 - d. Where conditions provide privacy from all but those authorized to conduct the search.
6. Following a strip search, the officer performing the search shall submit a written report to the supervisory authority that details, at a minimum, the following:
 - 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. The identity of the approving supervisor.
 - f. A detailed description of the nature and extent of the search.
 - g. The results of the search.

G. Body-cavity searches

1. Department personnel do not conduct body cavity searches other than an individual's mouth. If an officer has reasonable cause to believe a body-cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:
 - a. The on-duty police supervisor is notified.
 - b. A search warrant is secured.
 - c. The detainee is transported to an appropriate medical facility.
 - d. The search is conducted by the on-duty emergency room physician, while officers stand by to take control of any evidence and provide security to the physician conducting the search.
 - e. Body cavity searches are documented in the officer's arrest report, which will detail the officer's justification for such search, the approving supervisor's name, the location and persons present during the search, and the results of the search. A copy of the report and the warrant are forwarded to the Chief of Police for review and filing.
2. Prior to transporting the prisoner to the medical facility, the officer shall inform the prisoner of his or her intention to conduct a body-cavity search, thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.

IV. CONSENT SEARCH

A. Consent Searches

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

1. Consent searches must observe the following rules:
 - a. Generally, the person granting consent must use, access, or control the property. A person having use, access, or control of only a part of a jointly owned property can give consent for a search only of that part.
 - b. If two people have joint ownership of property, either may give consent where only one of the owners is present. If possible, officers should have all the consenting parties present sign a written permission-to-search form.
 - c. If both or multiple parties with joint ownership are present and any party refuses to consent to the search, the search cannot be performed.
 - d. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises unless the tenant has been evicted or has abandoned the property.
 - e. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use where only one is present. If both or multiple parties with joint ownership are present and any party refuses to consent to the search, the search cannot be performed.
 - f. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
 - g. An employee cannot give valid consent to a search of his/her employer's premises unless he/she has been left in custody of the premises.
 - h. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
 - i. Consent must be given voluntarily. If an officer requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual and the

officers should seek a warrant. The officer has the burden of demonstrating that the consent was given voluntarily.

- j. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
- k. Refusal to give consent, in itself, cannot justify further law-enforcement action.
- l. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

2. Documentation of Consent Searches

- a. Although verbal consent is valid, police officers will carry and use the Voluntary Consent to Search form. The form should be completed and signed by the consenting parties. All Consent to Search Forms shall be forwarded to the records unit for filing.
- b. If a person gives verbal consent but refuses to give written consent, police officers should consider the severity of the case along with viable options (e.g., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search.
- c. A police officer who is equipped with a body camera or dash camera shall record the request for consent and the person's response. The recording shall be preserved as evidence should evidence or contraband be discovered, or other enforcement action result from the search.
- d. A police officer who proceeds to search on verbal consent should remember that the burden of proof is always on the government.
- e. Police officers will not only have to prove the consent was voluntary, but that it was actually given (officer's word against defendant). Officers should attempt to take additional steps to eliminate this argument. For example, they could have an impartial third party witness the consent by signing the form.
- f. Police officers should make every effort to minimize conditions that could be offered as "threat or intimidation," such as the following:
 - i. Number of police officers present (especially in uniform)
 - ii. Amount of force used to detain or arrest, e.g., displaying firearms, use of handcuffs, etc.
 - iii. Language and tone of voice used in requesting consent
 - iv. Other non-verbal communications.

V. EMERGENCY SEARCH

An emergency search is a search in which an officer makes a warrantless nonconsensual entry into a residence or building in order to protect someone's life or render emergency life-saving assistance to an occupant. This search is not based in criminal law enforcement principles; rather it is to save life. Examples of emergency searches include, but are not limited to:

1. Fire
2. Shouts for help
3. Unconscious person
4. Welfare checks, if the information known to the officer gives rise to a reasonable concern for the well-being of an occupant
5. Sounds of a fight coming from inside the residence

Officers should understand that once entry is made and the emergency has been rendered safe his or her authority to be in the residence has expired. Additionally, entry pursuant to an emergency does not then give the officer authority to search the residence for evidence of a crime.

The test for the validity of an emergency search will be whether a reasonable officer, under the same circumstances, would have believed there was a threat to life or limb of an occupant.

VI. MOTOR VEHICLE SEARCH BASED ON PROBABLE CAUSE

A. In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant, although it often happens that there is not sufficient time to obtain one. However, warrantless searches of vehicles may take place under a number of conditions and circumstances. It is imperative that officers understand the different types of vehicle searches and their limitations. The U.S. Supreme Court has ruled that this exception will not authorize the intrusion into a residence's curtilage to search a vehicle parked within the curtilage.

NOTE: With a warrant, a search may extend anywhere within the vehicle unless the warrant itself imposes limits.

B. Definitions

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

A motor vehicle may be searched without a warrant if the following conditions are present:

1. The officer has probable cause to believe the motor vehicle is being used to transport contraband
2. The motor vehicle is mobile or readily mobile

The scope of a motor vehicle search is the entire motor vehicle, including containers in the motor vehicle in which the suspected contraband could fit.

If contraband is located by way of a lawful frisk or search of an occupant of the motor vehicle, the officer may rely upon this as probable cause to search the motor vehicle for additional contraband. The reverse is not the case. The discovery of contraband in a motor vehicle will not automatically authorize a search of the occupants of the motor vehicle. Officers must be able to articulate individualized probable cause to search the occupants.

An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.

An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.

Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits of a crime, or instrumentalities of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

A. Containers within the vehicle

1. As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.
2. Procedures for unlocked containers
 - a. In a probable cause search, containers may be opened wherever found in the vehicle.
 - b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
 - c. During a consent search, containers may be opened provided that the terms of the consent either permit the search or reasonably imply permission.
 - d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
 - e. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.
3. Procedures for locked containers
 - a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:
 - i. Consent has been given.

- ii. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
- iii. Inventory, only if a key is present.

B. Conduct of the vehicle search

- 1. When possible, searches of vehicles shall be conducted contemporaneously with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
- 2. When possible, officers shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.

As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases.

VII. INVENTORY OF A MOTOR VEHICLE

When an officer has made a decision to lawfully impound a motor vehicle the officer shall inventory the contents of the motor vehicle pursuant to 7.16. An inventory is not considered a search – it is an administrative caretaking procedure to protect to department from false claims.

Prior to impounding a motor vehicle an officer shall consider reasonable alternatives to impounding the vehicle. Those alternatives include:

- 1. Leaving the vehicle at the scene, or
- 2. Releasing the vehicle to a licensed driver at the scene

Officers shall follow policy 7.16 when impounding motor vehicles.

VIII. FRISK

A. PERSONS:

A frisk is a limited search for weapons. A frisk, by definition, occurs during a lawful detention. Officers shall not frisk a person during a consensual encounter unless the circumstances escalate to the point where the officer has reasonable suspicion to detain and can articulate a fear for his or her safety. A frisk of a person during a consensual encounter will most likely turn the consensual encounter into a seizure. Officers should conduct a full search of a person who has been arrested.

Officers do not have the authority to automatically frisk a person who has been detained. Officers shall articulate and document specific facts and circumstances that caused the officer to fear for her or his safety.

A frisk is conducted by patting down the outer clothing for weapons. If an officer detects contraband during a frisk the officer may proceed under the plain touch doctrine.

B. MOTOR VEHICLES

A motor vehicle may also be frisked. The following requirements must be met:

1. It must be a lawful detention
2. Facts and circumstances must be present to cause a reasonable officer to fear for her or his safety from an occupant of the vehicle
3. The occupant causing the concern must be frisked first
4. The officer must intend to release the detainee and allow the person back into the car, e.g. a traffic citation as opposed to an arrest
5. The officer may frisk the area in the passenger compartment that is immediately accessible to the detained person once returned to the vehicle.

IX. PLAIN TOUCH

The plain touch doctrine authorizes an officer to go into a detainee's pocket to retrieve contraband if the officer detects the contraband through the sense of touch during a lawful frisk.

Extensive manipulation of the item to ascertain its nature is not permitted.

If the officer detects a solid container of some sort the plain touch doctrine does not authorize the officer to open the container to ascertain its contents. The officer will have to have another search warrant exception to open the opaque container.

X. IMMINENT DESTRUCTION OF EVIDENCE

An officer is authorized to make a warrantless, nonconsensual entry into a residence or building to prevent the imminent destruction of evidence:

1. It must be the type of evidence that can be easily lost or destroyed
2. The destruction of the evidence must be imminent
3. The attempted destruction cannot be prompted by police misconduct

Once the evidence that was the subject of the attempted destruction is secured officers shall secure the residence and obtain a search warrant to search the residence for additional evidence or contraband.

XI. ENTRY INTO A RESIDENCE TO EFFECT ARREST

Both state statutes and federal case law regulate entry to make an arrest. The primary focus of any entry to make an arrest is the safety of the officers executing the warrant and the occupants of the residence. Knocking on the door affords the occupants time to answer the door and comply with the officer's orders.

A. WITH ARREST WARRANT

Officers may force entry to execute an arrest warrant subject to the following rules:

1. Felony warrant
2. Officer is entering the residence where the person named in the warrant resides
3. Denied admittance after knocking and announcing
4. Knocking and announcing may be waived under the following circumstances: knocking and announcing will prompt an escape attempt, place the officer(s) in danger, or the suspect is already aware of the officer's presence.

B. WITHOUT ARREST WARRANT – SUSPECT OBSERVED OUTSIDE RESIDENCE

When officers observe a dangerous felon in a public place and are authorized to arrest without a warrant, officers may pursue and force entry into a residence to arrest the dangerous felon without an arrest warrant. The following requirements must be met:

1. The offense must be a dangerous felony. A dangerous felony can best be characterized as one that involves a component of violence or threatened violence
2. The officer must already have probable cause to effect the arrest
3. There must be a true exigency to justify the entry e.g. escape, danger to occupants

C. WITHOUT ARREST WARRANT – OFFENSE OCCURS INSIDE RESIDENCE WITHIN OFFICER'S VIEW

1. Police officers who observe criminal activity occurring inside a private place from outside the private place may not always be able to secure a proper warrant in a timely manner and will adhere to the following guidelines:
 - a. If the offense is a misdemeanor, police officers will not enter except under the following circumstances:
 - i. Valid consent is given by a person with authority to grant such permission and who lives at the residence.
 - ii. There is reason to believe someone inside the residence is in immediate danger of life or limb
 - iii. The officer reasonably believes the destruction of contraband or other evidence is imminent if it is not immediately recovered.
 - b. If the offense is a felony, police officers will not enter except under the following circumstances:
 - i. Valid consent is given by a person with authority to grant such permission and who resides at the location.
 - ii. The officer reasonably believes the destruction of

- contraband or other evidence is imminent if it is not immediately recovered.
- iii. There is reason to believe someone inside the residence is in immediate danger of life or limb.

XII. PLAIN VIEW

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


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

XIII. OPEN FIELDS, CURTILAGE, ABANDONMENT

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

1. For property to be considered abandoned the following three conditions must apply:
 - a. The property was voluntarily abandoned.
 - b. The abandonment was not a result of police misconduct.
2. Open fields are not protected by the Fourth Amendment, but officers must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling that is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by the following:
 - a. Whether the area is enclosed, but an enclosure is not required to establish curtilage.
 - b. The nature and use of the area.
 - c. The proximity of the area to the home.

Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.5 Search Warrants	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 7.06	

I. POLICY

Both federal and state constitutions guarantee every person the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. U. S. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that every person’s fourth amendment rights are protected.

Officers shall scrupulously observe constitutional guidelines when conducting searches, and they will always remain mindful of their lawful purpose. Unlawful searches can result in harm to members of the community, put officers at risk, and possibly damage the department’s image in the community.

Search warrants are one of the most valuable and powerful tools available to law-enforcement officers. Officers of this department shall have a thorough knowledge of the legal requirements involved in obtaining and executing search warrants.

II. PURPOSE

The purpose of this policy is to establish guidelines and procedures that officers must follow when conducting searches and seizures.

III. DEFINITIONS

- A. Search Warrant: A written order, issued by a magistrate and directed to a peace officer commanding him/her to search for a particular item or person and to seize the same and bring it before such magistrate, or commanding him/her to search for and photograph a child and deliver to the magistrate any of the film exposed pursuant to the order. Search warrants are also issued for biological specimens.
- B. Search Site: The premises to be searched, as explicitly stated in the search warrant.
- C. Lead Detective: The officer primarily responsible for the investigation who will prepare, plan, and implement the search warrant.

- D. SWAT Commander: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers.
- E. Protective Sweep: A quick and limited search of premises incident to an arrest or service of an arrest warrant performed in order to locate other persons inside who might pose a risk to the officers. Officers must be able to articulate a reasonable basis their safety concerns.
- F. Curtilage: Curtilage usually refers to the yard, garden, or any piece of ground that is immediately adjacent to a premises and is used as part of the activity of the premises. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, may be defined by the size of the lot on which the dwelling stands, whether the area around the dwelling is enclosed, the nature and use of the area, the proximity of the area to the home, and any measures taken by the owner to protect the area from observation.

IV. PROCEDURES - General

A. State Law

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

Please see the applicable statutes for a more comprehensive listing.

B. Supreme Court Decisions

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

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

V. PROCEDURES: Obtaining a Search Warrant

- A. Prior to obtaining a search warrant, officers should consult a departmental supervisor for review of the probable cause and for approval to seek a search warrant. This review may be conducted by telephone if necessary. If the supervisor approves the warrant application, the supervisor shall notify the Chief of Police immediately and inform the Chief of the circumstances surrounding the offense and the need for the warrant.
- B. The approving supervisor will be in charge of the warrant execution. While the lead detective or officer may develop the case information, construct the affidavit, obtain the warrant, and seek assistance from other agencies if needed, the approving supervisor is responsible for the proper and safe execution of the warrant, including compliance with this policy.
- C. Essential legal requirements
 1. To obtain a search warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
 2. The officer shall prepare an affidavit that carefully documents specific facts that constitute probable cause. Two kinds of facts must be considered:
 - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched;
 - b. The facts that address the reliability of the source of the officer's information;
 - c. The information upon which the officer relies is not stale, within the context of the offense being investigated.
 3. The court considers only those facts presented in the affidavit.
 4. Conclusions and suspicions are not facts.
 5. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
 6. Reliability of facts is established by the following:
 - a. Personal observation or knowledge possessed by an officer;
 - b. Witnesses who have knowledge of information pertinent to the case;
 - c. Informants if they have proven to be reliable or if their information is corroborated by personal observation of an officer.

D. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. CCP 18.01 requires officers to swear to the facts of the affidavit before a judge or magistrate.
2. The affidavit shall include the following elements:

- a. A detailed description of the place, thing, or person to be searched.
- b. A description of the things or persons to be seized pursuant to the warrant
- c. A substantial allegation of the offense in relation to which the search is to be made.
- d. An allegation that the object, thing, or person to be searched or searched for constitutes evidence of the commission of the offense.
- e. Material facts that would show that there is probable cause for issuing the search warrant.
- f. Facts that establish probable cause and that the item or person to be seized is at the location to be searched.

E. Language of the warrant

1. Only the things specified in the search warrant can be seized. (For a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see Policy 7.4).
2. The warrant shall state precisely the areas to be searched.
3. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage, and must identify all outbuildings, such as garages or tool sheds, as appropriate.
4. If motor vehicles to be searched are on the premises, the warrant shall so specify.
5. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, probable cause to do so must be stated in the affidavit.
6. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), the warrant must specify the search for parts, pieces, or components of the item.
7. If officers anticipate searching for and seizing computers or similar complex technological items, experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
8. If time and opportunity permit, the affidavit and warrant should be reviewed by the district attorney prior to presenting it to a magistrate.
9. If officers believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to utilize a "no-knock" warrant execution, the reasons for that belief should be clearly explained in the affidavit. The magistrate should be requested to review and authorize the no-knock entry.

VI. PROCEDURES: Executing a Search Warrant

A. When a search warrant must be executed

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

B. Preparing to execute the warrant

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

C. Gaining entrance to premises

1. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
2. The lead detective shall make a final assessment of the accuracy of the warrant in relationship to the location to be searched.
3. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered.
4. Uniformed officers shall be the most visible members of the search team and shall conduct the initial entry.
5. In most cases the officer shall do all of the following before entering the premises to be searched:
 - a. He/she must announce his/her presence as a law-enforcement officer.
 - b. The officer must announce that his/her purpose is to execute a search warrant.
 - c. The officer must wait a reasonable time either to be admitted or refused admission to the premises.
6. When entrance is refused:

An officer who is refused entrance after a reasonable time may force his/her way into the premises using only that force which is applicable to the circumstances. "Reasonable time," in this context, depends on the circumstances. A refusal may be expressed or implied.

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

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

- a. Bodily harm either to the officer or to someone within the premises to be searched.
 - b. The escape of the person to be searched or arrested.
 - c. The destruction of evidence.
8. If circumstances require a no-knock or exigent entry, the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. To ensure their own safety officers shall command the occupants to take appropriate action, such as "police, search warrant, get down."

D. Conduct of the search

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.
3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search.
4. The search must cease when all the evidence being searched for is located.
5. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements should be made to guard the premises until it can be secured.
6. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
7. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a large item, such as a television set, small places, such as jewelry boxes, may not be searched.

8. An officer may seize only the property listed in the warrant with two exceptions:
 - a. The other evidence is reasonably related to the offense for which the search warrant was issued.
 - b. It is property that the officer knows or has probable cause to believe is evidence of another crime.
9. Currency taken as evidence shall be verified by a supervisor and transported to a safe as designated by department policy.
10. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more evidence than the person's mere presence, give rise to probable cause to search that person beyond a frisk for officer safety.
2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.
3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person.
4. If an officer determines a frisk is necessary, the officer must articulate the facts present that justify the frisk of the person.

VII. PROCEDURES: High-risk warrant execution

- A. A high-risk warrant is requested for any situation where it is likely that any special obstacle to the safe, effective execution of the warrant is present, the location has been fortified, or officers may meet armed resistance or other deadly force. This suspicion should be corroborated by intelligence information, for example, information from CCH, C.I. statements, history of location, or the detective's personal knowledge.
- B. High-risk search warrants will utilize SWAT (or the appropriate tactical unit within the jurisdiction) for entry and the securing of the premises.
- C. The supervisor in charge of executing the warrant will notify the SWAT commander through the proper channels and will provide a copy of the warrant and the affidavit.
- D. Upon notification by any supervisor that SWAT will be needed to execute a warrant, the SWAT commander will contact the lead detective and obtain the details of the warrant execution. This will include a physical inspection of the target, verification of the address, and a physical description.

1. Upon completion of the scouting report, together the lead detective and the SWAT commander will formulate a plan of execution.
 2. The SWAT commander will notify the number of SWAT officers required and tell them when and where they are to report.
 3. Use of on-duty patrol officers should be coordinated with the on-duty supervisor to avoid depleting manpower.
- E. A warrant execution briefing will be held. The warrant execution briefing will be conducted by both the lead detective and the SWAT commander. It will include the supervisor in charge of executing the warrant, the communications supervisor, and all other officers participating in its execution or who will be at the scene. If this is a joint agency task force operation, officers from the participating agency will be present and identified as members of the warrant service team.
1. The lead detective and the SWAT commander will lay out in detail the procedures for executing the warrant to all team members. The plan will include but not necessarily be limited to the following:
 - a. The specific items subject to the search as defined in the warrant, and any available information on their location.
 - b. Information concerning the structure to be searched and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
 - c. Identification of suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of children, the elderly, or others who may not be involved with suspects.
 - d. A complete review of the tactical plan to include the staging area, route of approach, individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties, such as securing the location and conducting surveillance on the site for additional suspects.
 - e. Listing personnel resources and the armament necessary for gaining entry, for the safety and security of officers, or for conducting the search.
 - f. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards.
 - g. Measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
 - h. Procedures for exiting the location under emergency conditions.
 2. The entry team shall at all times include uniformed officers who shall be conspicuously present at the place and time the warrant is served. All non-uniformed officers shall be clearly identified as law-enforcement officers by a distinctive jacket or some other conspicuous

indicator of office.

3. All members of the search team shall wear body armor or ballistic vests as designated by the lead detective.
4. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time.
5. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
6. The lead detective shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
7. The lead detective shall ensure that the entire search warrant execution process is documented from the beginning until the search team leaves the premises. This written record shall be supported by photographs and, if practical, videotaping of the entire search process.

F. Entry Procedures

1. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.
3. An easily identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he or she is a police officer and has a warrant to search the premises, and that he or she demands entry to the premises at once. Following the knock-and-announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion that the delay would create a high risk to the officers or others, inhibit the effectiveness of the investigation, or permit the destruction of evidence, entry may be made as soon as practicable.
4. Once the entry has been made and the scene secured, the lead detective will perform the search as required in Section VI. D above.

VIII. PROCEDURES: Return of the search warrant


A. An officer who has finished a search shall perform the following:

1. Note the date and time of execution on the search warrant.
2. Make an inventory of all the property seized and leave a copy with the person in charge of the premises.
3. Make return of the warrant within three days following the execution of the search (excluding Saturdays, Sundays, and legal holidays) or as otherwise required by statute. The return includes the following:
 - a. The search warrant.
 - b. The affidavit.

- c. Either the inventory of articles seized or a notation that nothing was seized during the search.

B. Responsibility for property seized

1. Officers must provide a rigorous chain-of-custody procedure for all property seized. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to identify all seizures.
2. Officers shall place evidence in the property room or locker reserved for the purpose prior to the end of shift.
3. Officers shall observe the property and evidence procedures as detailed in Policy 12.1.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.6 Limited English Proficiency	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

Our country has always been a melting pot of cultures. Throughout our history, individuals with limited English proficiency have found it difficult to clearly understand important rights, obligations, and services. It is, therefore, the policy of this department to take reasonable steps to ensure that all individuals have equal access to the rights, liberties, and services of government, regardless of their national origin or their primary language. (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d)

II. PURPOSE

The purpose of this policy is to establish direction in dealing with members of the public who have limited English proficiency.

III. DEFINITIONS

- A. Limited English Proficiency (LEP): This term is used to describe individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes, such as reading or writing. Similarly, LEP designations are context specific. For example, an individual may possess sufficient skills in the use of English to function in one setting but not in others.
- B. Interpretation: The act of listening to a communication in one language and orally converting it to another language while retaining the same meaning.
- C. Translation: The replacement of written text from one language into an equivalent written text of another language.
- D. Bilingual: The ability to communicate in two languages fluently, including the ability to communicate technical and law-enforcement terminology. For purposes of this policy, employees who are identified as bilingual must initially and periodically demonstrate, through a procedure to be established by the

department, a level of skill and competence such that the department is able to determine how their skills can be used.

- E. Authorized Interpreter: An employee or other designated individual who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

IV. COMMUNICATIONS

A. Receiving and Responding to Requests for Service

1. In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the resources listed below.
2. While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department by utilizing interpreters or translators, as described above in “Definitions.”

B. Emergency Calls to 911

1. When a 911 calltaker receives a call and determines that the caller is an LEP individual the calltaker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed and the language is known, the calltaker should immediately transfer the LEP caller to an available authorized interpreter to handle the call.
2. If an appropriate authorized interpreter is not available, the calltaker will promptly contact the contracted telephonic interpretation service directly for assistance in completing the call.
3. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

V. FIELD RESPONSE TO LIMITED ENGLISH PROFICIENCY

A. Identification of an Individual’s Primary Language

1. Officers may encounter individuals in the field who do not clearly understand spoken English. Officers should be alert to clues that will indicate individuals do not clearly understand the officer.
2. An officer who believes an individual does not clearly understand English will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual’s primary

language in an effort to avoid misidentifying the language and failing to provide adequate service.

3. Officers needing assistance in communicating with the individual will utilize other options, including the use of signs and gestures, writing notes, or using others at the scene to attempt to communicate with the individual.
4. Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended, and departmental personnel shall make case-by-case determinations on the appropriateness of using such individuals.
5. If further assistance is needed, the officer will contact communications in order to locate an interpreter or make contact with the telephone interpretation services.

B. Field Enforcement and Investigations

1. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.
2. Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless for an officer to request consent to search if he/she is unable to effectively communicate with an LEP individual.

C. Investigative Interviews

1. In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying the contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.
2. Any person selected as an interpreter and/or translator must (1) have demonstrated competence in both English and the non-English language involved, (2) have knowledge of the functions of an interpreter that allow for correct and effective translation, and (3) not be a person with an interest in the case.

3. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

D. Custodial Interrogations and Booking

1. In an effort to ensure that the rights of LEP individuals are protected this department places a high priority on providing competent interpretation during arrests and custodial interrogations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. Toward this end, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.
2. If time and opportunity exist, the district attorney should be consulted regarding the proper use of an interpreter prior to any interrogation.
3. In order to ensure that translations during criminal investigations are documented accurately and that they are admissible as evidence, interviews with victims and all interrogations should be recorded whenever possible.
4. Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. It is important for members of this department to make every reasonable effort to provide effective language services in these situations. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms that manifest themselves upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners.

E. LEP Contacts and Reporting

When interpretation or translation services are provided to any involved LEP individual such services should be noted in the related report or any other required documentation.

VI. DEPARTMENTAL RESPONSE FOR LEP

- A. Since there are potentially hundreds of languages department personnel could encounter, the department has and will continue to utilize the four-factor analysis outlined by the Department of Justice in determining which measures will provide reasonable and meaningful access to various rights, obligations, services, and programs to individuals within this jurisdiction. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis,

therefore, must remain flexible and requires an ongoing balance of the following four factors:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the department's jurisdiction or a particular geographic area.
2. The frequency with which LEP individuals are likely to come in contact with department personnel, programs, or services.
3. The nature and importance of the contact, program, information, or service provided.
4. The cost of providing LEP assistance and the resources available.

B. As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the department or on department personnel.

C. While this department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

D. Types of LEP Assistance.

1. Department-provided assistance. Depending on the balance of the four factors listed in A above, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section
2. Non-departmental assistance. LEP individuals may elect to accept interpreter services offered by the department at no cost, or they may choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the department or decided to use a resource of his/her own choosing.
3. Non-certified employee interpreters. Employees utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether the employee's language skills are best suited to monolingual (direct) communications, interpretation, translation or all or none of these functions.
4. Out-of-department assistance. When bilingual employees of this department are not available, employees from other city departments who have the requisite training may be requested.

E. Written Forms and Guidelines

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

F. Telephone Interpreter Services

The communications section will maintain a list of qualified interpreter services which, upon approval of a supervisor, can be contacted to assist LEP individuals. Such services shall be available to, among others, department personnel who have access to official cellular telephones.

G. Community Volunteers and other Interpretive Sources

Where competent bilingual departmental personnel or other certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders, and school officials. NOTE: If these outside resources are used, department personnel should ensure that these community members are able to provide unbiased assistance.

H. Complaints

The department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of departmental duties. The department may do so by providing interpretation assistance or translated forms to such individuals. The department's response to complaints filed by LEP individuals will be communicated in an accessible manner.

I. Community Outreach

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

J. Training

In an effort to ensure that all employees in public-contact positions or employees having contact with those in custody are properly trained, the department will provide periodic training to personnel about departmental LEP policies and procedures, including how to access department authorized, telephonic, and in-person interpreters and other available resources.

K. Interpreters and Translators

1. Training: Employees called upon to interpret, translate, or provide other language assistance will be trained on language skills, competency (including specialized terminology), and ethical considerations.
2. Assessment: Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool. Those employees found proficient in interpreting into and from the target language will be placed on the authorized-interpreters list.
3. Reassessment for Authorized Interpreters: Those persons who have been placed on the authorized interpreter list must be re-assessed periodically
4. Additional or refresher language training will be provided by the department periodically.
5. Employees will be responsible for maintaining their proficiency and having their training and assessment results maintained in the training record.
6. The communications supervisor will ensure that the authorized-interpreters list is kept current and a copy of the current list is maintained in the communications center.

L. Supplemental Materials Provided


The following materials will be made available to employees to assist in providing access and service to LEP individuals:

1. Listing of departmental bilingual employees, languages spoken, contact, and shift information.
2. Listing of department certified interpretation services bilingual interpreters, languages spoken, contact, and availability information.
3. Phone number and access code of telephonic interpretation services.
4. Language identification card.
5. Translated Miranda-warning cards and other frequently used documents.
6. Any audio recordings/warnings that are developed in non-English languages.

M. LEP Coordinator

1. The Chief of Police will appoint a department supervisor as LEP coordinator who is to be responsible for coordinating and implementing all aspects of the LEP services.
2. Using the four- factor analysis, the LEP coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

3. The LEP coordinator will also be responsible for annually reviewing all new documents issued by the department to assess whether they should be translated.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.8 Arrests of Transgender, Intersex, Gender Nonconforming (TIGN) Individuals	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

It is the policy of this department to recognize the rights of all persons and to treat all persons with the dignity and respect due every individual as a human being. Personnel will act, speak, and conduct themselves in a professional manner, recognizing our obligation to safeguard life and property and to maintain a courteous, professional attitude in all contacts with the public. Personnel will not exhibit any bias or prejudice and they will not discriminate against an individual or group of TIGN individuals. Department personnel shall take all necessary precautions to ensure the safety of TIGN individuals who are arrested and detained.

Inappropriate or disrespectful interactions with TIGN individuals can interfere with the ability to provide police assistance. A pattern of this kind of conduct can generate a climate of fear or apprehension in which TIGN individuals are afraid or are too uncomfortable to report crime, limiting the department in its ability to provide a safe community.

II. PURPOSE

The purpose of this policy is to establish standards for interactions with transgender, intersex, and gender nonconforming (TIGN) individuals that provide safety and respect for all persons. It also defines certain terms that pertain to processing TIGN individuals and establishes procedures for processing and holding TIGN arrestees.

III. DEFINITIONS

- A. Gender Identity or Expression: The actual or perceived identity or behavior of a person as being male or female.
- B. Transgender: Refers to any person whose gender identity or expression differs from the one which corresponds to the person's sex at birth. This term includes transsexuals, intersex individuals, and those whose identity is perceived to be gender nonconforming.

- C. Transsexual: A person whose personal sense of their gender conflicts with their anatomical sex at birth.
- D. Sexual Orientation: An individual's enduring romantic, emotional, and/or sexual attraction to individuals of a particular gender.
- E. Intersex: an individual displaying sexual characteristics of both male and female.
- F. Cross-Dresser: A term that refers to individuals whose clothing is typically associated with the clothing of the opposite sex.

IV. PROCEDURES

A. Determining Transgender Status

1. Officers shall follow the below procedures governing interactions with transgender persons when either of these conditions are met:
 - a. An individual explicitly informs an officer that he/she is a transgender person.
 - b. An officer has good reason to believe that the individual is a transgender. Good reason may be based on apparent intention of gender appearance and presentation, reasonable observation, frisking that inadvertently discloses transgender status, background checks, third-party information, and routine policing procedures.
2. When an individual self-identifies as a transgender person, officers shall not question this identity or ask about the person's surgical status except for compelling and professional reasons that can be clearly articulated.

B. When coming into contact with a TIGN individual, personnel will do the following:

1. Respectfully treat TIGN individuals in a manner appropriate to the individual's gender expression.
2. Use pronouns as requested by a TIGN individual. Use "she," "her," "hers" for a person who self-identifies as a female. Use "he," "him," "his" for an individual who self-identifies as a male.
3. When requested, address the TIGN individual by a name based on their gender rather than that which is on their government-issued identification.
4. If a custodial arrest is made, conduct field searches as prescribed in Department Policy 7.4 Searches Incident to Arrest.
5. If a custodial arrest is made, and the individual has had gender change operative procedures and considers himself/herself a gender different than at birth, personnel should check for warrants under both genders.

C. When coming into contact with a TIGN individual, personnel will not to the following:

1. Stop, detain, frisk, or search any person for the purpose of determining that person's gender or in order to call attention to the person's gender expression.
 2. Use language that a reasonable person would consider demeaning or derogatory, specifically language aimed at a person's actual or perceived gender identity or expression or sexual orientation.
 3. Consider a person's gender identification as reasonable suspicion or prima facie evidence that the individual is or has engaged in a crime.
 4. Consider the possession of condoms as evidence or intent of criminal activity.
 5. Disclose an individual's TIGN identity to other arrestees, the public, or non-department individuals absent a proper law-enforcement purpose.
- D. Responders to domestic-violence situations shall respond to transgender individuals in a manner that is appropriate to their gender identity. When responding to a domestic violence call, officers will not automatically determine the batterer and survivor based on actual or perceived gender identity and/or sexual orientation but rather on an assessment of the particular situation.

V. GENDER CLASSIFICATION OF TIGN ARRESTEES

- A. For purposes of departmental records and operations, an arrestee's gender will be classified as it appears on the individual's government-issued identification card.
- B. Arrestees who are post-operative gender re-assigned are the exception to the government-issued identification card.
 1. Male-to-female will be processed as female.
 2. Female-to-male will be processed as male.
- C. In the event that a government-issued identification is unavailable, the following criteria will be used in determining gender.
 1. An arrestee who has male genitalia will be classified as a male.
 2. An arrestee who does not have male genitalia will be classified as a female.
- D. In the event a TIGN individual objects to any questioning regarding this sexual classification, the officer should explain the need for searching prior to transport, and the officer should attempt not to unduly embarrass the individual by using an inappropriate search method or jeopardize the individual's safety by inappropriate placement in the holding facility.
- E. In the event that there is uncertainty regarding the appropriate classification of an arrestee's gender, a supervisor will be consulted for further guidance on the appropriate classification.

VI. SEARCHING AND TRANSPORT OF TIGN INDIVIDUALS

A. Searches of TIGN individuals:


1. Field searches will be conducted by a member who is the same gender as the arrestee based on the gender guidelines as prescribed in Section V of this policy and in accordance with established department search procedures.
2. Personnel taking a TIGN individual into custody, accepting custody from another, or conducting a custodial search will be responsible for conducting a thorough search in accordance with established department procedures.
3. If or when requested by a TIGN individual, department personnel of the TIGN individual's gender identity or expression will be present to observe the custodial search. When practical, the observing member will be a sworn supervisor.
4. Personnel will not conduct more frequent or more invasive searches of TIGN individuals than other individuals.
5. Requests to remove identity-related items -- such as prosthetics, clothing, wigs, and cosmetic items -- will be consistent with requirements for the removal of similar items from non-TIGN arrestees.
6. The possession of a needle that is purported to be for hormonal use will not be presumed to be evidence of criminal misconduct, specifically if the person or arrestee has documentation from a physician for being in the process of a sex modification.

B. Transporting TIGN Individuals:

1. Whenever practical, TIGN arrestees will be transported alone.
2. When requested by a TIGN individual, department personnel of the TIGN individual's gender identity or expression, if available, will be present during the transport.
3. In situations with multiple TIGN arrestees, mass arrests, where a TIGN individual's gender identity or expression is unavailable, or where individual transport is not practical, TIGN arrestees will be transported by gender classification.

VII. HOUSING OF TIGN ARRESTEES

- A. In all cases where a TIGN arrestee is turned over to any other authority for processing or holding it is the officer's responsibility to ensure the receiving officer is made aware of the arrestee's status.
- B. TIGN arrestees held in our holding facility will be processed and held in accordance with Policy 10.1 "Holding Facility Operations."

	MINEOLA POLICE DEPARTMENT	
	Policy 7.9 Citizen or Media Recording of Police Activity	
	Effective Date:	Replaces:
	Approved: _____	
	Chief of Police	
Reference:		

I. POLICY

It is the policy of this department that the seizure and searching of portable video, audio, and photo recording devices shall be governed by federal constitutional and statutory laws as well as departmental investigatory policies.

II. PURPOSE

The purpose of this policy is to establish guidelines and procedures for investigation, seizure, and searching of portable video, audio, and photo recording devices that contain data of an evidentiary value pertaining to a criminal act.

III. PROCEDURES

A. General

1. The department recognizes that the taking of photographs and/or videos by private citizens and media personnel is permitted within areas open to general public access and occupancy and is protected by the First Amendment.
2. Any civilian or media personnel may video record or photograph a police employee's activities as long as he/she abides by the following guidelines:
 - a. Remains at a distance that does not physically interfere with the officers' duties;
 - b. Does not physically interfere with the duties and responsibilities of law-enforcement personnel;
 - c. Does not violate any existing statute while taping, e.g. standing in the roadway while filming.
3. Employees are prohibited from seizing a person's portable video, audio, and/or photo-recording devices.

B. Initial Contact of an Individual Non-Media Photographer or Videographer: Officers are reminded that there are only three types of encounters between civilians and officers: consensual encounters, temporary detentions based upon reasonable suspicion of criminal activity and an arrest based upon probable cause. It is not a crime to videotape or photograph the police. A sworn employee may only contact a person recording images pursuant to these established rules of contact. Sworn employees shall follow the guidelines below:

1. Determine if the encounter is to be consensual in nature, or a lawful seizure;
 1. Announce his/her authority and identity;
 2. Plain clothes sworn employees shall identify themselves by prominently displaying departmental credentials;
 3. Advise the individual of the purpose of the contact;
 4. Ask the individual whether he/she recorded/captured data relevant to the incident;
 5. Request that the individual provide his or her personal identification and contact information;
 6. The encounter can last no longer than necessary to effect its purpose.
7. Persons who have been detained, as witnesses or suspects, or those who are participating in a consensual encounter, do not have to give their names, produce identification, or answer questions.

C. Consent to Search and/or Seize Portable Video, Audio, and/or Photo Recording Devices belonging to an Individual (Non-Media Photographer/Videographer)

1. Sworn employees may ask an individual for consent to a search and/or seize a portable photo and/or video recording device to determine if data of evidentiary value pertaining to a criminal act is present.
2. The employee's supervisor shall be notified immediately after any seizure and prior to any search of the device. The supervisor shall determine whether an immediate search is warranted or a criminal investigator should respond.
3. If a consensual seizure occurs, the property shall be inventoried and documented by the seizing sworn employee pursuant to Property and Evidence SOP.
4. Authorization to search the device shall be documented by the seizing sworn employee on a consent-to-search form.
5. The seizing sworn employee shall accurately and completely document the basis for the seizure and findings of the search in a case report/offense incident report.

D. Non-consensual Seizure of Portable Video, Audio, and Photo Recording Devices of an Individual (Non-Media Photographer/Videographer)

1. When there is probable cause to believe that the portable video and/or photo recording device depicts visual and/or audio items pertaining to a criminal act, the device may be seized without consent if exigent circumstances exist.
2. The most common type of exigent circumstance is the imminent destruction of evidence. Two requirements must be met for this exigency to exist:
 - a. Sworn employees must have probable cause to believe that evidence that can be destroyed exists;
 - b. Sworn employees must have reason to believe the evidence might be destroyed if they delay taking action until a subpoena/search warrant is issued.
3. The sworn employee's supervisor shall be notified immediately after any seizure, and the supervisor shall respond to the scene.
4. No search of the device shall be conducted until a subpoena/search warrant is issued unless there is reason to believe that the immediate search of such materials is necessary to prevent the death of, or serious bodily injury to, a human being.
5. An on-duty or on-call investigator shall be notified of the seizure and shall be responsible for preparation of an application for subpoena/search warrant.
6. A sworn employee's response to an individual's resistance to a non-consensual seizure shall be in compliance with department policy.
7. The seizing sworn employee shall accurately and completely document the basis for the seizure in a case report/offense incident report.
8. If a non-consensual seizure occurs, the property shall be inventoried and documented by the seizing sworn employee pursuant to department policy.

E. Initial Stop of Media Personnel

1. A sworn employee who stops a media photographer/videographer believed to have recorded/captured data of evidentiary value pertaining to a criminal act shall do the following:
 - a. Announce his/her authority and identity
 - b. Non-uniform sworn employees shall identify themselves by prominently displaying departmental credentials
 - c. Advise the media person of the purpose of the stop
 - d. Ask the media person whether he/she recorded/captured data relevant to the incident
 - e. If the media person acknowledges recording/capturing relevant data and agrees to allow review and/or supply a copy to the department, the sworn employee shall do the following:
 - i. Immediately notify his/her supervisor and criminal investigations.

- ii. Collect and document receipt of the data pursuant to Property and Evidence SOP.
 - iii. Document the request and response on a case report/offense incident report.
- f. If the media person acknowledges recording/capturing relevant data and refuses to allow review and/or provide a copy of the recorded/captured relevant data, or refuses to state whether he/she recorded/captured relevant data, the sworn employee shall do the following:
- i. Immediately notify his supervisor and criminal investigations.
 - ii. Instruct the media person not to destroy, alter, or delete the recorded/captured relevant data
 - iii. Document the request and refusal on a case report/offense incident report
 - iv. Assist criminal investigations to prepare appropriate subpoena and/or warrant documents for production of the requested data
 - v. Request that the media person provide their personal identification, media credentials, and contact information.
- g. The stop shall last no longer than necessary to effect its purpose. NOTE: Brevity is important in determining whether or not a stop is reasonable. A prolonged stop may be warranted if the employee reasonably and diligently pursues investigative means to determine whether the media person possesses data that may have evidentiary value, and to confirm the person's identity.
2. Sworn employees shall not seize portable video, audio, and/or photo recording devices from media personnel unless they are under arrest or otherwise directly involved in the criminal act.
3. A warrantless search of portable video and/or photo recording devices seized incident to the direct involvement or arrest of media personnel is prohibited unless there is reason to believe that the immediate search of such materials is necessary to prevent the death of, or serious bodily injury to, a human being.

F. Supervisory Notification

1. The employee's supervisor shall be notified immediately after the seizure of a portable video, audio and/or recording device, whether consensual or non-consensual, and advised of the following:
 - a. The totality of the circumstances surrounding the stop and seizure
 - b. The type of device seized
 - c. The status of the person from whom the device was seized (e.g. detained, arrested, etc.).

G. Supervisor's Responsibilities

1. The supervisor shall do the following:

- a. Immediately respond to the scene
- b. Ensure that the circumstances surrounding the seizure as conveyed by the sworn employee are serious enough to warrant the seizure, and that the actions of the officer were in compliance with this general order and the department's SOP.
- c. If the supervisor determines that the stop and seizure is appropriate, he/she shall determine whether or not a search warrant is appropriate.
- d. If the supervisor determines that the seizure is not appropriate, he/she will ensure that the portable video and/or photo recording device is immediately returned and the person detained is made whole.
- e. The supervisor shall document these findings in a case supplemental report/supplemental report.
- f. Ensure that the seizing sworn employee documents the circumstances and actions taken in a case report/offense incident report.
- g. Ensure that all required documentation is completed.
- h. Ensure that proper evidence handling protocols are followed.
- i. Ensure that the criminal investigations has been notified.
- j. Ensure that a use of force report is completed if necessary.
- k. Ensure that any questions or concerns regarding the appropriateness of the stop and/or seizure shall be immediately directed to the next supervisory level in the chain-of-command.
- l. Ensure that the public information office is notified, if the supervisor believes that is necessary.

H. Impounding of Property

A sworn employee who impounds any portable video, audio, or photo recording device shall follow department policy regarding property/evidence.


I. Prohibited Actions

1. Employees shall not order or participate in the destruction of any portable video, audio, or photo recording devices.
2. Employees shall not order or participate in the erasure, deletion, or destruction of digital, analog, or film evidence.
3. Employees shall not impede a person's right to photograph or video record an event unless that person's actions will have any of the following effects:
 - a. Endangering the safety of the public, employees, or property

- b. Interfering with an active crime scene
- c. Violate an existing statute

J. Statutory Limitations and Liability

1. Pursuant to federal statute, 42 USC Section 2000aa-6, it is unlawful for a sworn officer or employee, in connection with an investigation or prosecution of a criminal offense, to search for or seize the work product of a media photographer or videographer except in the following circumstances:
 - a. There is reason to believe that the immediate seizure of such materials is necessary to prevent the death of, or serious bodily injury to, a human being;
 - b. There is probable cause to believe that the person possessing such materials has committed or is committing the criminal offense to which the materials relate.
2. A search or seizure of the work product is prohibited when the offense is merely the withholding of such material.
3. Sworn officers and employees may be held personally liable in an action for civil damages for violation of federal statute, 42 USC Section 2000aa-6.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.10 Prisoner Restraints	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 10.01e	

I. POLICY

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and other restraining devices. The department requires officers to observe their own safety and that of the people they transport by carefully utilizing restraints on prisoners (except children) who must be taken to a jail or some other location. See also Policy 7.11, Transporting Prisoners.

II. PURPOSE

The purpose of this policy is to establish guidelines for the use of handcuffs and other restraining devices.

III. PROCEDURES - Arrested Persons

A. General

1. Officers shall handcuff all arrested adults unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury.
2. Officers must be able to justify any exception they make to the policy that all arrested adults must be handcuffed, with particular attention to safety issues.
3. A prisoner who is not handcuffed shall be transported in a vehicle with a prisoner cage, and two officers shall conduct the transport.
4. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or the officer.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions with particular attention to the risks involved when no handcuffs are used. Listed below are some possible exceptions:
 - a. Children under 10 years of age
 - b. Pregnant females

- c. Handicapped or disabled suspects
 - d. Elderly suspects
 - 2. Normally, officers shall handcuff a subject with the hands in back, but they may choose to handcuff hands in front if the suspect is handicapped or disabled. If the suspect is handcuffed in front, officers should secure the handcuffs to the body by use of a belt if possible.
 - 3. Officers shall double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of having the lock picked or that the handcuff will accidentally tighten, which could restrict circulation.
 - 4. Officers shall apply the handcuffs without utilizing hard strikes to the wrist and not over tightening of the handcuffs.
 - 5. Individuals will not be handcuffed to any portion of a police vehicle during transport.
- C. Body Belt: The body belt allows the officer to handcuff the prisoner in front while still restricting the movement of the prisoner's arms and hands. The body belt will be used when the officer deems it appropriate.
- D. Ankle Shackles: Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk or when circumstances deem it appropriate in accordance with training.
- E. Plastic Handcuffs: Plastic handcuffs shall be used when officers take several prisoners into custody, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can be removed only with a knife, scissors, or other cutting instrument.
- F. Hobble Technique
- 1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope around the prisoner's ankles and then extending the other end of the device onto the door jam and then shutting the door, thus holding the prisoner's feet in place.
 - 2. The hobble device should be applied only to a prisoner's legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself/herself or another with the use of his/her feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.
 - 3. Two officers are required to transport a prisoner restrained by the hobble device. One officer monitors the status of the prisoner while in transport to prevent the prisoner from harming himself/herself, for example, by head strikes against window.

IV. PROCEDURES -- Persons not arrested

- A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to such individuals while officers investigate the incident. This restraint is only lawful for safety reasons, and the officers shall articulate the reasons for their safety concern.

B. Persons not arrested but who are subject to detention may be restrained under the following circumstances:

1. Suspects shall be handcuffed only as long as necessary.
2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary.
4. If an individual is handcuffed or otherwise restrained for officer safety reasons during an investigation and later released, officers shall document their actions in an offense or incident report and include the reasons officers handcuffed the individual, the approximate length of time of the restraint, and the results of the investigation.

V. SPECIAL CIRCUMSTANCES -- Restraint prohibitions


A. Officers shall not place subjects in a prone position with the hands and ankles bound behind with handcuffs, belts, or other devices.

B. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position.

C. Suspects shall never be transported in a prone, face-down position.

D. All suspects will be monitored during custody and transport for indications of medical problems, and medical treatment will be obtained if the officer believes it is needed.

E. Officers should be aware that intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when a person is restrained.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.11 Prisoner Transportation	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP 10.01, 10.10, and 10.12	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURES (TBP: 10.01)

A. General

1. All prisoners shall be transported in secure, caged vehicles, unless such a vehicle is not available.
2. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle.
2. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner.
3. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.

4. When handling and searching prisoners, officers shall remain mindful of the department's plan for the control of infectious diseases and shall use personal protective equipment when necessary.

5. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property. (TBP: 10.10)

C. Searching the police vehicle

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

D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen to separate the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.

2. All vehicles equipped with metal or plastic screen barriers and used in transporting prisoners will have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners being transported.

3. At the beginning of each shift and before transporting prisoners, officers shall check their vehicles for proper security measures and any contraband.

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with a seat belt. Further, the prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 7.10.

2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward.

3. A single officer shall never transport two or more suspects in a non-caged vehicle unless directed to do so by the on-duty supervisor.

4. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed:

a. One officer shall sit in the rear of the transporting vehicle behind the driver with the prisoner on the rear passenger side with the seat belt fastened.

b. When more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear

passenger sides (seat belted) and the assisting officer shall sit behind the driver in order to protect the driver and to be able to see the prisoners at all times.

5. Officers shall not transport prisoners who are restrained in a prone position. Doing so increases the risks of medical complications.

F. Control of prisoners while transporting: Observation and Medical Assistance (TBP: 10.12)

1. If a prisoner appears lethargic, particularly after an active confrontation with officers, or is unresponsive, immediate medical help may be necessary. The officer should observe the suspect carefully and if the officer is in any doubt about the prisoner's health medical assistance shall be summoned immediately.
2. Officers should ask an apparently ill prisoner if he or she wishes medical assistance.
3. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's physical or mental health.
4. Prisoners shall not be left unattended at any time during transport with the exception of situations in section G. below.

G. Stopping to provide law-enforcement services while transporting

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

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

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape.
2. Provide dispatch with the following information:
 - a. Location.
 - b. Direction and method of travel and means of escape.
 - c. Name and physical description of escapee.
 - d. Possible weapons possessed by the escapee.
 - e. Pending charges.
3. Try to recapture the escapee as soon as possible.
4. Submit a written report to the Chief of Police as soon as practicable explaining the circumstances of the escape.

I. Prisoner Communication: The transporting officer shall not allow prisoners to communicate with other people while in transit unless, in the judgment of the officer, the situation requires it.

J. Arrival at Destination: Upon arriving at the destination, the transporting officer shall observe the following procedures:

1. Firearms shall be secured in the designated place at the facility being entered. If there is no designated place, the firearms shall be locked inside the trunk of the police vehicle.
2. Restraining devices shall be removed only when the officer is directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

K. Sick/injured prisoners and medical facilities

1. Any time -- before, during, or after an arrest -- that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before they arrive at the jail.
2. The transporting officer shall use discretion in the use of restraining devices on sick or injured prisoners.
3. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
4. If the prisoner refuses treatment, the prisoner shall be asked to sign a medical-refusal form or notation of such on a hospital release form. The attending physician or a nurse should sign the form as witnesses. If the prisoner refuses to sign the form, the officer should obtain two witnesses to the refusal, for example, a hospital staff member, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
5. If the prisoner must be admitted to the hospital, the officer shall release the prisoner to the hospital only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the city judge.
6. The prisoner shall be kept under observation at all times and normal restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.
7. The supervisor shall observe the following procedures to ensure control of the prisoner:
 - a. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for officers to guard the prisoner until prisoner has been accepted by the county jail or released by a magistrate.

L. Special transport problems:


1. Transport of prisoner by officer of different sex than prisoner.
 - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
 - b. At a minimum the transporting officer shall do the following:
 - i. Contact the dispatcher by radio and request that the time and odometer mileage be logged.
 - ii. Go directly to the destination by using the shortest practical route with audio and video activated in the marked unit.
 - iii. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.
2. Prisoner with disabilities
 - a. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport safely for both the prisoner and the officer.
 - b. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting.
 - c. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
 - d. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists restraining devices may be inappropriate.
 - e. Any wheelchairs, crutches, and medication shall be transported with, but not in the possession of, the prisoner.
 - f. Department personnel have an obligation to provide a “reasonable accommodation” for disabled prisoners. This obligation requires officers to ensure disabled prisoners are not subjected to the possibility of injury or handling of a disrespectful nature during arrest and transportation procedures.
3. Dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency shall be notified before the transport takes place in order to plan how best to minimize any chance of escape or of injury to the prisoner or anyone else.

M. Restraining devices: When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method:

1. Single prisoner shall be handcuffed with both hands behind his or her back.
2. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
3. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
4. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

N. Documentation:

1. Officers shall document all prisoner transports and shall note any unusual circumstances or events in the arrest report.
2. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment.
3. Officers will give names (and badge numbers, as appropriate) of personnel
4. from and to whom the prisoner was released or transferred.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.12 Juvenile Procedures	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: center;">Chief of Police</div>	
	Reference: TBP 10.02 and 10.03	

I. POLICY

This department is committed to the development and perpetuation of programs for prevention and control of juvenile delinquency. In dealing with juveniles, officers will use the least coercive methods among available alternatives, consistent with preserving public and officer safety, order, and individual liberty. Among factors to consider in making juvenile dispositions is the nature of the offense; the offender’s age, circumstances, and record; availability of rehabilitation programs; and juvenile probation or court recommendation for diversion.

II. PURPOSE

The purpose of this policy is to establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

III. DEFINITIONS

- A. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.
- B. Conduct in Need of Supervision: Conduct: Any offense -- other than a traffic offense -- that violates the penal laws of the state and which are punishable by fine only, violations of municipal ordinances, failure to attend school, and running away.
- C. Delinquent Conduct: Conduct, other than a traffic offense (except DWI), that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.
- D. Delinquent child: A child who has committed a delinquent act or an adult who committed a delinquent act prior to his or her 17th birthday.

- E. Intake officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer.
- F. Juvenile court: The court designated under Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
- G. Juvenile processing office: The office or location within the police department or school facility, approved by the juvenile court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the juvenile detention center.
- H. Referral to juvenile court: The referral of a child's case to the official, including the intake officer, designated by the juvenile board to process children within the juvenile justice system.
- I. Responsible or Suitable Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult who is responsible for the physical custody of a juvenile or who is an adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian, or next of kin can assume that responsibility.
- J. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult, such as violating a curfew or running away.

IV. PROCEDURES – General (TBP: 10.02)

A. Overview

1. All members of the department shall cooperate with juvenile justice authorities and their support activities.
2. Juveniles have all the same constitutional rights as do adults and all requirements for protection of those rights apply to juveniles as well as adults. Additional rules are prescribed by the Texas Family Code. All department personnel are responsible for following the Family Code and this order. (TBP 10.02a)
3. Officers who detain juveniles should first determine if the juvenile is alleged to have been harmed or to be in danger of harm. Those in need of immediate medical treatment will be transported to an appropriate medical facility under the same guidelines as adult prisoners. The Department of Protective and Regulatory Services is to be contacted immediately if there

is an indication that the juvenile cannot safely be released to a suitable adult and the juvenile does not meet criteria for transport to the detention facility.

4. Children under 10 cannot be held responsible through criminal law or the juvenile justice system. If a child under 10 is found in violation, the following applies:
 - a. enforcement action cannot be taken;
 - b. children under 10 cannot be detained at a police facility for criminal violations; however, children may be kept in a non-secure area of a police facility pending arrival of a suitable adult;
 - c. the officer must document the conduct of children under 10 that would ordinarily be a criminal or juvenile code violation if they were classified as a juvenile on the appropriate report form to include any applicable identifiers.

B. Handling of Juvenile Offenders - General

1. A juvenile offender shall be handled with firmness and respect.
2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record.
3. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing.
4. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
5. The taking of a juvenile into custody is not an arrest except for the purpose of determining the validity of taking the juvenile into custody or the validity of a lawful search.
6. All investigative detentions and enforcement actions involving juveniles will be documented, either by use of a written warning, citation, or incident report. If a written warning or citation is issued and the circumstances of the contact are recorded on the form, no incident report is required. If no written warning or citation is issued, an incident report will be generated to document the contact and actions taken.
7. All contacts with juveniles will be recorded as best as possible on the in-car audio/video system.

C. Authority for Taking a Child into Custody

1. A juvenile may be taken into custody in the circumstances listed in 52.01 of the Family Code, by a Directive to Apprehend as outlined by 52.015 of the Family Code, or with probable cause. Section 52.01 of the Family Code specifies that a child may be taken into custody by a law enforcement officer when a child engages in any of the following:
 - a. Conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state,

- b. Delinquent conduct or conduct indicating a need for supervision, or
 - c. Conduct that violates a condition of probation imposed by the Juvenile Court
2. Section 52.01 also authorizes officers to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent. In making the decision to handle the juvenile either informally with a warning or formally by referral to the juvenile court, the officer shall consider the following:
- a. Seriousness of offenses
 - b. Prior record of child
 - c. Child's age
 - d. Cooperation and attitude of all parties (child, parent, victim) and
 - e. The possibility of the offense being repeated
 - f. Degree of wrongful intent, violence, premeditation, knowledge of violation

D. Enforcement Alternatives

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following, listed in order of severity:
- release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult;
- a. field release with written warning or citation, limited custody and station-house warning, arrest under non-secure custody, and release to parents with or without referral to juvenile court or first-offender program; and
 - b. arrest and secure custody, with transfer to detention and referral to juvenile court.
2. Enforcement criteria for the use of these alternatives are provided below.
3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
4. In all cases where a juvenile is believed to have committed a violation, regardless of the disposition, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances of the contact.

V. ENFORCEMENT CRITERIA

- A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.

1. Release without further action, release with verbal warning, and referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult.
 - a. Appropriate incidents where no violation was determined or where the violation was very minor and officers explained the law and consequences.
 - i. No property damage or personal injury was involved.
 - ii. No prior record exists.
 - iii. May include contact with parent if appropriate.
 - iv. Examples of these incidents include, but are not limited to, curfew violations, minor liquor law violations, and disorderly conduct.
 - b. If a non-traffic citation is issued, the juvenile's parents may be contacted by telephone from the scene and advised of the offense and disposition.
 - c. If officers detain a juvenile for a non-traffic offense and decide not to issue a warning or citation, officers shall at minimum complete a detailed call for service report.
2. Field release with written warning or citation, or limited custody and warning, arrest under non-secure custody, and release to parents with or without referral to juvenile court or first-offender program.
 - a. Officers may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the juvenile processing office until he/she is released to a parent or guardian.
 - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
 - ii. There was property damage or minor injury not amounting to a felony;
 - iii. The youth involved is fully aware of the seriousness or potential seriousness of his/her actions and/or is acting in alliance or collusion with others to commit such acts;
 - iv. The youth fails to cooperate or to positively respond to police intervention and direction;
 - v. The youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.
 - b. Officers may elect to file a referral to the juvenile court depending on the nature of the offense and prior history of the offender.
3. Arrest and secure custody, with transfer to detention and referral to juvenile court. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in section 2 above.

- a. Officers should file delinquency charges against juveniles when they commit any of the following:
 - i. Acts that if committed by an adult would be felonies;
 - ii. Delinquent acts involving deadly weapons;
 - iii. Serious gang-related offenses;
 - iv. Delinquent acts involving serious assault;
 - v. Delinquent acts while on probation or parole or when they have charges pending against them;
 - vi. Delinquent acts as repeat offenders or when the juveniles have refused to participate in diversion or intervention programs; or
 - vii. When it has been determined that parental or other adult supervision is ineffective.
4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile, and other relevant factors, an officer may release a juvenile to his parents, guardian, or other responsible adult.
 - a. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer, or others.
 - b. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
 - c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation, and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
 - d. Transportation of a juvenile in a caged vehicle is not considered secure custody.
 - e. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
 - f. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be under constant visual supervision.

Status offenders will be afforded reasonable access to toilets and washing facilities; provided food if they are in need of nourishment to include any special diets necessary for health or medical purposes; provided with reasonable access to water or other beverages; and allowed reasonable access to a telephone.

VI. JUVENILE PROCESSING

A. Searching and Transportation of Juveniles (TBP 10.02 b, c, d)

1. No juvenile under 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
2. Juveniles are searched and transported in the same manner as adults in compliance with Policy 7.11 Prisoner Transportation.
3. Juveniles are typically not handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer. The utilization of handcuffs is at the discretion of the officer taking the juvenile into custody. Officers will double lock and check the handcuffs for tightness. Officers will check the handcuffs if there is a complaint that they are too tight.
4. An officer transporting a juvenile should notify the dispatcher that the officer will be transporting a juvenile along with the juvenile's gender. The officer should also notify the dispatcher of the officer's location and mileage on the vehicle upon initiating the transport and the officer's ending mileage and location upon arrival at the officer's destination. The officer should monitor the prisoner during the transport for any medical issues.
5. Recording and video equipment should be activated during transport.

B. Actions when taking a juvenile into custody

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.
2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:
 - a. Releases the juvenile to a parent, guardian, custodian, or other responsible adult;
 - b. Brings the juvenile before an official of the juvenile court;
 - c. Takes the juvenile to a detention facility designated by the juvenile court;
 - d. Takes the juvenile to a medical facility if the juvenile is believed to be suffering from a serious physical condition or illness that requires immediate treatment;
Takes the juvenile to the intoxilyzer room if in custody for an offense requiring a breath specimen, but the juvenile must be taken to one of the above-mentioned locations upon completion of the intoxilyzer test;
 - e. In cases of truancy, immediately takes the juvenile to the proper school official within the appropriate public or private school;
 - f. Takes the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or
 - g. Releases the child with no further action pending.

C. Notifications:

1. The arresting officer shall promptly notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas family code.
2. Notification of the parents or attempts at notification shall be documented in the arrest report.

D. Designated Juvenile Processing Area: (TBP 10.02 e, and 10.03)

1. A juvenile may be detained in a holding area certified by the juvenile court. The Mineola Police Department's approved juvenile processing office is the interview room located within the police department.
2. Juveniles are detained under the following conditions:
 - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
 - b. At no time will a juvenile who is in custody be left unsupervised in the juvenile holding area.
 - c. All juveniles held in the juvenile processing office will be out of sight and sound of adult prisoners.
 - d. No juvenile is held in custody longer than is reasonably necessary to conduct an investigation, prepare a case, or to await the arrival of a parent or guardian.
 - e. At no time will a juvenile be held in the juvenile processing office longer than six hours. If not otherwise released, the juvenile will be taken to the juvenile detention facility within six hours of the arrest.

E. Taking a Runaway into Custody

An officer who has probable cause to believe that a juvenile has run away from home shall perform the following:

1. Verify the juvenile's status as a runaway.
2. Take the child into custody.
3. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent.
4. If a parent or some other responsible party cannot be located, take the juvenile to the police department processing office and contact juvenile probation on call.
5. Notify Communications to remove the runaway report from the computer system.
6. Complete incident reports for any runways taken into custody.
7. If the child is an out-of-town runaway, take the child into custody and verify runaway status with the other jurisdiction.

8. If a detention order is on file, follow the instructions for serving a detention order.
 - a. Notify the intake officer of the juvenile court of the action taken. The intake officer will then determine what the next step will be. The officer shall:
 - i. Follow the intake officer's instructions for detention or child placement.
 - ii. Notify parents that the child is in custody.

VII. PROTECTIVE CUSTODY

- A. A law-enforcement officer may take protective custody of a child without a court order for the following reasons and no others:
 1. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.
 2. Upon the voluntary delivery of the child to the law-enforcement officer by the parent, managing conservator, guardian, caretaker, or custodian who is entitled to possession of the child.
 3. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
 4. Upon information furnished by another which has been corroborated by personal knowledge of facts, all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
 5. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.
 6. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.
 7. Emergency Treatment For Juveniles: In the absence of the responsible parent or guardian, police officers are expected to take immediate custody of any juvenile found to be in need of emergency medical care and to see that the juvenile is taken to an emergency hospital for treatment.
- B. Procedures for Taking Custody of Juvenile in Need of Emergency Treatment

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expeditious manner:
 - a. The officer either takes custody of the juvenile and delivers him/her to the nearest competent emergency hospital, or the officer requests an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
 - b. The officer utilizes all available resources to immediately contact a parent or guardian (school officials, etc.).
 - c. The officer then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
 - i. Name, race, and date of birth of the juvenile;
 - ii. Name and address of parents if available;
 - iii. What hospital the juvenile has been taken to;
 - iv. What efforts have been made to contact the child's parents or guardian.
2. Follow-Up Investigation:
 - a. The officer conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.
 - b. The Criminal Investigation Division will take over hospital follow-up investigations when it becomes apparent that such investigations will be lengthy or complex.
 - c. The Criminal Investigations Division will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

C. Persons Who May Consent To Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and/or surgical treatment of a child when the person having the right to consent as otherwise provided by law cannot be contacted and that person has not given actual notice to the contrary:

1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person; an adult who has actual care, control, and possession of the child and who has written authorization to consent from the person having the right to consent.
2. A peace officer who has lawfully taken custody of a minor if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment.

3. Any court having jurisdiction over the child.

VIII. INVESTIGATIVE PROCEDURES

A. Custodial Interrogation of Juveniles

1. Custodial interrogation of juveniles by department employees shall adhere strictly to procedural requirements established by the Texas Family Code and relevant court rulings.
2. The custodial officer or a detective interviews the juvenile. The officer explains to the juvenile the procedures that will relate to their case. The officer or detective may, at their discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.
3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

B. Written Confessions/Statements:

Written confessions from juveniles must be taken in compliance with the Texas Family Code, outlined below.

1. A magistrate, outside the presence of law-enforcement officers, first warns the juvenile.
2. An officer then takes the typed or handwritten confession, but leaves the statement unsigned.
3. The officer then returns the juvenile and the statement to the magistrate.
4. The magistrate will review the statement with the juvenile outside the presence of law-enforcement officers.
5. The juvenile is then allowed to sign the statement in the magistrate's presence.

C. Fingerprinting And Photographing Juveniles:

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.
2. Fingerprints and photographs of juveniles are destroyed as directed by the Texas Family Code.
3. Fingerprints are taken to comply with state reporting requirements.
4. All juveniles placed in custody for cases classified as class "B" misdemeanor or higher are fingerprinted and photographed.
5. These records are maintained at the County Juvenile Detention Center and also in the State files.
6. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that they are those of a particular child, unless otherwise prohibited by law, the officer may

fingerprint the child regardless of the age or case for the purpose of immediate comparison with the latent fingerprints.

7. If fingerprints of a child are taken for purposes of comparison and the comparison is negative, the fingerprint card and other copies of the fingerprints taken are destroyed immediately. If the comparison is positive and the child is referred to the juvenile court, the fingerprint card and other copies of the fingerprints are filed locally and with the State. If the child is not referred to the court the fingerprints are destroyed immediately.

D. Required Notification of Schools

1. An officer who arrests or takes into custody an individual whom the officer believes because of the age of the child may be enrolled in a primary or secondary school as provided by Chapter 52 of the Texas Family Code shall do the following:
 - a. Attempt to determine if the individual is a student.
 - i. If the individual is known to or believed to be enrolled in a school, and
 - ii. The child's alleged offense is an offense under section: 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code, or
 - iii. The Unlawful Use, Sale or Possession of a Controlled Substance, Drug Paraphernalia, or Marijuana, as defined by Chapter 481, Health and Safety Code; or
 - iv. The Unlawful Possession of any of the Weapons or Devices listed in Section 46.01(1)-(14) or (16), Penal Code; or a Weapon listed as a Prohibited Weapon under Section 46.05, Penal Code; or
 - v. Any felony offense.
 - b. If the individual meets these requirements the officer or detective assigned shall give oral notification to the superintendent or the designee of the public school district within 24 hours after the arrest or detention of a child, or on the next school day.
 - c. Written notification shall be mailed within seven (7) days after the date of oral notification to the appropriate afore-mentioned school official, marked "Personal and Confidential" on the mailing envelope.
2. The complete text of this responsibility is found in Article 15.27 Code of Criminal Procedures.

E. Juvenile Records (TBP 10.02f)


1. The computerized Juvenile Justice Information System (JJIS) is designed to track juvenile cases from intake through detention,

prosecution, and case disposition, including probation or commitment. The Texas Family Code restricts entries into the JJIS to delinquent conduct offenses that, if committed by an adult, would be punishable by jail or imprisonment.

- a. JJIS entries are made on XXXX Police Department detentions by the Juvenile Investigation Division when a juvenile is referred to the juvenile court.
 - b. JJIS records may be accessed and disseminated according to the same rules that apply to computerized criminal histories.
 - c. JJIS entries cannot be made for juveniles who are not referred to the juvenile court within 10 days of the detention.
 - d. Records that do not qualify for JJIS entry are to be destroyed.
2. Texas Family Code requires that local law-enforcement records and files concerning a juvenile must be kept separate from adult files and records, and prohibits them from being sent to a central state or federal depository except as specified in the Texas Family Code. Juvenile detention reports will be separated from adult arrest reports as required by the statute.
 - a. Records or files that are required or authorized to be maintained under laws regulating operation of motor vehicles and records that list a juvenile as the victim of a criminal offense are specifically exempt from the file-separation requirement.
 - b. Reports of missing juveniles are specifically authorized to be entered into TCIC and NCIC.
 3. The Code of Criminal Procedure authorizes information on juveniles to be included in a local system for the purpose of investigating or prosecuting the criminal activities of criminal combinations. This information may be released to another criminal justice agency, a court, or a defendant in a criminal proceeding pursuant to the discovery. The record must be destroyed no later than two years after its collection if the juvenile has not been charged with criminal activity.
 4. The preservation and destruction of juvenile records is the responsibility of the juvenile investigation division. Juvenile records will be kept under lock and key and access will be limited to juvenile investigators.
 5. The Texas Family Code prohibits taking photographs or fingerprints of a juvenile without the consent of the juvenile court or the juvenile probation officer unless the juvenile is taken into custody for a felony or a misdemeanor punishable by confinement

in jail. Only the procedures specified in these General Orders will be utilized.

6. Release of Information on juvenile offenders may only be made pursuant to the following:
 - a. A written request under the Texas Public Information Act, Government Code Chapter 552 to the police department as approved by the city attorney or to the Mineola Municipal Court for fine-only offenses handled there.
 - b. The Sex Offender Registration Act, Code of Criminal Procedures Chapter 62. The request must be made in writing and will be responded to by the police department.
 - c. Code of Criminal Procedures Article 15.27. Notice to schools of specified offenses committed by students. These notices will be made by assigned investigators.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.13 Domestic Violence and Protective Orders	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference: TBP: 7.08	

I. POLICY

The department assigns domestic or family 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. Law enforcement agencies must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order, (2) arrest persons when probable cause exists that a crime has been committed, (3) provide safety and security for the crime victim(s), and (4) help participants contact appropriate agencies that might help prevent future occurrences.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, and describe measures that can be taken to end violence and protect victims.

III. DEFINITIONS

- A. Assault: An act by an assailant who intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse. A threat to cause imminent bodily injury to another, including the person's spouse, is also an assault. This definition is not all-inclusive as family violence may also entail aggravated circumstances, sexual assault, and other offenses. The assault definition also extends to intimate partner violence (IPV) that includes unmarried couples. See Chapter 22 and 25 of the Texas Penal Code.

- B. Domestic violence shelters/programs: Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to

court, food, clothing, and transportation. Some shelters also provide information pertaining to jobs, social security services, restraining orders, and various other items of information that is needed if the victim does not wish to return to the previous situation.

- C. 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, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.
- D. Abuse: as defined by Sections 261.001(1) (C), (E), and (G) by a member of a family or household toward a member of the family or household.
- E. Dating Violence: as defined by Section 71.0021.
- F. Family or household member:
 - 1. Spouses, whether or not residing in the same home.
 - 2. Former spouses, whether or not residing in the same home.
 - 3. Persons who have a child in common, whether or not they have ever been married or resided together.
 - 4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters, half-brothers and half-sisters regardless of whether they reside in the same home with the suspect.
 - 5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.
 - 6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.
 - 7. See Sections 71.003, 71.004, and 71.005 of the Family Code.
- G. Protective order, sometimes referred to as a “restraining order:” A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid up to two years.

Types of protective orders:

- 1. Emergency protective order: A protective order issued by a magistrate to a defendant following his or her arrest for an act of family violence. The EPO may be applied for by the victim, a police officer, or may be issued on the magistrate’s own motion. The victim may request the EPO at the scene of a domestic violence incident.

2. Protective order: A protective order that is requested by a victim of family violence at any time other than at the scene of a domestic violence incident.
3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present. A person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established that the actor had been served with the order prior to the commission of the act(s) violating the order. In the event that an officer arrives, and the actor is not aware of the order, the officer may assist the protected person in informing the actor of the existence of the order. The protected person should provide the actor with a copy of the order if at all possible. The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

IV. PROCEDURES: General responsibilities

- A. Department personnel shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address, and telephone numbers of the district attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.
- B. Department personnel shall be trained about domestic violence and its impact. Officers are encouraged to consult community resources, such as the local domestic violence shelter and the local victim/witness advocacy program.
- C. Personnel must be well trained in how to confront unexpected violence. Disturbance calls can be dangerous to responding officers.

V. PROCEDURES - Dispatcher (communications center) responsibilities. Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.

- A. The dispatcher is responsible for deciding whether an officer is needed at the scene. To make that decision, the dispatcher shall ask the following questions if at all possible:

1. Who is the complainant? Phone number? Whereabouts and identity of the suspect/aggressor?
 2. Name of caller and location of incident? Location of caller and complainant, if different? Phone numbers?
 3. Is the crime (incident) in progress? If not, when did it occur?
 4. Is a weapon involved or are there weapons at the scene?
 5. Have people at the scene been injured? Is an ambulance needed?
 6. Are there children present?
 7. Are there witnesses present?
- B. Depending on the circumstances at this point the dispatcher does the following one or all of the following:
1. If evidence of an injury or a weapon exists, someone has threatened violence, or the complainant requests an officer, dispatch immediately (two officers preferred) and an ambulance, if needed.
 2. Perform a TCIC and protective order inquiry and give the results to the responding officer(s) before their arrival at the scene if possible.
 3. Keep the caller on the telephone, if possible, and ask the following questions to obtain additional information, if possible:
 - a. Where is the suspect? If not known, obtain vehicle description, direction of travel, elapsed time, and access to weapons.
 - b. Was alcohol or drugs involved?
 - c. Is there a history of calls to this address?
 - d. Are there outstanding warrants on disputants?
 - e. What is the probation/parole status of suspect/aggressor?
 - f. Have there been previous arrests?
 - g. Is a protective order in effect?
 4. If time permits, the dispatcher shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. The dispatcher shall advise the victim of the intended department response.
 5. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.
 6. Dispatchers shall not cancel police response to a domestic violence complaint based solely on a follow-up call from the residence requesting such cancellation. However, the dispatcher shall advise the officers of the complainant's request.

VI. PROCEDURES - Patrol responsibilities

- A. Before arrival at the scene officers should do the following:
1. Obtain all available information from the dispatcher before arrival.
 2. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.

- B. In the vicinity of the scene officers should avoid the use of sirens and other alarms. The suspect might be dangerous and could turn a weapon on arriving officers.
- C. At the scene the officer should observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
- D. Before knocking on the door, officers should listen, and they should look in windows to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
- E. Officers must be concerned for their own safety as well as that of the disputants. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
 - 1. Initial contact with occupant(s).
 - a. Identify themselves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the home.
 - b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further.
 - c. Officers shall make every reasonable effort to interview the complainant and remain on scene to assess welfare and safety as required by training and experience.
 - d. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
 - e. Refusal of entry or no response to a knock at the door will require a forced entrance only if officers have a reasonable belief that person(s) inside are at risk of imminent death or serious bodily injury.
 - f. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must

obtain a warrant to search or articulate another exception to the warrant requirement.

- g. A spouse or cohabitant can consent to the search of premises used jointly by both husband and wife or by unmarried cohabitants. However, if both are present, either one may legally object. Once either party refuses consent, officers must obtain a warrant to search or articulate an exception to the warrant requirement.

F. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist. For example, if officers believe that someone, perhaps a child or spouse, is in need of emergency assistance they may search the premises without a warrant.

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 occupants of the house or others, including officers guarding the site.
- c. Whether the suspected offense is serious and involves violence.
- d. Whether officers reasonably believe that persons may be armed.

2. Once inside, establish control by:

- a. Inquiring about the nature of the dispute.
- b. Identifying disputants.
- c. Being aware of potential weapons in surroundings.
- d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries. (These persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised.)
- e. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if the 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. Photograph the victim's injuries if possible.
- f. Ascertain whether a protective order has been violated.
- g. If weapons -- firearms, knives, or any other object that could be used as a weapon-- are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.

- h. Transporting family/household members to a hospital, a safe shelter, or a magistrate.
3. Officers shall transport victims to a safe location as they wish or as the circumstances require.
4. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.

G. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, assuming the suspect has been identified.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.
3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants are to be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts, giving the parties an opportunity to point out anything that might be misrepresented.
6. Officers should be aware that verbal statements made by parties have evidentiary value. All verbal statements should be recorded, when practicable, and should be noted in reports of the incident.
7. Interviewing the victim. Get answers to the following questions from the victim:
 - a. What happened?
 - b. Were there any injuries and who caused them?
 - c. What weapons or objects were used?
 - d. What is the relationship to suspect?
 - e. Were threats made against the victim or others?
 - f. Was there forced sexual contact.
 - g. Are there any court cases pending against suspect.
 - h. Are any protective orders in effect.
 - i. Is suspect on probation or parole?

- j. Did the suspect threaten or hurt others, particularly children or pets.
- k. Was property damaged and if so, what was the damage?

H. Interviewing witnesses

- 1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.
- 2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
- 3. If witnesses provide information about prior assaults, document them to help establish a pattern.
- 4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

I. Collection of Evidence

Officers should treat a family violence offense with the same seriousness as other criminal offenses, and conduct a preliminary investigation in the same manner to include:

- 1. Collecting any physical evidence or calling crime scene personnel to do so.
- 2. Photographing any damages or injuries received by any party involved in the incident.

VII. PROCEDURES - Arrests

- A. Officers shall make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person's family or household. Officers may arrest persons who the peace officer has probable cause to believe have committed an offense involving family violence which did not result in at least bodily injury.
- B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident.
- C. Officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
- D. If the victim claims that a protective order has been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse")

have been violated the officer shall arrest the violator, assuming probable cause exists.

- E. Officers making arrests for family violence may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.
- F. Officers shall contact the on-call Child Protective Services worker if a child is abused or if neither parent can reasonably look after the child's safety and well-being. (Child neglect is a separate, reportable offense.)
- G. In determining probable cause, the officer shall NOT consider:
 - 1. Race, sex, ethnicity, social class, or sexual orientation.
 - 2. Whether the complainant has not sought or obtained a protective order.
 - 3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - 4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - 5. That the complainant has not begun divorce proceedings.
 - 6. Assurances of either or both disputants that violence will stop.
 - 7. The lack of visible bruises or injuries.
- H. Factors favoring the decision to arrest based upon probable cause that an offense has been committed
 - 1. Arrest is the most appropriate response when these factors are present:
 - a. Serious, intense conflict.
 - b. Use of a weapon.
 - c. Previous injury or damage.
 - d. Previous court appearance against the offending party.
 - e. Previous attempt to sever the relationship.
 - f. Previous calls for law enforcement help.
 - g. When a felony has occurred.
 - h. Evidence of drugs or alcohol use at the assault.
 - i. Offenses committed with the officer present.
 - j. Valid warrants on file for other crimes.
 - k. Officers shall arrest for a violation of a protective order committed in the officer's presence or view.
 - l. Aggressive behavior toward any person or pets, or any other threatening behavior.
- I. If the abusive person is to be arrested, the officer should use the following procedure:

1. If the suspect is present, arrest him/her, apply handcuffs, inform him/her that the decision to arrest is a law-enforcement one, and transport securely to the jail/magistrate.
 2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect, if necessary, and arrange for an arrest warrant.
 3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim's copy, if available.
 - b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.
- J. If the abusive person is not arrested, the officer should use the following procedure:
1. Complete an incident report and give a copy or arrange to have a copy given to the victim.
 2. Inform the victim that the department will begin action to procure a warrant for the offender if an offense occurred.
 3. Advise the victim of the importance of preserving evidence.
 4. Explain to the victim about protective orders and how to obtain them, and offer to help the victim obtain them later.
 5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers, such as a marriage license or divorce decree, health insurance cards, and if children are involved their school records, proof of vaccination, and health information.
 6. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address, and telephone number of the district attorney and the investigating law enforcement agency
 7. Assure the victim that [your agency] shall assist in future emergencies and explain measures for enhancing his/ her own safety.
- K. Gathering evidence. Physical evidence takes three forms in domestic violence cases: the injuries sustained by the victim, evidentiary articles that substantiate an attack, and the crime scene itself. The on-the-scene officer should take the following actions:
1. If possible, have a physician corroborate the victim's account of injuries sustained. Since choking is one of the most serious forms of violence but is sometimes hardest to detect, the officer and/or the physician should take particular note of that.

2. When feasible, take photographs of injuries.
3. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
4. Collect evidence according to the same principles applied to any other crime scene.
5. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
6. Obtain statements from all witnesses, particularly noting any verbal statements that bear on the incident. Officers shall note the emotional state of the person making the verbal statement.

L. Documenting the incident. All incident reports on domestic violence shall follow general reporting procedures. Officers should include the following in their reports:

1. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
2. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
3. The victim's statements as to the number of prior calls for law enforcement assistance.

M. The disposition of the investigation. Officers involved in an incident should do the following:

1. Thoroughly document probable cause to arrest.
2. If an arrest is not made for domestic violence, the incident must still be documented, stating that either no probable cause for arrest existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why no arrest was made, nor any warrant issued.
3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services.
4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the district attorney and the investigating law enforcement agency.

N. Arrests of agency personnel

1. If the predominant physical aggressor or abuser is an employee of this agency, the responding officer shall summon the field supervisor, who shall in turn notify his/ her chain of command.

2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
3. The on-call investigator shall be summoned who shall begin an internal criminal investigation
 - a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.
 - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
 - c. The investigator shall speedily present the case to the district attorney.
4. Upon termination of the criminal investigation, the Chief of Police may assign an officer to undertake an internal administrative investigation into the incident. The chief may suspend the employee pending the outcome of the investigation.
 - a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
 - b. If the internal administrative investigation supports a violation of agency policy, the Chief of Police shall take appropriate action. Further, if the investigation confirms that domestic violence occurred, the sheriff may require that the officer receive counseling, psychological evaluation, demotion, or termination of employment.
 - c. Federal law states that any person (including a law-enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may, therefore, be unable to maintain their certification.
 - d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.


VIII. PROCEDURES - Issuing an emergency protective order

A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrate's own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he/ she can request an EPO directly from a magistrate or the district attorney.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
 - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, or deny the abuser the right to possess a firearm, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO remains in effect for up to 91 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO.
4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provided with a copy and informed of its requirements.
5. A copy is also delivered to the Chief of Police and the communications center for the jurisdiction where the victim resides.

B. Protective Orders from Other States

Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.14 Vehicle Operation	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 7.15, 7.20, and 7.24	

I. POLICY

All personnel operating department vehicles shall exercise due regard for the safety of all persons and be conducted in strict accordance with existing statutes. Protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department vehicles will comply with the safe-driving procedures outlined in this policy with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

II. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles.

III. DEFINITIONS

- A. **Emergency driving.** Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment. Emergency driving -- with emergency lights and siren activated -- allows an officer to disregard certain traffic regulations, but officers must still drive with due regard for the safety of the officer and others.
- B. **Emergency equipment.** Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that has this emergency equipment installed.
- C. **Normal or routine driving.** Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, and adherence to commonly understood "rules of the road."

III. GENERAL PROCEDURES FOR ALL RESPONSES (TBP: 7.15)

- A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Transportation Code authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for failure to use reasonable care in such operations.

B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty or on-call supervisor to conduct an investigation.
2. Accidents involving members of this department will be investigated by Texas Department of Public Safety.
3. All drivers involved in an accident shall write a memorandum detailing the circumstances.
4. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report.
5. Vehicles used in routine or general patrol service shall be conspicuously marked except those being used for covert patrol operations.
6. Unmarked cars shall not be used in any pursuit but may be used for patrol.
7. Unmarked cars that are provided with emergency lights and a siren may be used to stop vehicles.
8. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights, and alley (side) lights on the rooftop light bar.
 - a. Hazardous warning lights may be used at any time the department vehicle is parked where other moving vehicles may be endangered.
 - b. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner that will blind or interfere with the vision of operators of approaching vehicles.
9. Seat belts and shoulder straps shall be worn by the driver and all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. (TBP: 7.20)
 - a. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release his/her seat belt.
10. Any young children transported in a police vehicle will be transported in the manner prescribed by the Transportation Code using infant/child car seats when necessary.

C. Inspection (TBP: 7.24)

1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment.

2. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and fuel. Any deficiencies should be reported to the supervisor. Vehicles shall not be left with less than one half tank of fuel.
3. Officers shall check the safety features of the vehicle before assuming duty. The check shall include, but is not limited to, all lights, brakes, siren, horn, and steering.
4. Officers shall also check tires for tread wear and proper inflation.
5. Officers shall examine their vehicles at the beginning and the end of their shifts for damage. Officers shall report any damage immediately to the on-duty supervisor.
6. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
7. Officers who discover a department vehicle in need of repairs shall immediately inform the on-duty supervisor and fill out the proper form.
8. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
9. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle.
10. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
11. No officer or employee shall operate any department vehicle that he or she believes is unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. 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.
3. Officers responding to certain crimes-in-progress may discontinue the use of the siren upon approaching the location of the occurrence. While this is allowed by Texas law and this policy, officers shall understand that to do so means that they are no longer operating in a manner that would warn other traffic and should remember that they still have a duty to drive with due regard for other motorists and pedestrians.
4. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
5. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely before entering

and traversing the intersection. When faced with a red traffic signal or stop sign, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.

6. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
7. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.
8. Operators of department vehicles must bear in mind that the traffic regulation requiring other vehicles to yield the right of way to any emergency vehicle does not relieve emergency vehicle operators from the duty to drive with due regard for the safety of all persons using the roadways. Nor does this traffic regulation protect the driver from the consequences of arbitrary use of this right-of-way regulation.

IV. PROCEDURES FOR EMERGENCY DRIVING

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. Section 546.005 of the Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount, responding officers must remember that their objective is to get to the location of the occurrence as soon as possible--safely--without danger to themselves or to others.

B. Response codes: Calls for service are classified as Code 1, Code 2, or Code 3, depending on circumstances. The codes are defined as follows:

1. Code 1 responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Units responding to Code 1 calls shall respond to the location without delay, complying with all traffic regulations, and shall not use emergency warning devices.
2. Code 2 responses are utilized when immediate situations exist that would warrant not using emergency warning equipment and shall be without delay, proceeding directly to the location, while operating the vehicle with due

regard for the safety of all persons, utilizing emergency warning equipment if necessary.

3. Code 3 responses are authorized for any emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers. Code 3 calls are authorized by a dispatcher, field supervisor or the patrol officer, subject to the considerations discussed below. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.


NOTE: Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes.

C. Officer's response to call

1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.
2. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
3. Officer-initiated response.
 - a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.
 - b. Examples include the following:
 - i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
 - ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
 - iii. Responding to Code 1 calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
 - iv. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.
 - v. In response to an officer's emergency request for assistance.
 - vi. For pursuit. (See Policy 7.15)

D. Use of emergency warning devices in non-emergencies

1. Officers shall activate emergency equipment to notify drivers that they must stop, and to provide a safe environment for the driver, officer, and the public.
2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.15 Vehicle Pursuits	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 7.13, 7.14, 7.18, and 7.19.	

I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue they must continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 7.15 when they are involved in vehicle pursuits.

II. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS

- A. Boxing in: A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.
- B. Caravanning: Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.
- C. Emergency driving: Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment in operation.
- D. Emergency equipment: Emergency lights and a siren, whistle, air horn or any other equipment designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- E. Normal or routine driving: Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly understood "rules of the road."

- F. Primary pursuit vehicle: Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- G. Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order.
- H. Not a pursuit: An attempt to stop a vehicle that is not fleeing, or an attempt to stop a vehicle that is refusing to stop while still obeying traffic-control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.
- I. Risk: The degree of danger or hazard to the public or officers.
- J. Roadblock: Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- K. Support vehicles: The second or additional department vehicles participating in the pursuit that follow the primary pursuit vehicle at a safe distance. Once the vehicles have stopped, officers in the support vehicles can provide help for the officer in the primary vehicle or they can assume the primary role if circumstances dictate.

IV. PROCEDURES FOR PURSUITS (TBP: 7.13)

- A. Justification for pursuit:
 - 1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension for a felony or misdemeanor that would result in jail by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
 - 2. Pursuits will not be initiated for class C traffic offenses alone.
 - 3. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
 - 4. In deciding whether to initiate pursuit, the officer shall take the following into consideration:
 - a. road, weather and environmental conditions;
 - b. risk of harm to the public as assessed by population density and vehicular and pedestrian traffic;
 - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;

- d. the seriousness of the offense;
- e. the presence of other persons in the police vehicle.

B. Primary officer responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment shall pursue.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. The officer shall notify the dispatcher of the following:
 - a. The location of the officer and the suspect's vehicle.
 - b. The direction of travel.
 - c. The license number (and state) of the suspect's vehicle.
 - d. The description of the suspect's vehicle.
 - e. The reason for the pursuit.
4. The officers will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
5. Whenever the risk to the public or to the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.

C. Supervisor's responsibilities

1. The on-duty supervisor shall monitor the pursuit, and has the responsibility to ensure that it is conducted in compliance with department policy, and includes directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. The number of officers currently participating as primary or support vehicles.
 - d. Any injuries or property damage already sustained as a result of the pursuit.
 - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
4. After the incident, the supervisor shall critique the pursuit with all of the officers involved and direct participants to submit reports.
5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
6. The on-duty supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph J.12 below.

D. Supporting officers' responsibilities.

1. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest.
2. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. Without being tasked with these communications responsibilities, the primary officer can focus attention on the pursuit driving.

E. Dispatcher's responsibilities

1. Notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
2. Record all pertinent information about the pursued vehicle.
3. Advise all other officers of the pursuit and the information given by the pursuing officer.
4. Assist in directing back-up units to strategic locations.
5. Alert all other nearby law-enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond the city.
6. Query TCIC and NCIC for license data and any warrants.

F. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in shall be performed only at low speeds and under the direct authorization of the on-duty supervisor and then only if the participating officers have been trained in the technique.
3. Caravanning is prohibited. Only two department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
4. Officers shall not fire their weapons from a moving department vehicle.
5. If the on-duty supervisor orders the pursuit to end, the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
6. The use of a stationary or rolling roadblock is prohibited. (TBP: 7.18)
7. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit should use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
8. Should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's

location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.

9. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.
10. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
 - a. Slow and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the officer's presence.
 - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
11. Tire Deflation Devices (TBP: 7.19)
 - a. Officers who have been trained in the use of tire deflation devices are authorized to deploy the devices when approved by a supervisor.
 - b. Deployment must be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
 - c. Deployment is made per manufacturer's instructions, always keeping the deploying officer safe from possible vehicular danger.
 - d. The devices must be retracted prior to departmental vehicles running over them.
 - e. Officers deploying the device will notify on-coming departmental vehicles of the deployment location so that they may slow down and avoid running over the devices.

G. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into our jurisdiction, department officers shall enter the pursuit only if the other agency specifically requests help and the on-duty supervisor approves the participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.


H. TERMINATING PURSUITS

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

2. Officers shall discontinue a pursuit under the following circumstances:
 - a. The on-duty or on-call supervisor orders it.
 - b. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
 - c. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
 - d. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
 - e. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.
3. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, officers will not rush the vehicle. Appropriate felony stop procedures should be used.

V. FOLLOW-UP REQUIREMENTS (TBP: 7.14)

- A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped. The initiating officer will complete a departmental Pursuit Report. Other officers involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of the officer's tour of duty.
- B. The supervisor shall review video of the pursuit for compliance with policy and forward all documentation to the Chief of Police for review.
- C. The pursuit report with supervisory review will be forwarded to the Chief of Police. The Chief will also review the report and determine compliance with policy. The Chief of Police will inform the supervisor of his findings. Should a policy violation be identified, the Chief will direct that an investigation be conducted as necessary.
- D. Annually, the Chief of Police will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the department.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.16 Vehicle Impoundment and Inventory	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if it enters police custody. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and members of our community view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. When towing is performed at an owner’s request, the owner will be given the option of specifying a towing company. The department will select a tow company in other cases. Officers will also specify a tow company if there is a traffic hazard and an individual’s tow company cannot arrive in a timely manner.

II. PURPOSE

To establish procedures for towing and inventory of vehicles.

III. AUTHORITY TO TOW

A. Accident

1. Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information. Vehicles shall be removed from the shoulder without unnecessary delay.
2. Vehicles may be removed to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel on the roadway. Officers shall not use departmental vehicles to push cars unless equipped with push bars and the officer has been trained in its use.
3. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.
4. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.

5. Following motor vehicle crashes, an officer may request impoundment when the operator is unwilling or unable to take charge of the vehicle, and
 - a. The vehicle cannot be legally parked and sufficiently secured at the scene, or
 - b. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, traffic accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles being used by radio, T.V., and press are exempt unless they obstruct police, fire, or rescue operations, or creates an unreasonable traffic hazard.

C. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense. (Refer to Mineola City Ordinance)

D. State/county/municipal vehicles

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.

E. Blocking driveway or parking area

Any officer discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the owner's expense. (Refer to Mineola City Ordinance)

F. Unattended traffic hazard/violation of law

Officers may tow any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law. (Refer to Mineola City Ordinance)

G. Unattended vehicle

Whenever any motor vehicle is left unattended for more than ten days upon any public street, the officer may order it towed at the owner's expense. (Refer to Mineola City Ordinance)

H. Abandoned vehicle

1. Whenever any motor vehicle is abandoned upon public, the officer may order it towed at the owner's expense.
2. A vehicle may be presumed to be abandoned if it lacks either a current license plate and it has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours.

I. Removal from private property

1. No removal shall be ordered from private property.
2. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission. (Refer to Mineola City Ordinance)

J. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or involved in the commission of a crime shall be towed at the request of the officer to [specify location] at department expense.
2. Impoundment of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:
 - a. The owner cannot be contacted,
 - b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
 - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.
 - d. Officers should document reasonable efforts to contact owners with means readily available. Towing of reported stolen vehicles is at the owner's expense.

K. Prisoner's vehicles

1. Vehicles belonging to arrested persons, if left at the scene of the arrest may be at substantial risk of theft or damage to the vehicle or personal property contained therein. It is therefore the policy of this department to

tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle, unless:

- a. There is a friend or relative at the scene, and the arrestee wishes to release the vehicle to them, they possess a current drivers license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.
2. The officer may tow the vehicle upon supervisor approval if he or she believes the above method of vehicle release would not properly protect the vehicle or its contents.
3. A vehicle shall be towed if a subject is arrested and one of the following circumstances exists:
 - a. The vehicle was used in a crime.
 - b. The vehicle contains evidence of a crime that cannot be processed at the scene.
4. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
5. A "hold" may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.
 - a. Holds on vehicles must be approved by an agency supervisor.
 - b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

L. Impoundment for Forfeiture

Officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law. Officers should contact a supervisor before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by this agency.

IV. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).

- B. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Officers shall know under which provisions (subparagraphs A-L above) and laws the vehicle shall be towed.
- E. If possible, use the vehicle owner's or operator's choice of towing company.
- F. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer shall ask the dispatcher to send a wrecker.
- G. In an emergency involving major traffic congestion owing to a disabled vehicle, the officer shall so notify the dispatcher and shall request a wrecker.
- H. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log each instance of calling a tow service. The dispatcher shall log the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any other subsequent problems.
- K. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed vehicle log.
- L. Contracted towing companies agree to respond to scenes within 20 minutes of a call. If a called wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and order a second wrecker from another company.

V. INVENTORY

- A. Authority and purpose
 - 1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. The purpose of the inventory is to protect the owner's property and to protect

the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:

- a. The vehicle has been lawfully seized or impounded.
- b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.


B. Inventory vs. search

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by Policies 7.4 and 7.5.
2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest. See Policy 7.4 for further details.
3. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle, and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.
4. Before the vehicle is removed, officers shall obtain the signature of the tow truck driver on the inventory report.

C. Inventory procedures

1. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.
2. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. Locked items that are not searched will be noted on the Impound report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
3. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.

4. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.17 DEPARTMENT TAKE HOME VEHICLES	
	Effective Date: 05/20/24	Replaces:
	Approved: <u>Charles Bittner</u> Chief of Police	
	Reference:	

I. Policy

It is the policy of the Mineola Police Department to regulate and maintain the TAKE HOME VEHICLE PROGRAM. Properly maintained police vehicles are vital to the success of police departments, especially in the patrol division. Assigned vehicles are better maintained than non-assigned vehicles. Vehicles that are maintained correctly are much safer and will have a longer life. Additionally, this program will:

- 1) Promote the security of the citizens of Mineola by creating an atmosphere of the ever presence of police officers resulting from an increased number of police vehicles on the streets of the city.
- 2) Deter crime by limiting the opportunity for the criminal to commit the act by creating the appearance of more police presence in the area.
- 3) Provide faster response time to all types of calls, thereby increasing the opportunity for apprehension of criminals.

II. Purpose

To establish guidelines for the use of Mineola Police Department vehicles by employees of the Mineola Police Department. All officers shall recognize that a vehicle assigned under this program is a privilege granted by the Mineola Police Department for the promotion of community support, organizational efficiency, vehicle maintenance and officer morale.

III. Procedures

The City of Mineola Police Department’s take-home vehicle program is a privilege extended to authorized, designated personnel and is contingent upon the availability and department needs, as determined by the Chief of Police. This program is not a right or entitlement nor is it the subject for a grievance. Before the employee is authorized or eligible to participate in the take-home vehicle program, he/she must meet criteria that includes, but is not limited to:

- 1) The employee shall have successfully completed the Field Training Program and is recommended by the Patrol Captain.
- 2) The employee resides within 20 miles of the Mineola city limits using the shortest, most economic, and reasonable route; or
- 3) Those personnel as authorized by the Chief of Police.

III. Assignment of Vehicles

- 1) Departmental vehicles shall be assigned to individual members for full-time retention and use within the limitations of this and other policies.
- 2) All authorized, designated personnel who live outside the City of Mineola shall confine use of the City's vehicle to the shortest, most direct route to and from their home, the city or other authorized duty assignment.
- 3) Assignment of vehicles under the take-home vehicle program is a privilege and may be rescinded by the Chief of Police at any time for cause.

V. General Regulations

It is mandatory that all city vehicles be operated strictly in accordance with the law, with safety considerations always being a matter of primary concern to the operator.

- 1) ONLY police employees of the Mineola Police Department are authorized to operate take home vehicles.
- 2) Any officer using his/her take-home vehicle will adhere to departmental policies, procedure, rules, and regulations as they pertain to vehicle and equipment operation, maintenance, and care.
- 3) Any officer using his/her take-home vehicle in an unauthorized manner or who permits unauthorized uses of the vehicle may be subject to loss of vehicle and/or other disciplinary action.
- 4) Officers operating take-home vehicles will exercise good judgement in utilizing them, avoiding any conduct likely to cause unfavorable comments and/or embarrassment to the Mineola Police Department.
- 5) All authorized, designated personnel participating in the take-home vehicle program shall have in their possession a valid Texas driver's license at all times while operating a City vehicle. Off-duty officers shall also have in their possession their badge, department issued Public Safety identification, authorized, and approved firearm, body armor and portable radio. Officers shall be appropriately attired to maintain a favorable public, professional image.
- 6) Officers may not have non-police passengers in the vehicle when off-duty unless permission is obtained by the Chief of Police.
- 7) Officers operating a take-home vehicle while off duty will monitor the police radio and will notify dispatch of their availability and wait for dispatch or the on-call supervisor/senior officer to provide direction regarding a possible assignment.
- 8) Unattended vehicles shall always be kept locked.
- 9) Seat belts must be used as required by City and departmental policy and state law.
- 10) Officers shall ensure that the vehicle and department issued items are secured properly when it is parked at their residence.

- 11) Officers shall ensure their patrol vehicle is parked in the driveway, confines of the officer's property or property within the officer's immediate control. On-street parking will not be permitted.
- 12) When off-duty or while outside of the City of Mineola, officers shall not take enforcement action unless necessary to protect the life of another (i.e.: crimes against persons or intoxicated drivers). Other traffic violations, misdemeanors and property type crimes are not considered urgent or life threatening and do not require emergency intervention. If an offense is witnessed by the officer while outside the city limits of Mineola, the officer may contact the proper jurisdictions communications dispatcher for enforcement action if necessary.
- 13) Off-duty officers coming across any situation requiring police action will take appropriate action needed to handle the incident. Officers should request an on-duty unit to take any report necessary, transport prisoners, or assist citizens, except in emergency situations, where immediate police action is required. Upon arrival of on-duty units, the off-duty employee may clear the scene. As soon as practicable, the officer will submit a report/supplemental to the corresponding agency within the respective jurisdiction.
- 14) Employees, who intend to consume or possess, or who have consumed any amount of alcoholic beverage shall never drive or ride in any City owned vehicles.
- 15) Off duty officers shall not park on the lot of any business that derives 51% of its sales from alcoholic beverages, or in such proximity it may be reasonably inferred the officer is patronizing the establishment.
- 16) The vehicle shall not be utilized for carrying heavy or excessive loads and shall not have objects protruding from the trunk or windows. Exception to this will be official equipment or evidence.
- 17) Any officer on leave due to extended sick leave, injured-on-duty, limited duty, or suspension will not have take-home vehicle privileges. The Chief of Police may approve some cases of limited duty use.
- 18) Before any maintenance work which requires the vehicle to remain at the facility overnight, firearms inside the vehicle must be removed from it and secured at the Mineola Police Department.
- 19) The delivery or pickup of patrol vehicles from maintenance facilities is non-compensatory, unless the employee is currently on duty.

IV. Take-home Vehicle Involved in Collisions

Whenever an officer is involved in a collision off-duty, no matter how slight the damage, he/she will immediately:

- 1) Advise the radio dispatcher.
- 2) Request a supervisor on duty to respond to the scene.
- 3) Request Texas Department of Public Safety to make a report.

Any officer involved in more than two (2) chargeable Motor Vehicle Traffic accidents while operating a take-home vehicle off-duty, within a twelve (12) month period will be subject to the loss of his/her assigned vehicle and/or face disciplinary action.

VI. Maintenance and Care of Vehicles

Each officer assigned a take-home vehicle will be responsible for proper care and general maintenance. Employees will be subject to disciplinary action if they:

- 1) Fail to properly maintain their take-home vehicle. Including the interior, shall be kept clean and free of trash and debris.
- 2) Fail to report any damage or theft.
- 3) Fail to report any service problem.

VII. Scheduling Maintenance & Repairs

Officers participating in the take-home vehicle program are responsible for ensuring all routine upkeep is performed on the vehicle. This includes ensuring the vehicle is kept clean, all equipment is operating properly, and scheduled maintenance is performed regularly. Officers assigned to night shift may request in writing to the fleet supervisor to arrange for maintenance. The officer will be responsible for transportation to and from a repair/maintenance facility while their assigned vehicle has maintenance performed.

VIII. Off-Duty Mileage and Gasoline Consumption

Each officer is responsible for ensuring that off-duty mileage and gasoline consumption is not abused.

It shall be the commanding officers' responsibility to monitor fuel consumption of subordinates in their command.

IX. Refueling


Officers should attempt to refuel their vehicle prior to ending their assigned shift. Officers shall contact dispatch by radio to log the status of the resource obtained to include date and time, gallons to include tenths and odometer milage.

X. Inspections

Take-home vehicles will be inspected once a month by a supervisor.

XI. Emergency Equipment

It is prohibited to install or remove any equipment on a City of Mineola vehicle without authorization from the Chief of Police. Tampering with equipment will cause the officer to be subject to disciplinary action, up to and including termination. The Chief of Police may establish guidelines for the use and installation of emergency equipment, communication devices and other equipment.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.20 Patrol Operations	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right;">Chief of Police</div>	
	Reference: TBP: 7.01	

I. POLICY

Patrol is the primary activity of law enforcement. It includes much more than driving through neighborhoods looking for evidence of lawbreaking. The department expects officers to conduct patrol vigorously to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, and prevent crime.

II. PURPOSE

The purpose of this policy is to define and outline general procedures for patrol operations. Procedures for handling specific calls for service are presented in the Patrol Standard Operating Procedures.

III. ORGANIZATION AND ADMINISTRATION

A. Organization

The patrol division is commanded by a police lieutenant and is comprised of officers assigned to both the patrol and traffic functions under the direct supervision of sergeants. The sergeants report to the patrol lieutenant.

B. Hours of Operation

The patrol division operates on a 24-hour, seven-days-a-week schedule. (TBP: 7.01)

C. Patrol Division Responsibilities

1. Responsible for the preliminary investigation of calls for police services, accident investigation, traffic enforcement, crime prevention, those duties which by their very nature require the actions of a police officer, and assignments which may be given by a commanding officer.
2. Composed of designated shifts, each under the command of a police sergeant or other designated supervisor who reports to the Chief of Police.

3. In the absence of on duty supervisor, officers should contact the on-call supervisor by department issues phone for any questions or further direction on operations should the need arise.
4. In the absence of on an on duty investigator, officers should contact the on-call criminal investigator by department issued phone for any questions or further direction on criminal offenses should the need arise.

D. Divisional Personnel Staffing

1. Patrol Staffing

- a. Personnel are distributed among six patrol shifts. The Chief of Police assigns personnel to shifts based upon distribution of calls for service and departmental staffing needs.
- b. Personnel work (12) twelve hour shifts, unless otherwise directed.
- c. Personnel assigned to the patrol division have rotating days off.

2. Traffic Unit Staffing

- a. The traffic section is comprised of selected officers assigned to the patrol division with primary duty assignments that are related to traffic enforcement.
- b. Officers assigned to this section are under the direct supervision of the patrol unit sergeant.
- c. These officers are specially trained in accident investigation and reconstruction and perform these functions in conjunction with and in addition to regular patrol duties.

E. Patrol Districts

1. The City of Mineola is broken into four patrol districts. On duty Officers are typically responsible for all districts, given the size of the municipality.

IV. PROCEDURES - Conduct while on patrol


- A. Officers shall acquaint themselves with the geography of their patrol assignment, and particularly the location of highways and traffic hazards. Officers shall also become familiar with the names and addresses of habitual criminals and law violators, first-aid stations, hospitals, fire and rescue stations, magistrates, general district and county courts, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.
- B. Officers shall promptly respond to all calls dispatched to them. Calls that appear to be a risk to the physical well being of a person take precedence over calls that are

reporting danger or loss of property. In all cases, when dispatched to a call, the officer will respond directly and expediently.

- C. Officers shall initiate investigations into suspicious activities to prevent criminal activity.
- D. Patrol Officers are responsible for the preliminary investigations of criminal offenses occurring in the city.
- E. When an officer observes a violation of the law, subject to the authority and discretion discussed in Policy 1.2, he or she shall either (1) warn and release, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.
- F. Without exception, officers transporting non-department civilians (non-employees) shall notify the dispatcher of the transport. The report shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving at the stated destination the officer shall notify the dispatcher and give the odometer reading. The communications operator shall log the information and record the time of each notification.
- G. To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety.

V. COMPLIANCE WITH PATROL STANDARD OPERATING PROCEDURE

- A. The patrol Standard Operating Procedure manual is designed to provide direction to all officers in patrol operations and the handling of routine calls.
- B. All officers who respond to calls for service or calls to assist patrol officers will become familiar with the operational procedures. Officers are expected to follow the Patrol SOP unless specific other actions are approved or directed by a supervisor.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.21 Bike Patrol Operations	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference:	

I. POLICY

It is the policy of the Mineola police department to utilize bicycles to conduct proactive patrol during normal tours of duty. Police bicycles combine mobility with close citizen contact, and they are also useful for patrol and crowd control during special events. Use of bike patrols will provide police services in the areas where they are assigned. Bike patrols provide police services to areas such as residential neighborhoods, public housing, business districts, parks, recreational areas, and other areas as appropriate. The primary function of a bike patrol is to serve as an effective proactive force in crime prevention, detection, and enforcement.

The purposes of the bicycle patrol are to reduce criminal activity within specific areas and significantly increase positive community relations by increased visibility. The bicycle officer is more available to the citizens than officers in patrol vehicles. This accessibility enhances a more personal relationship between the community and the police department.

II. PURPOSE

The purpose of this policy is to define and outline the department's approach to its bicycle patrol unit, including training requirements and the duties of the officers in the unit.

III. ORGANIZATION, ADMINISTRATION, AND TRAINING

A. Organization

1. All bicycle officers will be assigned to the patrol division and will be under the command of the Chief of Police or his designee.
2. Bicycle patrol officers are deployed under the direct command of the on-duty supervisor.
3. A bicycle patrol coordinator will be assigned and will act as a facilitator of the unit. This assignment will be a collateral duty, done in addition to the selected individual's primary duties.

B. Bike Patrol Coordinators Responsibilities

The person assigned as the coordinator will be required to meet all of the training and physical requirements of the bicycle unit. The bike patrol coordinator shall have the following responsibilities:

1. Inspect and provide general maintenance of the bicycle fleet on a regular basis.
2. Complete an annual inventory and operational inspection of the entire bike fleet to be completed and with a report submitted to the senior sergeant by the last day of the month of February.
3. Keep maintenance records on each bicycle and who that bike is assigned to.
4. Maintain an inventory of minor replacement parts for the bike fleet (i.e. tubes, tires, chain grease, etc.).

C. Hours of Operations

Authorized bike patrol officers may operate with the approval of the bike coordinator and that officer's immediate supervisor during any normal tour of duty day or night. Officers on patrol at night shall be required to use a head light as required by Texas Traffic Code, have a flashing "red" tail light, and wear reflective material on their blouse or shirt.

D. Selection

1. Officers will be selected for bike patrol duty based on need, availability of bicycles, and performance. When additional bicycle patrol positions are open and funding exists for training, the department will post a notice and officers will submit their names for consideration.
2. No officer will be assigned to bike patrol without first successfully completing the department's FTO program.

E. Training

1. Before participating as part of the bicycle patrol, officers must complete a TCOLE-approved school such as one sponsored by the International Police Mountain Bike Association (IPMBA) or equivalent. This course may be taught in-house or at another police training facility by a certified bicycle patrol trainer.
2. Only officers that have completed the above requirements/qualifications are authorized to ride department bicycles.

F. Uniform, Appearance, and Equipment

1. Due to the high-profile nature of the bicycle patrol, it is strongly encouraged that officers maintain a high standard of grooming and appearance.
2. Any officer chosen for bicycle patrol will operate with a departmentally approved bicycle, helmet, blouse/shirt, shorts, gloves, and other equipment as needed. Officers on bicycle patrol duty will wear the helmet and gloves at all times.

3. Officers will wear their standard departmental uniform as their daily uniform and shall have their bicycle uniform readily available. Officers who know ahead of time that they will be on bicycle patrol for that particular shift may wear their bike uniform to show up; however, they will be required to have their standard uniform readily available in case they are removed from the bike for the remainder of the shift. Officers will refer to policy 4.5: "Uniforms, Appearance, and Equipment" for any other uniform questions.
4. The bicycle uniform shall not be worn on off-duty assignments unless approval has been given by the police captain.
5. Bicycle officers shall not wear their winter jacket when they are wearing the standard patrol uniform.
6. Departmental bicycles will not be used for any purpose other than departmental functions unless approved by the Chief of Police or his designee.
7. No personally owned bicycles will be used for police operations unless approved by the Chief of Police or his designee.


G. Bicycle Maintenance

1. Before riding, officers shall perform a pre-ride check of the bicycle (e.g., tire pressure, headlights, chain lubrication, etc.).
2. Minor maintenance or repairs will be done by the bicycle officers.
3. Repairs that cannot be completed by police personnel will be done by an authorized bike dealer/shop.

H. General Duties and Deployment

1. Bicycle officers will remain flexible in days off and hours worked, depending on the operation being undertaken.
2. Bicycle officers will have access to bicycle racks to be used for the back of their assigned patrol vehicle. Bicycle racks are to be used for no other purpose than to transport bicycles unless other uses are approved by the police chief or designee.
3. It is possible the officers will be assigned as a roving unit so as to be free to patrol on the bike when and where they are needed.
4. They may ride in pairs or alone.
5. Bicycle officers will function just as if they were deployed in a squad car, day or night. They will complete all the job tasks and provide all normal service requests from the citizens, the same as if they were in a patrol vehicle.
6. Officers may respond to calls for service in their assigned area. There may arise a need to have a marked unit respond to assist the bicycle officer. The determination of the need will be made by the bicycle officer and the on-duty supervisor.
7. Before their tour begins officers should have all pertinent report forms, ticket books, and literature to hand out to the public.

8. Bicycle officers may also assist in conducting plain-clothes activities, including surveillance or other covert activities. These types of operations must first be approved by the police chief or designee.
9. Bicycle officers will not deploy during bad weather conditions, e.g., snow, extreme cold, or severe rain.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.30 Traffic Enforcement	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference: TBP: 7.21, 7.22, and 7.28	

I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of this department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic. (TBP: 7.28a)

II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

III. PROCEDURES

A. Legal Basis for Stopping Motor Vehicles

1. Officers must have reasonable suspicion or probable cause for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
2. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.
3. Officers should avoid arrests solely for minor vehicle infractions even if permitted by law when a citation in lieu of arrest is a reasonable

alternative.

4. Officers are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. (TBP: 7.28b)

B. Types of enforcement actions

1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement.

2. Traffic Citation

A traffic citation shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

NOTE: A violator may not be physically arrested but must be issued a citation for the offenses of speeding or violation of the open container law.

3. Physical Arrest (TBP: 7.28d)

- a. In compliance with Transportation Code 543.002, and other applicable state law, officers shall make a physical arrest and take the violator before a magistrate when the officer has probable cause to believe that the violator
 - i. has committed a felony
 - ii. has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only
- b. If the violator refuses to sign the citation, the officer will write "Refused to Sign" in the signature block and issue the citation to the subject. Physical arrests for refusal to sign may be made by this agency.

C. Handling special categories of violators

1. Juveniles

Juvenile traffic offenders are prosecuted in municipal court. Juveniles over the age of 14 may be issued citations for offenses committed in cars. Juveniles over the age of 10 may be issued citations for offenses on motorcycles, motorized scooters, or ATVs. Officers issuing traffic citations to juvenile offenders shall advise

them that a parent or guardian must accompany them when they appear before the court. Juveniles must appear in court with their parents or other responsible adult. No prepayment is allowed.

2. Foreign diplomatic or other consular officials
 - a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.
 - b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.
 - c. If the offense is a felony or one that involves bodily injury, serious bodily injury or death to an individual the State Department shall be contacted as soon as possible.
3. Members of Congress
 - a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
 - b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

D. Information regarding traffic summons

A citation shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following:

1. The court appearance schedule and contact information. (TBP: 7.21)
2. Whether the court appearance by the motorist is mandatory
3. Whether the motorist may be allowed to pay the fine before court and enter a guilty plea
4. Answers to the motorist's questions about the summons, being as thorough as possible.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed violations

1. On public streets within the city that have a speed limit of 30 mile per hour or higher, officers shall not write citations for under 40 miles per hour unless specifically approved for a particular operation or problem-solving activity.
2. In school zones where the speed limit is 25 miles per hour, citations may be written for any vehicle traveling 30 miles per hour or greater.

3. Officers shall use common sense and good judgement and understand that each stop should be taken at its own merit. These uniform traffic enforcement guidelines are not intended to detract or diminish an officer's judgement and discretion. The goal of traffic enforcement is to correct a driver's behavior and that corrective action can be accomplished in more ways than simply issuing a traffic summons.

B. Other hazardous violations

Citations may be issued for any hazardous violation which in the officer's experience has caused accidents at the specific location.

C. Equipment violations

With only annual inspections required of vehicles, citations may be issued for any essential equipment defects which creates a danger or hazard to the driver or others or for expired inspections stickers. Officers shall not issue an inspection citation until the 10th day of the month following the month the inspection expired.

D. Public carrier/commercial vehicle violations

In issuing a summons, consider traffic congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Multiple violations

Officers may issue summonses for all appropriate violations. In the event of multiple violations, officers may issue multiple citations for the most serious violations and warn on others if appropriate.

F. Newly enacted laws

The law usually does not provide for a grace period when new laws take effect. Officers, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

1. A violation of a newly enacted traffic law.
2. Speeding violations in an area which the speed limit has been reduced.
3. Expired state license tags or expired state inspection stickers for approximately ten days after their expiration.

V. TRAFFIC LAW ENFORCEMENT PRACTICES - General

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

- A. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- B. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- C. 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.
- D. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
- E. 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 other drivers to comply with traffic laws.
- F. Objectives of traffic stops
 - 1. The two primary objectives of any traffic stop are
 - a. to take proper and appropriate enforcement action; and
 - b. to favorably alter the violator's future driving behavior.
 - 2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.
- G. Stopping a Violator / Issuing a Citation (TBP: 7.28 c)
 - 1. Rules to be followed in all traffic stops:
 - a. Be alert at all items for the unexpected.
 - b. Be absolutely certain that the observations of the traffic violation were accurate. The reasonable suspicion standard shall be met.
 - 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 immediately available.
 - 2. Before making a vehicle stop:
 - a. Maintain a reasonable distance between the violator and the patrol vehicle.
 - b. Locate a safe spot to stop the vehicle.
 - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
 - d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:

- i. The location of the stop.
 - ii. The vehicle's license tag number and a description when necessary.
 - e. The officer shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle.
3. Additionally, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, perform the following actions.
 - 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) on the occupant(s) of the vehicle when applicable;
 - c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.
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 or her 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 leave the patrol vehicle and instruct the violator.
 - c. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize officer safety, use the spotlight, and set the head lights for high beam, and employ emergency bar lights and emergency flashers.
5. Approaching the violator (Left Side Approach) *preferred method
 - a. 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. Follow these procedures unless circumstances dictate another reasonable method.
 - b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, 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.

- c. The officer shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. On busy roadways, officers should consider the option of approaching the vehicle from the passenger's side (right) for officer safety. 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, and at the same time keep all occupants of the vehicle in view.
- d. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing 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.
- e. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer.

Approaching the violator (Right Side Approach)

- f. 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. Follow these procedures unless circumstances dictate another reasonable method.
- g. After properly advising the dispatch of the traffic stop, location, and vehicle license number, 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.
- h. The officer shall approach from the rear of the violator's car on the right side of the vehicle opposite the active traffic lane, look into its rear seat, and stop behind the trailing edge of the right 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, and at the same time keep all occupants of the vehicle in view.
- i. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the right 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.

- j. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer.

6. Communicating with the violator

In transacting 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 or she has violated and the intended enforcement action (do not keep the violator in suspense).
 - c. Ask for and accept only the violator's driver license and vehicle insurance. If the driver offers money, the officer shall refuse it 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. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.
 - f. Complete the forms required for the enforcement action or give an oral warning, if appropriate.
 - g. 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.
 - h. 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.
 - i. Officers should note if there is any information from dispatch or on the vehicle's license plate that indicates the driver has difficulty in communicating with the police.
- #### 7. Conducting the transaction
- a. Return the violator's driver's license, insurance, and a copy of the citation or warning, if given.
 - b. Release the defendant after he or she signs the summons, and receives a copy of the summons.
 - c. Assist the violator in safely re-entering the traffic flow.
 - d. Do not follow the violator.

VI. CITATION ACCOUNTABILITY

A. Citation Book Security (TBP: 7.22)

- 1. Citation issuing information, records, and storage of citations is the responsibility of the municipal court. Citation books are stored by the administrative supervisor appointed by the Chief of Police. The supervisor will notify the Chief of Police when new citations are needed. The

supervisor will verify the number of books delivered and place them in a designated locked area.

2. Included with the citation books is an inventory log sheet that includes the book and citation numbers. When citation books are issued, the assigned supervisor will issue and record the citation numbers and officer's name and ID both on the log. The officer will also sign the log.
3. The assigned supervisor will perform a quarterly inspection of citation books not yet issued to ensure they are accounted for and that the inventory log is being maintained properly. Discrepancies will be reported to the Chief by special report. This inspection will be annotated on the Inventory Log.

B. Citation Accountability

1. Officers are directly accountable for each citation issued to them. Failure to be able to account for each citation issue may result in disciplinary action as appropriate.
2. Officers will keep the white copy of their citations for personal reference. Officers should maintain their copies for a minimum of six months in order to answer any questions regarding the citation. Since these are copies and not originals, they do not have to be kept permanently under the governmental records rules.
3. Officers who make errors on citations and chose not to use a citation form will write "VOID" and the reason for the voiding on all copies of the citation, staple all copies and forms together, (except the white copy which the officer keeps), and turns in the remaining copies to their supervisor at the end of shift. (Violator's copy must be attached.) The supervisor will note "Approved" followed by their initials and forward the citation to the citation supervisor.
4. Officers who discover errors after citations have been sent to municipal court must prepare a memorandum for Request for Dismissal, or a request that the violations be amended including any pertinent information regarding said changes, and send the request to the appropriate supervisor for approval and forwarding to court.
5. It is permissible for one officer to use a citation out of another officer's assigned book; however, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued.

C. Voided Citations

Citations marked "Void" will be received by the citation supervisor.

VII. DUI/DWI ENFORCEMENT PROCEDURES

A. Laws

It is unlawful for any person to drive or operate any motor vehicle, watercraft or airplane while under the influence of alcohol or while under the influence of any narcotic drug of any nature to the extent the driver has lost the normal use of his or her mental or physical faculties.

B. Responsibilities

Officers shall be alert for suspected DUI/DWI offenders. Officers shall use and document standardized roadside sobriety tests. Officers must carefully document the behavior of the DUI/DWI beginning with observations of driving. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, admissions of drinking, or drug ingestion.

C. Sobriety tests

1. Officers shall administer a minimum of three field sobriety tests from the following list, which names the most commonly administered tests.
 - a. Gaze nystagmus (only if properly certified).
 - b. Walk and turn.
 - c. One-leg stand.
 - d. Reciting of alphabet.
 - e. Ten count.
 - f. Nose find.
 - g. Coin lift.
2. If the operator fails the roadside tests, an alco-sensor may be offered if available. The operator may refuse the alco-sensor test, and shall be advised of his/her right to refuse.
3. At the officer's discretion or if the operator fails the alco-sensor test, he/she shall be arrested for DUI/DWI and taken before the magistrate.
4. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed by The Texas Department of Public Safety Crime Lab for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
5. The officer shall make a full written report of the circumstances of the DUI/DWI arrest, formation of probable cause, and witnesses' observations.

D. Arrest

1. The arresting officer shall perform the following:

- a. Advise the arrestee that any person, whether or not licensed by Texas, who operates a motor vehicle in this state gives implied 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 drugs if such person is arrested for DUI/DWI.
- b. Advise the arrestee that he/she may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
- c. If the arrestee refuses the available test, advise him/her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license.
- d. If the arrestee refuses to sign a declaration of refusal, which shall be presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

E. Blood-test procedure

1. The arresting officer may ask the arrested person for consent for a blood draw. If the arrestee refuses, the officer shall prepare a search warrant to obtain the blood sample.
2. Take the arrested person to a physician, registered professional nurse, , phlebotomist, chemist, qualified EMT or Paramedic authorized by state law or other technician designated by order of the court who shall withdraw blood for the purpose of determining its alcoholic content and drugs.
3. The arresting officer shall also witness the taking of 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 does 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 his or her name 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.
 - c. The arresting officer shall further perform the following:
 - i. Place the name of the arrested person, officer's name, date and time of arrest on each of the containers.
 - ii. Mail the container to the laboratory.

F. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting officer or anyone participating in the arrest. In the

event the breathalyzer 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 accord with the regulations of the Division of Forensic Science.
3. The testing officer shall issue a certificate of breath alcohol analysis that indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

G. Accident investigation

If the DUI/DWI suspect has been involved in a traffic accident, officers shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.
2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.
3. Establish a time lapse from the time of the accident to the time of arrest.
4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

VIII. SPECIAL TRAFFIC PROBLEMS

A. Identification and referral of driver recommended for reexamination to the Department of Public Safety (DPS). 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 DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety

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:

1. Reduce or eliminate human environmental factors leading to accidents.
2. Reduce or eliminate the behavior, decisions, and events that lead to the accidents.

C. Off-road vehicles (including dirt bikes, motorized scooters, and ATVs)

1. Accidents involving off-road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding officer finds it convenient, he or she may complete an accident report and attach it to the offense 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.


IX. ESCORTS

A. General rules

1. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
2. Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Chief of Police or the on-duty supervisor. The Chief shall coordinate the escort with the authority having control over the escorted vehicles. Further, the escort shall take place only per a plan approved by the Chief or the designee.
3. Officers may provide funeral escorts with marked vehicles.

B. Funeral escorts

1. Before conducting a funeral escort, officers shall confer with the funeral home director to:
 - a. Plan the route to be taken to account for the most direct method, expected traffic density and anticipated obstacles.
 - b. Determine the circumstances of the escort to include which traffic lanes to use, speed of travel to the destination, and how to handle adverse weather.
2. Officers shall not lead funeral processions into an intersection on a red light. Once the procession has entered an intersection on a green light, the escorting officer shall take reasonable measures to allow the entire procession to continue even though the light changes.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.31 Accident Investigations	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference: TBP: 7.16	

I. POLICY

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of functions such as providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports, and taking proper enforcement action.

The purposes of accident investigation are to determine the cause of an automobile crash and to use the information to develop enforcement that will reduce accidents. Accident reports are used by the Department of Public Safety and the Department of Transportation at the state level, and by the city locally to study the frequency of crashes at a given location and time, the causes of accidents, and the road conditions that existed when the accident occurred. The reports are also used to develop selective enforcement programs, to provide engineering studies, and to promote street and highway safety.

II. PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury, and death.

III. PROCEDURES – General (TBP: 7.16)

A. Accident report and investigation, general

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include the following:

- a. TTC 550.026. The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify law-enforcement officials.
- b. TTC 550.062. A law-enforcement officer investigating an accident resulting in injury or death or total property damage to an apparent amount of \$1,000 or more shall make a written report of it to DPS.
- c. TTC 550.062. Officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and elsewhere, by

interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident.

2. An officer shall respond to and prepare a report of an accident involving any of the following:

- a. Death or injury.
- b. Property damage in excess of \$1,000.
- c. Hit and run.
- d. Impairment due to alcohol and/or drugs.
- e. Hazardous materials.
- f. Involvement of any city/county property, vehicles, equipment, facilities, or personnel.
- g. Failure of either driver to produce a driver's license and proof of liability insurance.

3. Officers shall also be assigned to respond to the following:

- a. Any accident involving disturbances between drivers or passengers.
- b. Ones that create major traffic congestion.
- c. Those in which vehicles are damaged to the extent that towing is required.
- d. Patrol vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange.
- e. Time permitting, officers may investigate and report on accidents as supervisors direct.

B. Responding to the accident scene

1. Officers shall respond to the scene of a minor accident code one unless the dispatcher or supervisor directs otherwise.
2. Officers shall respond code three to major accidents where there exist injuries or major road or highway blockages, or where information provided indicates the immediate need for an officer on scene.
3. The officers responding shall park their vehicles in a manner that will protect victims and the accident scene while still leaving room for emergency service vehicles.

C. Accident scene responsibilities

1. The first officer to arrive at an accident scene shall perform the following:
 - a. Administer any needed emergency medical care (basic life support measures) pending arrival of rescue personnel.
 - b. Summon additional help as required (officers, EMS, fire department, wreckers).
 - c. Protect the accident scene.
 - d. Preserve short-lived evidence (broken parts, skid marks).
 - e. Establish a safe traffic pattern around the scene.
 - f. Locate witnesses.
 - g. Record key accident information.

- h. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents, in which case the scene is not to be disturbed.
- 2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating officer in charge at the scene unless the supervisor determines that it is appropriate to assign these responsibilities to another officer.
- 3. Accident reports need not be filled out if the accident occurred on private property and the damage does not exceed \$1,000 unless the supervisor specifically asks for a report.
- 4. In case of extremely inclement weather where an accident involves only property damage, the dispatcher or officer may, with the supervisor's approval, perform the following:
 - a. Obtain information over the phone to complete the accident report and request that the involved drivers come to the department and file a report in person within 48 hours of the incident.
 - b. Complete a report showing the name, address, operator license number, and telephone number of each driver.

IV. PROCEDURES - Accident scene

A. Collecting information

- 1. At the scene of the accident, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
 - a. Interview principals and witnesses and secure necessary identity/address/contact information.
 - b. Examine and record vehicle damage.
 - c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.
 - d. Take measurements as appropriate.
 - e. Take photographs as appropriate.
 - f. Collect and process evidence.
 - g. Make sure that the principals exchange information, such as insurance carriers, names, and phone numbers.

B. Follow-up activities

- 1. Follow-up activities that may be necessary include the following:
 - a. Obtain and record formal statements from witnesses.
 - b. Reconstruct the accident.
 - c. Submit evidentiary materials for laboratory examination.
 - d. Prepare accident or offense reports to support charges arising from the accident.
- 2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident-crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor.

3. At the accident scene, the officer may take immediate enforcement action and issue a citation for observed violations or violations witnessed and supported by the investigative process. In death cases, the district attorney may decide the appropriate charge.
4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transport.
5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes that the driver was intoxicated, an arrest warrant shall be obtained. If the driver is hospitalized, the warrant will be served when the driver is released.
6. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. The citation can be issued at the hospital after the accident scene has been processed.

C. Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed promptly to the scene. If injuries have been reported, every effort should be made to avoid delay.
2. The patrol vehicle shall not be parked at the scene in a manner that will endanger pedestrians or motorists. The officer shall consider using the vehicle as a shield to protect the scene, those involved in the accident, and others working the scene, including the officer.
3. The officer shall leave the vehicle emergency lights on.
4. At all times when investigating an accident on the streets or highways, the officer shall wear a reflector safety vest.
5. Officers may use fire department for traffic control.
6. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire department.
 - a. All patrol vehicles are equipped with a copy of the current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures, and evacuation procedures.
 - b. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire department will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the fire command.
7. Any property belonging to accident victims shall be protected from theft or pilferage and, if owners are not present, it shall be taken into custody, tagged, and held for safekeeping until it is claimed by the owner.
8. City code requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substances dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, the city public works services should be requested. The fire department shall assist in washing down combustible substances.


- 9.If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.
- a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
 - b. Process the accident scene as a crime scene.

D. Accident report

- 1.A report shall be filed on all accidents that occur on public property, or publicly accessed private property within the city if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1,000, or involvement of government-operated vehicles).
 - a. Public property is any highway, roadway, street, or public parking lot maintained by the state, county, or city.
 - b. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
- 2.In the event of an accident that occurs on private property, an accident report may be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involvement of government-operated vehicles).

E. Disabled vehicles

- 1.Officers shall not push or tow any vehicle with a patrol vehicle.
- 2.Owing to the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a person's vehicle. Officers should use the department jump box or summon a wrecker if a jump-start is required.
- 3.Officers shall direct motorists who are low on gas to the nearest station. If a vehicle is completely out of gas and no station in town is open, the officer may assist in delivery of gas or summon a wrecker on behalf of the motorist.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.40 Investigations	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 7.04, 7.05, 7.09 and 7.10	

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification and arrest of an offender and to organize and present the facts so that the result is a successful prosecution. The single most important criterion determining a successful investigation is the correct obtaining and handling of information supplied by an investigation of the crime scene, and from the victim(s) or witness(es) immediately after the crime.

The department expects officers to treat investigating as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

Not every preliminary investigation will result in the identification of a suspect, an arrest, or the recovery of property. Solving a crime is most often a result of careful analysis of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are often necessary.

Because resources are limited, the department must prioritize their use. The department will investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

II. PURPOSE

The purpose of this policy is to establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PROCEDURES: PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first officer arrives at the scene of a crime or when a citizen requests help, and it continues until a specialized investigator arrives and assumes responsibility. Patrol officers are responsible for the preliminary offense report in all cases except those specifically directed by a supervisor.

B. Caution

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene, toxic chemicals or infectious materials may be present, or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim.

C. After forming an impression of the entire scene and ensuring that no threat exists, the officer shall proceed with the preliminary investigation, which consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. It should be cordoned with tape or rope. Any alterations to the crime scene should be recorded. Alterations might be caused by emergency assistance activity, the immediate necessity to handle evidence or assist victims, or the actions of witnesses or suspects at the scene.
3. Determining if an offense has actually been committed and, if so, the exact nature of the offense.
4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit.
5. Furnishing other officers with information concerning wanted suspects or vehicles including descriptions, method, and direction of flight or any other relevant information.
6. Determining the identity of all witnesses.
7. Collecting evidence. Patrol will collect physical evidence to the limit of their ability and training. If the collection of evidence is beyond the capabilities or training of the officer, or is evidence in a serious crime, the patrol officer shall contact appropriate crime scene investigation officers.
8. Obtaining written statements from the victim, witnesses, and suspects.
9. Arranging for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely recording all pertinent information on the prescribed report forms.

D. Follow-up

While the initial stages of all preliminary investigations shall be conducted by patrol officers, assuming they are the first responders, they will also conduct follow-up investigations in most misdemeanor crimes.

In certain serious crimes, as defined in Section IV below, investigators shall assume responsibility for completion of the investigation.

E. Supervisory responsibilities

1. The on-duty supervisor shall ensure that an adequate and complete preliminary investigation has been made, and shall review, screen, and approve the officer's preliminary report. Screening shall include a review of facts to ensure that all essential information is included and that the report is legible, clear, and complete. After the supervisor has reviewed, screened, and approved the report he/she will sign it.
2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. Exceptions to this rule will not be made for other officers of the department, persons from other agencies, or members of the community, regardless of rank or position.
3. The supervisor shall authorize the call-out of a trained evidence technician or detective, if appropriate.
4. The supervisor may enlarge the preliminary crime scene if necessary by assigning officers to canvass the area for possible witnesses or suspects.

IV. ASSIGNMENT OF FOLLOW-UP INVESTIGATIONS

- A. All felony offenses, all sex crimes, all crimes involving juveniles as victims, and all domestic violence and hate crimes shall be followed up by an investigator. Officers who conduct preliminary investigations of these offenses shall contact an investigator as soon as practicable. The initial responding officer is responsible for completing the original offense report with all details of the preliminary investigation included in the report. If the investigator is unable to respond to the scene, the report will be forwarded to the investigator at the end of shift.
- B. All other offenses will be investigated by the responding officer unless otherwise directed by the on-duty supervisor. Responding officers who believe they cannot conduct a follow-up investigation (either because of lack of expertise, shift assignment, or any other reason) will contact their supervisor for direction.
- C. The supervisor and the investigations supervisor shall confer to determine follow-up responsibility.

V. PROCEDURES: FOLLOW-UP INVESTIGATIONS

- A. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty supervisor shall determine whether the investigation should be (1) discontinued until the assigned officer's next tour of duty, (2) assigned to the next available officer or to an investigator, or (3) overtime should be authorized.
- B. Except where the investigation might be jeopardized by its temporary discontinuance, the original assigned officer shall handle the case.
- C. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he/she works on it. A supplement recording the investigating officer's activity, the information developed, and case status shall

be prepared and forwarded to the investigations supervisor. The officer or investigator shall maintain a case file to include the supplemental report.

- D. Officers and investigators conducting follow-up investigations shall continue the investigation of each criminal offense until it is brought to a conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property.
- E. If the officer's time is limited, follow-up of cases will be prioritized by seriousness of the crime and likelihood of identifying a suspect. Officers and investigators shall consult with their supervisors for additional assistance if cases with workable leads are not completed because of a shortage of personnel.
- F. Victims will be kept informed of the status of the case periodically and when the case is closed or suspended.
- G. Supervisors, both patrol and investigative, shall maintain a log of cases being worked by officers under their command. This log will be updated regularly when 10-day status supplements are received or when the case is closed or suspended. Officers, investigators, and supervisors will keep the Chief of Police informed of the status of significant criminal cases.
- H. A follow-up investigation consists of, but is not limited to, the following activities:
 - 1. For most non-criminal cases:
 - a. Interviewing complainants and witnesses.
 - b. Locating missing persons.
 - c. Determining if information or suspicious activity relates to criminal activity.
 - d. Distributing information to the proper persons or agencies.
 - e. Locating lost property and returning same to the owner.
 - f. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed.
 - g. Making necessary notifications or conducting necessary inspections.
 - h. Recording information.
 - 2. For most criminal cases:
 - a. Reviewing and analyzing reports of preliminary investigations.
 - b. Recording information.
 - c. Reviewing departmental records for investigative leads.
 - d. Seeking additional information from other officers, informants, contacts in the community, and other investigators/agencies or any other likely source.
 - e. Interviewing victims and witnesses.
 - f. Interrogating suspects.
 - g. Monitoring social media sites of potential suspects, victims, and witnesses for information related to the case.
 - h. Monitoring posted comments to on-line news stories about an offense.
 - i. Arranging for the dissemination of information as appropriate.

- j. Planning, organizing, and conducting searches.
- k. Collecting physical evidence.
- l. Recovering stolen property.
- m. Arranging for the analysis and evaluation of evidence.
- n. Reviewing results from laboratory examinations.
- o. Identifying and apprehending the offender.
- p. Checking the suspect's criminal history.
- q. Consulting with the district attorney in preparing cases for court presentation and assisting in the prosecution.
- r. Notifying victims and witnesses when their presence is required in court.
- s. Testifying in court.
- t. Arranging for polygraph examinations, if necessary.

VI. REPORT WRITING

A. Field notes.

All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events.
2. To aid the investigation.
3. To ensure accurate testimony in court.
4. To protect the officer from false accusations.

B. Formal reports shall include the following information:

1. Date and time of arrival at the scene.
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).
3. Circumstances of how the crime was discovered and reported.
4. Identity of other officers or emergency personnel at the scene.
5. Physical evidence present at the scene and the officers responsible for its collection.
6. Names, addresses, telephone numbers of victims or witnesses.
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.
8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
9. Recommendations for further investigation.

VII. SOURCES OF INFORMATION

A. Informants

Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations

and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it. For guidance on handling informants, consult Policy 7.43.

B. Interviews and interrogation

1. Field interviews

Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.

2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or a witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.

C. Interrogation of suspects

1. Custodial statements and confessions.

- a. Miranda warnings are required and shall be administered prior to any custodial interrogation. Officers shall be familiar with the requirements in article 38.22 of the CCP.
- b. The following represent examples of situations that are not custodial and do not require issuance of Miranda warnings.
 - i. Investigatory stop and frisk or consensual encounters
 - ii. Questioning during a routine traffic stop (or detention) or for a minor violation, which includes driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
 - iii. During voluntary appearances at the police facility.
 - iv. When information or statements are made spontaneously, voluntarily, and without prompting by police. (Note: follow-up questions that exceed simple requests for clarification of initial statements may require Miranda warnings.)

2. Administering Miranda.

- a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.

- b. Freelancing, recitation from memory, or paraphrasing the Miranda warnings is prohibited because it precludes officers from testifying in court as to the precise wording used.
 - c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises, or coercion to induce suspect statements is prohibited.
 - d. The waiver of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
 - e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
 - f. Officers arresting suspects who they believe may have limited English proficiency shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
3. Invoking the Right to Silence
- a. When a suspect invokes his/her right to remain silent, all interrogation shall terminate immediately.
 - b. Officers may interrogate a suspect who has previously invoked his right to silence if, after the passage of time, the suspect initiates communication with officers or fourteen (14) days have passed. However, prior to questioning Miranda warnings shall be re-administered and a waiver obtained.
4. Invoking the Right to Counsel
- a. If a suspect waives his/her right to counsel, a written waiver shall be obtained prior to questioning. If a suspect makes reference to counsel but his/her intentions are unclear, officers may question the suspect further to clarify his/her intentions. When a suspect invokes his/her right to counsel, all interrogation shall cease immediately.
 - b. The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless (1) the suspect's attorney is present at the questioning; (2) there has been a break in custody of more than 14 days and the individual is re-advised of his Miranda rights and indicates he/she is waiving his right to counsel (written waiver), or (3) the suspect initiates new contact with the police. In this later case, Miranda rights must again be administered, and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.
 - c. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.

D. Recording of Statements and Confessions

1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes but is not necessarily limited to;
 - a. location, date, time of day, and duration of interrogation;
 - b. the identities of officers or others present;
 - c. Miranda warnings given, suspect responses, and waivers provided, if any; and
 - d. the nature and duration of breaks in questioning provided to the suspect for food, drink, use of lavatories or for other purposes.
2. Officers shall electronically record custodial interrogations in compliance with Article 2.32 of the Code of Criminal Procedure. Officers are not required to record noncustodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation but may do so where deemed necessary, in accordance with law and departmental policy.
3. Electronic recording of juveniles shall be conducted if at the time the crime was committed the juvenile suspect could be charged with a major crime as an adult.
4. If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation, or for any other reason deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.
5. Transporting officers need not advise a suspect who has indicated a willingness to talk either at the scene or en route to the place of detention of his Miranda warnings. Transporting officers shall not engage in custodial interrogations of suspects unless it is done in compliance with the policy and applicable law Recording Protocol
 - a. The office of the prosecutor, the investigative case manager, or other authorized department official may direct that specific interrogations be recorded although they do not meet the criteria of major crimes as defined by departmental policy or state law.
 - b. The primary interrogator shall, where possible, obtain a signed waiver from the suspect before beginning interrogation. If the suspect elects not to be recorded or refuses to engage in the interrogation, the suspect's rejection shall be recorded.
 - c. Interrogations and confessions shall be recorded in their entirety, starting with the interrogator's entrance into the interview room and concluding with the departure of the interrogator and suspect.
 - d. When commencing the recording, the primary interrogator shall ensure that voice identification is made of officers, suspect, and any others present, and that the date, time, and location of the interrogation is verbally recorded.
 - e. When beginning a new recording, the interviewer shall announce the date and time that the interrogation is being resumed.

- f. An authorized member of the department shall be assigned to monitor recording time to ensure the recording does not run out.
- g. Each recording shall include the following:
 - i. Declaration of the time the recording began.
 - ii. Declaration of the start of the interrogation.
 - iii. Concurrence by the suspect that the interrogation has begun.
 - iv. Administration of Miranda warnings, even if the recording is a follow up to a prior interview or the suspect has been previously Mirandized.
 - v. Notation of the time the interrogation ends.
 - vi. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption.
 - vii. Recording attorney-client conversations is prohibited.
 - viii. At the conclusion of the interrogations, the interrogator shall state that the interrogation is concluded and note the date of time or termination.
 - ix. The recording shall continue until all parties have left the interrogation room.
- h. Recordings of interviews are considered evidence and shall be handled as such. In addition, the following shall apply:
 - i. Unused recording media shall always be used for interrogations.
 - ii. Both the original and copies of all recording media shall be protected from re-recording.
 - iii. Only one interrogation shall be recorded on each recording tape, disk, or other material used in recording.
 - iv. An original copy of the recording shall be maintained with the case file. Any copies shall be maintained with the case file as well.
 - v. The identifying information items supplied on the recording label shall be completed and the recording marked either as an original or a copy.
 - vi. The reporting detective's follow-up report shall note if and how the interview was recorded.
 - vii. All recordings shall be governed by this department's policy and procedures for the handling and preservation of evidence.

E. Collection, preservation, and use of physical evidence

- 1. Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
- 2. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

VIII. CONSTITUTIONAL REQUIREMENTS: GENERAL

- A. Officers conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall ensure that:
1. All statements, including confessions, are voluntary and non-coercive.
 2. All persons are advised of their rights in accordance with this general order.
 3. All arrested persons are taken promptly before a magistrate for formal charging.
 4. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
 5. 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.

IX. RELATIONSHIP WITH DISTRICT ATTORNEY

- A. All personnel shall respond to requests for appointments from the district attorney, be on time, and be ready to discuss the subject at hand.
- B. In every contested case, misdemeanor or felony, the officer involved shall make an appointment with the district attorney or his/ her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or in pretrial stages), any questions of law or criminal procedure shall be addressed to the district attorney. Questions on law-enforcement procedures shall be addressed to the Chief of Police or his designee.
- D. The district attorney may advise the Chief of Police or his designee of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling or error by an officer.


X. DISPOSITION OF CASES

- A. The officer or investigator shall maintain files of all cases assigned to him/ her. All case files shall be appropriately labeled with the date of incident, the name of victim, and/or the name of any suspect or arrested person. Investigators shall be aware of the requirement under state discovery laws in article 39.14 of the CCP that mandate virtually all writings and other items generated by the police during an investigation are subject to disclosure to the defense.

The file shall contain the following:

1. Original incident report and any supplementary reports or statements.
2. Photographs.
3. Lab reports,

4. Reports of disposition of any property pertinent to the case, such that which was stolen, confiscated, recovered, or otherwise dealt with.
 5. Arrest reports
 6. Investigative notes
 7. All electronic and recorded communications – including but not limited to email, text, instant messages, and voice mail.
 8. All other items developed, documented or seized during the investigation.
- B. When the investigation is complete, the investigator shall close the case under one of the labels listed below. A statement that explains the reasoning for the label shall be included in the file.
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; district attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.
Unfounded. The offense did not actually 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.
NOTE: Do not confuse “unfounded” and “false report.” It is a violation of the law to deliberately make a false report. An unfounded report is made in the belief that the offense actually occurred, but, in fact, it did not.
 3. Suspended. All leads have been exhausted. No further investigation is possible or practical until new leads develop.
- C. The officer’s or investigator’s supervisor shall approve the case closure in a manner consistent with current police reporting processes.
- D. When a case is closed, the case file is forwarded to the records custodian for filing.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.43 Informants	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference: TBP: 7.11 and 7.12	

I. POLICY

In many instances, a successful investigation cannot be conducted without the use of confidential informants (CIs). While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of the CI or the officer utilizing the informant. Therefore, it shall be the policy of this law enforcement agency to take necessary precautions by developing sound informant-control procedures.

II. PURPOSE

The purpose of this policy is to provide regulations for the control and use of confidential informants.

III. DEFINITIONS

- A. Confidential Informant: An individual who provides services or information to the police, with or without being paid, but who wishes to remain anonymous.
- B. Confidential Informant File: File maintained in order to document all information that pertains to confidential informants.

IV. PROCEDURES

- A. Establishment of an Informant File System
 - 1. The commanding officer in charge of the criminal investigations functions shall be responsible for developing and maintaining confidential informant files.
 - 2. A file shall be maintained on each confidential informant (CI) used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information:
 - a. Informant’s name
 - b. Informant payment record, which provides a summary of informant payments and which is kept on top of the file
 - c. Receipts for purchase of information
 - d. Copy of each statement made by informant
 - e. Name of officer initiating use of the informant

- f. Informant's photograph, fingerprints, and criminal history record
 - g. Briefs of information provided by the CI and its subsequent reliability
 - h. Signed informant agreement
 - i. Update on active or inactive status of informant.
3. If it is determined that an informant is unreliable, the informant's file shall be placed in the "Unreliable Informant File."
 4. All persons determined to be unsuitable for use as a CI shall be referenced as "unreliable" in the Informant File.
 5. Confidential informants who at any time provide officers with false or erroneous information or statements shall have the notation "Unreliable" and the details of the erroneous information placed in the CI file. Officers shall not use any information provided by an individual who has previously been designated an unreliable informant.
 6. Informant files shall be maintained in a secured area within the criminal investigations section.
 7. Access to the informant files shall be restricted to the Chief of Police, the supervisor of criminal investigations, or their designees.
 8. Sworn personnel may review an individual's informant file only with the approval of the supervisor of criminal investigations.

B. Recruitment and Use of Informants

It is critical that officers exercise good judgment in their use of informants, and that they understand the motivation that prompts an individual to serve as an informant. The most common motives include providing information as a means to eliminating or reducing a criminal case against themselves, for money, and a sense of civic responsibility. But there might be other reasons, making it important that officers ascertain the true motive.

1. Officers may recruit informants in the following manner:
 - a. From the members of the public who may have information about specific criminal activities occurring in the city.
 - b. From individuals arrested for non-violent crimes, such as possession of controlled substances. No CIs will be recruited for purposes of reducing or eliminating any charges where there is a victim of a crime or charges involving family violence.
 - c. From individuals who volunteer to be a CI, with or without payment.
 - d. Juveniles (under age of 21) shall not be used. While officers may receive information and act on confidential information given by a juvenile, the juvenile shall not be considered a CI nor encouraged nor paid any monies (other than through the Crimestopper program) for any work done. The use of juveniles for tobacco or alcohol sting operations is permitted if approved by the Chief of Police and with the approval signature of both custodial parents.
2. Before using an individual as a CI, an officer must receive initial approval from the Chief of Police.

3. Before using any individual who is currently on probation or parole, the officer must obtain permission from the controlling probation or parole officer.
4. The officer shall compile information through a background investigation that is sufficient to determine the reliability and credibility of the individual.
5. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.

C. General Guidelines for Handling CIs


1. All CIs are required to sign and abide by the provisions of the departmental informant agreement. The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
 - a. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon;
 - b. Informants will be arrested if found engaging in any illegal activity, and they will receive no special legal considerations;
 - c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs when the informant encourages, persuades, or otherwise motivates a person to engage in criminal activity.
2. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit any favors, accept gratuities from, or engage in any private business transaction with a CI.
3. Whenever possible, an officer shall be accompanied by another officer when meeting with a CI.
4. Informants should not be present when an arrest is made, nor should officers make an arrest on any transaction made by the CI. Arrests under these circumstances could lead to the CI's identity being disclosed at trial.

D. Payments to Informants

1. The department maintains a confidential fund for payment to informants. Payments to informants (CIs) will be approved by the Chief of Police in advance of any payment.
2. Officers wishing to secure the services of a paid informant shall do the following: prepare and present to his or her supervisor a Request-for-Funds form with the CI's number, a short explanation of what information is being purchased, and what case or incident the information pertains to. The supervisor will determine if the payment is appropriate and forward the request to the Chief of Police.
3. Payment can be requested the following purposes: information alone; investigative funds for the purchase of illegal drugs, contraband and other criminal evidence; purchases of food and beverages for a confidential informant; expenditures for authorized undercover operations; and flash and front money.

- a. If the expenditure is approved by the Chief of Police, the CID supervisor will log out the money to the officer and have the officer sign a receipt for the money on the Request Form. The supervisor shall also note the disbursement in the confidential funds log.
 - b. The officer will meet with the informant with at least one other officer or supervisor present and obtain the information and make payment to the CI. The CI will sign a receipt for the funds.
 - c. If no payment is made, the funds will be returned to the CID supervisor before the end of shift.
 - d. The receipt will be returned to the CID Supervisor along with a summary of the information provided and will place the original of the receipt in the confidential fund log.
 - e. A copy of the receipt and the summary of information given will be placed in the CI's file.
4. Narcotics Informants
- a. Payment for any covert drug purchase should follow all standard protocols for proving reliance, including searching the informant prior to the purchase, providing only purchase cash, surveillance to and from the purchase, and a complete search following the purchase, witnessed by at least two officers.
 - b. If at all possible, a single CI should not be allowed to identify a narcotics target and make a purchase for the prosecution of that target. A separate CI should be used if possible to prevent a CI from using the law-enforcement system to his/her advantage.
5. Maintenance of the confidential fund. (TBP: 7.12)
- a. The Chief of Police or a designee be the Chief of Police has the responsibility for maintaining the informant fund. The fund will be maintained in a locking cash box that is kept locked in the office of the Chief of Police or the designee.
 - b. At no time will there be more than \$500 in the informant fund.
 - c. The confidential fund custodian shall make payments only to those who have approval from the Chief of Police or a designee.
 - d. The custodian is not permitted to make disbursements from the confidential fund to himself/herself.
 - e. A disbursement log and receipt book will be maintained inside the cash box with the funds. Entries in the log will be made for every disbursement or return as well as replenishment of the fund.
 - f. The disbursement log shall record the beginning balance, date of withdrawal, amount, name of receiving officer, CI number, case number if any, and ending balance.
 - g. After an officer returns with a receipt signed by the informant, the CID supervisor will check the signature to ensure a match with the signature on file, and place a copy of the receipt in the informant file along with a statement of the information or service received. The original receipt will be kept in a file in the safe with the cash box.
 - h. When the amount in the informant fund drops below \$100, the Chief of Police or designee will request replenishment from the city finance department.

- i. At least every six months, the Chief of Police or a designee not connected with the management of the fund will conduct an audit of the fund and operational procedures. The audit will be documented and forwarded to the Chief of Police and the city finance department. A notation of the audit will also be made in the disbursement log.

	MINEOLA POLICE DEPARTMENT	
	Policy 7.46 Automated License Plate Readers	
	Effective Date: 08/2024	Replaces: New Policy
	Approved: <u>Charles Bittner</u> Chief of Police	
	Reference: 7.45 Artificial Intelligence	

I. POLICY

It is the policy of the Mineola Texas Police Department that the ALPR system will be utilized by agency personnel only for official and legitimate law enforcement purposes, as a tool to enhance patrol and investigative functions. The goal is to increase the efficiency and effectiveness of the Mineola Police Department's public safety efforts in a manner that safeguards the legitimate privacy concerns of law-abiding citizens in accordance with state and federal laws. The ALPR system assists with the collection and storage of data (license plates, dates, times, and locations of vehicles) to identify vehicles and/or persons traveling through the jurisdiction of the Mineola Police Department that have been entered in the National Crime Index Computer (NCIC), Texas Crime Information Center (TCIC), or the Mineola Police Department Hotlist

II. PURPOSE

The purpose of this order is to establish requirements for the use of Automated License Plate Reader (ALPR) devices and access to ALPR data by the Mineola Police Department. The objective is the enhancement of productivity, effectiveness, and officer safety in addition to developing investigative leads for criminal investigations through the collection of license plate data. The data is for official law enforcement purposes consistent with legal and constitutional limitations, privacy concerns, and accepted ethical standards.

III. DEFINITIONS

ALPR – An automated license plate reader scans, captures, and compares optical license plate information to vehicles associated with crimes or criminals. A match to a license plate results in an alert that notifies law enforcement officers. ALPRs can also store the digital image of the license plate, the time, date, location of the image capture, and the capturing camera information. ALPR units are attached to law enforcement vehicles or deployed at fixed locations, where they collect license plate information from vehicles on public roadways and public property.

Fixed ALPR System - ALPR cameras permanently or temporarily affixed to a structure such as a pole, traffic barrier, bridge, or other stationary object.

Mobile ALPR System - ALPR cameras that are affixed to a law enforcement vehicle for mobile deployment.

Hotlist - A database, either external or internal, that is populated with items of specific concern to the investigative and/or enforcement interests of the department. External lists can include information from NCIC, TCIC, Amber Alerts or DHS watchlists. Internal hot lists consist of information of local investigative significance.

ALPR Data - Data obtained by an ALPR of license plates or other identifying characteristics of a vehicle within public view that are read by the device; including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the vehicle at the time of the LPR read.

Hit – A positive indication of a match between a license plate observed and read by the LPR and a license plate on a “Hot List”. Verification of a stolen vehicle must be confirmed prior to taking law enforcement action.

IV. PROCEDURES

A. LAW ENFORCEMENT USE

1. The ALPR data is law enforcement information and will be used solely for the public safety related mission of this agency.
2. Any non-law enforcement usage of the data is strictly prohibited. The privacy of the information obtained by the Mineola Police Department is of the utmost importance. The information obtained using ALPR will not be sold, transferred, or otherwise distributed to any non-law enforcement entities, except in the pursuit of an investigation.

B. USE AND LOCATIONS OF ALPR SYSTEMS

1. Training and Use of ALPR Systems

No member of the Mineola Police Department will utilize the ALPR equipment without successfully completing the required training from the vendor and/or agency instructors. The Chief of Police or their designee will be the system administrator and will grant users access to the system. Only sworn personnel and the Crime Analyst will be authorized users.

2. Mobile ALPR Systems Assignment and Locations

ALPR Mobile Systems affixed to a law enforcement vehicle will be assigned by the Chief of Police or their Designee in which the vehicle is assigned.

3. Fixed ALPR Systems Assignment and Locations

Fixed ALPR System locations will be determined based on maximum captures of license plates at points of ingress and egress into the city, natural choke points where vehicle traffic must pass before entering sections of the city, and/or locations based

on criminal activity. ALPR Systems affixed to a portable trailer will be placed in locations determined by the needs of the department. An LPR mounted on a portable trailer will not be placed in the traffic lanes of city streets or any other roadways. The trailer should be placed near the roadway to be able to capture the data for vehicles traveling on that roadway. Placing the LPR trailer in a TXDOT right of way may require prior approval from the Texas DPS and TXDOT.

C. ALERTS FROM ALPR SYSTEMS

Officers must recognize that the data collected from the ALPR device, and the content of referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicle and subject information will be verified from separate law enforcement information sources to confirm the vehicle or subject's identity and justification for contact. Users of ALPR Data must, to the fullest extent possible, visually confirm the plate characters generated by the ALPR readers correspond with the license plate in question. Vehicles should not be seized, or persons arrested solely based on the ALPR database.

D. ALPR DATA

1. ALPR data is for official use only and is solely to be used for legitimate law enforcement purposes. Personnel shall only access this data for investigative/administrative purposes and treat all data as confidential.
2. Personnel will not enter any license plates into the Mineola Police Department Hotlist unless the vehicle is currently wanted or suspected of criminal activity. An officer should have reasonable suspicion to believe the car is directly associated with the person sought (owner, regular driver, regular passenger, etc.) All Hotlist vehicles shall include a case/event number and reason for the vehicle being in the system. Only complete tags will be entered.
3. ALPR data that is not linked to a criminal investigation will be retained by the ALPR vendor for a period of 30 days.
4. Any search results or alerts from the ALPR system that results in an arrest shall be treated as evidence. It should be downloaded and retained in accordance with the policies and procedures of the Mineola Police Department.
5. All logins and transactions will be logged into the ALPR system and will be audited to ensure proper use.
6. The ALPR database and hotlists will be maintained by a member designated by the Chief of Police or their designee.

E. TEXAS AUTOMATED LICENSE PLATE READER DATABASE


1. The Mineola Police Department will participate in the Texas Automated License Plate Reader (LPR) Database administered by the Texas Department of Public Safety (TXDPS).
2. The Texas LPR Database shall consist of shared data from all participating local, state, and federal agencies, as well as TXDPS captured data, of the following information associated with a license plate captured by an ALPR: license plate numbers; latitude and longitude coordinates indicating where the plate was captured; date/time of the capture; and Originating Agency Identifier (ORI) information of the agency capturing the information. The LPR Database shall be maintained, operated, and managed by TXDPS 24 hours a day, 7 days a week, 365 days a year basis.
3. ALPR data shared with TXDPS database will be maintained according to TXDPS policy.

F. PRIVATELY OWNED/FUNDED ALPR SYSTEMS

The department recognizes that the public may want to purchase ALPR systems and provide access and or data to the Mineola Police Department. All data received by the department is subject to all provisions of this policy. The Mineola Police Department will not be required to actively monitor any privately-owned ALPR or video system.

G. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

	MINEOLA POLICE DEPARTMENT	
	Policy 8.1 Unusual Occurrences and Special Events	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: center;">Chief of Police</div>	
	Reference: TBP: 2.22, 8.07, 8.08, 8.09, and 8.11	

I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances, such as riots, disorders, spontaneous violence, or labor disputes. While these occurrences are uncommon, the department must always be prepared to deploy personnel in the field and to coordinate with the responses of other law-enforcement agencies and other public service agencies that might become involved. Department personnel must act quickly, decisively, and knowledgeably to mitigate disorder or disaster by restoring order and control, and by protecting lives and property.

II. PURPOSE

The purpose of this policy is to establish general guidelines for planning and deploying personnel for unusual occurrences.

III. DEFINITIONS

- A. Unusual Occurrences: Natural or man-made disasters, civil disturbances, unusual police situations, such as hostage taking or barricaded persons, and even planned or unplanned major incidents. (TBP 8.08)
- B. After-Action Reports: A report outlining the department’s planning and response to an unusual occurrence, providing a critical look at operations and developing suggestions for future planning and policy issues.
- C. Emergency Response Plan: A county or regional emergency response plan that outlines the responsibilities of all public agencies in time of natural or man-made disasters or any other unusual occurrence that requires special action by this agency.
- D. Major Incident:** In this context - An unplanned major event of significant public or community interest that requires an extraordinary response by the police. Typically these are unexpected mass gatherings fueled by a common concern or theme that result in multiple arrests and/or property damage. Examples include, but are not limited to: unplanned or unpermitted gatherings that lead to civil disobedience and are focused on the action(s) of police personnel (e.g.: a controversial officer-involved use of force incident), or an unexpected celebratory

crowd that turns riotous or destructive (e.g.: a crowd celebrating a sports event that degrades to property damage and mass arrest.)

IV. PROCEDURES

A. Administration

1. The Chief of Police is responsible for the overall planning of the law-enforcement response to unusual occurrences and for department participation in the regional emergency operation plan.
2. The Chief of Police is responsible for coordinating all law-enforcement plans with the municipal, county, or state officials charged with emergency activities.
3. A copy of the emergency operations plan will be maintained in the office of the Chief, the communications division, the supervisor's office, and in the patrol briefing room. (TBP: 8.07)
4. At least once annually, the department shall conduct training for all personnel on their roles and responsibilities under the county emergency response plan.
5. At least annually, the Chief of Police will require an internal review of the law-enforcement appendix to the emergency response plan and other departmental procedures for unusual occurrences. (TBP: 8.09)

B. Special events

1. The Chief of Police is responsible for the proper planning of the law-enforcement operations for any special event held within the city.
2. At a minimum, special event plans shall include the following:
 - a. Anticipated personnel needs and assignments.
 - b. Special qualification requirements, if any.
 - c. Command structure.
 - d. Written estimates of traffic, crowd, or crime problems anticipated.
 - e. Clearly written traffic flow plans.
 - f. Logistics requirements.
 - g. Coordination with outside agencies.
3. Handling of Civil Disturbances is covered in Policy 8.2.

C. Unusual Police Incidents

1. Unusual police incidents include the following:
 - a. Bomb threats or incidents where an evacuation is performed or a device is located.
 - b. Hostage taking where the victim is held after police arrival.
 - c. Barricaded persons.
 - d. Hazardous warrant service.
 - e. Other major incidents where more than three units and a supervisor are utilized.

2. The Chief of Police is notified immediately if any unusual police event occurs.
3. Patrol standard operating procedures provide officers direction in handling many unusual police incidents.

D. Use of National Incident Management System (NIMS)

1. The department trains all personnel in their appropriate level of NIMS courses for understanding of their role in the management of an incident. (TBP: 8.11)
2. The NIMS process of incident command will be utilized in handling all unusual occurrences where more than three units are utilized.


E. Mobilization of Additional Resources

1. In any emergency or special operation where law-enforcement resources in addition to regular duty personnel are required, the Chief of Police may take one or more of the following actions:
 - a. Hold over the shift due to go off so that personnel from two shifts are available.
 - b. Call back additional personnel.
 - c. Request assistance through mutual aid.
 - d. Request that the mayor ask for state assistance through the governor's office.
2. Some special operations are planned weeks in advance and, where possible, additional personnel required will be given advance notification of time, place, uniform, duties, etc. For other operations, such as raids, security considerations may limit advanced notification to minutes.
3. All members of the department are subject to immediate recall in the event of an emergency.
4. Failure to respond to an order to report to work shall be grounds for termination. (TBP: 2.22)
5. The Chief of Police shall assign personnel called back as required, using the skills, knowledge, and abilities of individual recalled officers as needed.
6. Call-back time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.

F. After Action Reports (TBP: 8.08)

1. After-action reports are required at the conclusion of any unusual occurrence within 10 days of end of the event.
2. Unless otherwise assigned, the supervisor in charge of the event is responsible for the preparation of the report.
3. The after -action report should include the following:
 - a. A detailed, chronological description of the event;
 - b. A description of the prior planning for the event, if any;
 - c. The number and identity of personnel assigned;

- d. A discussion of the event with focus on the problems encountered or successes accomplished;
 - e. A critical review of operations and what policy, equipment, or procedures need to be changed so that the department can improve its response to a similar problem or event in the future.
4. The after-action report should be prepared in memorandum format and forwarded to the Chief of Police for review.

	MINEOLA POLICE DEPARTMENT	
	Policy 8.2 Civil Disturbances and Mass Arrests	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	Reference: TBP: 8.07	

I. POLICY

How law-enforcement officers interact with crowds in civil actions, whether in demonstrations or civil disturbances, has direct bearing on their ability to prevent property damage, injury, or loss of life, and to minimize disruption to persons who are uninvolved. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures as enumerated in this policy to protect life, property, and first amendment rights.

In rare circumstances resulting from man-made or natural emergencies, and in widespread, highly volatile civil unrest with the potential for widespread violence, the incident commander may temporarily deviate from any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

It is critical to remember that the Constitution of the United States (and other important, binding documents and court decisions) afford the right of the people to express themselves in a variety of ways and for an almost infinite number of reasons. It is the policy of this police department that all human rights are respected and supported.

Further, this department will not provoke or incite demonstrators through any unnecessary show of force. Incident commanders will rely on their training and experience when faced with hostile crowds and will consult (when they're able) with the Chief of Police or appropriate commanders.

It is the policy of this department to avoid making mass arrests of persons when arrest avoidance is reasonable in the interests of safety and security. In addition, this department is committed to working with demonstrators to explore a peaceful and reasonable solution to prevailing concerns.

II. PURPOSE

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

III. DEFINITIONS

- A. **Civil Disturbance:** An unlawful assembly, as defined by state statutes and local ordinances. Normally, a gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. These are typically, but not always, spontaneous occurrences requiring the emergency mobilization of police forces and related emergency services.
- B. **Demonstration:** A legal assembly of persons organized primarily to express a political position or other doctrinal view. These are typically scheduled events that allow for police planning. They include but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events, festivals, concerts, celebratory gatherings, and related events, these are not defined as demonstrations.
- C. **Crowd Control:** Techniques used to address unlawful public assemblies, to include a show of force, crowd containment, dispersal equipment, and strategies, and preparations for multiple arrests.
- D. **Crowd Management:** Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as accomplished through event planning, pre-event contact with group leaders, issuance of permits, intelligence gathering, personnel training, and other means.
- E. **Skip-Fired Projectiles:** Weapons that are discharged toward the ground in front of a target in order to bounce to the target.

IV. PROCEDURES: General Management and Organization Principles

- A. By law, this municipality may impose reasonable restrictions on the time, place, and manner of expressing first amendment rights. This department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, allow uninhibited commerce and freedom of movement for uninvolved persons. If at all possible, any planned constraints of first amendment rights will be reviewed by city legal prior to implementation.
- B. The on-duty supervisor will assume the role of incident commander (IC) at the scene of mass demonstrations and civil disturbances until relieved by a higher-ranking supervisor or the Chief of Police.
- C. Emergency Operations Plan (TBP 8.07) – will be made available to all command staff and communications staff, and will at a minimum include provisions for the following:

1. Civil disturbance
 2. Mass arrest
 3. Response to natural and manmade disasters
 4. Uniform and equipment usage
 5. Use of less-lethal weapons
 6. Use of canine and horses
 7. Overall goal of incident management
- D. The commander of the emergency response team shall be responsible for preparing any tactical plans and management details associated with planned demonstrations.
- E. If at all possible, a member of the department should be detailed to conduct a video recording of the incident and the department's response to it, including any interactions involving use of force.
- F. The incident-command system shall be used in crowd management and civil disturbances to ensure control and unified command. The incident commander shall do the following:
1. Assume responsibility for issuing and disseminating all orders to members of his or her command and for determining the resources that are necessary and the extent to which they will be used.
 2. Direct the establishment and organization of an incident command post.
 3. Call for any necessary assistance.
 4. Authorize such use of force and engagement with the crowd as deemed necessary to resolve unlawful actions.
 5. Authorize the use of arrest as a means of curtailing unlawful behavior.
 6. Designate a liaison officer to coordinate with other city or county emergency service providers as well as government offices, agencies, and departments.
 7. Ensure that officers at the staging area are briefed on the type of crowd being monitored. They will be told what to expect from participants and what types of responses and force can be employed. They shall also be informed that the incident commander will order the response deemed appropriate and that the unit will act in concert with and follow the direction of the incident commander.

V. USE OF FORCE

- A. The department's use-of-force policy is equally applicable to enforcement actions in the context of both mass demonstrations and civil disturbances. That is, officers may use only such force as reasonably appears necessary to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.

- B. Unity of action, command, and control are key to effective handling of demonstrations and civil disturbances. Thus, unless exigent circumstances require immediate action, officers shall not independently make arrests or employ force without command authorization. In exigent circumstances, supervisors shall independently authorize the use of force or such other tactics in accordance with the agency's use-of-force policy and this policy.
- C. All officers providing assistance to this agency through mutual aid agreements, contracts, or other means shall be briefed on the mutually agreed upon provisions of those agreements relating to the use of force and protocols for crowd control prior to deployment.
- D. The following restrictions and limitations on the use of force shall be observed during mass demonstrations and civil disturbances:
 - 1. Canine teams may respond as backup as appropriate, but officers shall not deploy dogs for crowd control. Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of demonstrators. Canines may be deployed in isolated circumstances related to pursuit of suspects in buildings and related environments.
 - 2. Fire hoses shall not be used for crowd containment or dispersal.
 - 3. Motor vehicles may be used to surround and move persons as appropriate but shall not be brought into contact with them for purposes of containment or dispersion.
 - 4. Less lethal projectiles shall not be fired indiscriminately into crowds. Skip-fired projectiles and munitions or similar devices designed for non-directional, non-target-specific use may be used in civil disturbances where life is in jeopardy.
 - 5. Direct-fired impact munitions, to include beanbag and related projectiles, shall not be used for crowd control or management during demonstrations.
 - 6. Direct-fire munitions may be used where reasonable during civil disorders against specific individuals who are engaged in conduct that poses a threat of death, great bodily harm, or serious property damage, when the individual can be properly targeted.
 - 7. When reasonably possible, a verbal warning shall be issued prior to the use of impact munitions.
 - 8. Electronic control weapons (ECW) shall be used during civil disturbances only for purposes of restraint or arrest of individuals who are actively resisting and when alternative, lesser means of control are not available or are unsuitable and only when an individual can be accurately targeted. ECWs may not be fired indiscriminately into crowds.
 - 9. Officer-issued aerosol restraint spray (OC) may be used against specific individuals who are engaged in unlawful acts or conduct or are actively resisting arrest, or as necessary in a defensive capacity when other alternatives would likely be inadequate or are unavailable. It shall not be used indiscriminately against groups of people, in demonstrations or crowds

where bystanders would be unreasonably affected, or against passively resistant individuals.

10. High-volume OC delivery systems, such as MK-9 and MK-46, are designed for use against groups of people engaged in unlawful acts or ones who are endangering public safety and security. These may be used only with the approval of the incident commander. Whenever reasonably possible, a warning shall be issued prior to the use of these systems.
11. CS chemical agents are primarily offensive weapons that shall be used with the utmost caution. CS may be deployed defensively to prevent injury when lesser force options are either not available or would likely be ineffective. Such munitions shall be carried and deployed only by trained and authorized officers at the direction of the incident commander or field commander and only when avenues of escape are available to the crowd and, where possible, announced to the crowd in advance. Whenever reasonably possible, a warning shall be issued prior to the dispersal of chemical munitions. CN may not be used in any instance.
12. The riot baton shall be used primarily as a defensive weapon or as a means of overcoming active resistance. It is used in the two-hand horizontal thrust on a police line, as a show of force, or as a means to contain or disperse a crowd.

E. Use-of-Force Reporting and Investigation

Established use-of-force reporting requirements of this department are equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and recording uses of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. Officers will complete use-of-force forms as soon as practical after the event.

VI. DEMONSTRATIONS

- A. Preparation for responding to a demonstration is the responsibility of the Chief of Police. The incident commander shall ensure that a written, incident-action plan is developed for approval by the Chief or his or her designee.
- B. Every effort shall be made to identify the leaders of the demonstration and to make contact with these leaders in advance of the demonstration. A decision on personnel, resources, and related needs shall be based in part on information obtained from leaders, department intelligence, and other sources. In addition, answers to the following questions shall be collected:
 1. What type of event is involved?
 2. When is it planned?
 3. Is outside opposition to the event expected?
 4. How many participants are expected?
 5. What are the assembly areas and movement routes?

6. What actions, activities, or tactics does the department anticipate the demonstrators will use, including devices designed to thwart arrest?
 7. Have permits been issued?
 8. Have other agencies, such as fire and EMS, been notified?
 9. Is there a need to request mutual aid?
 10. Will off-duty personnel be required?
 11. Have demonstration leaders been identified, and, if so, what is their past history of conduct at such events?
 12. Is it possible to meet with group leaders?
- C. Based on this and related information, the department will develop an action plan together with outside agencies where necessary. The plan shall address provisions for the following and be distributed to all affected command and supervisory officers.
1. Command assignments and responsibilities
 2. Manpower, unit structure, and deployment
 3. Liaison with demonstration leaders
 4. Liaison with outside agencies
 5. Release of information to the news media
 6. Transportation, feeding, and relief of personnel
 7. Traffic management
 8. Demonstrator devices, extrication teams, and equipment
 9. First aid stations
 10. Transportation of prisoners
 11. Prisoner detention areas
 12. Any intelligence information
- D. Officers shall monitor crowd activity. Sufficient resources to make multiple simultaneous arrests should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
- E. Assigned officers shall wear their badges and nameplates or other personal identification on the outside of their uniforms or on their helmets at all times.
- F. Officers shall be positioned in such a manner as to minimize contact with the assembly.
- G. Officers shall not engage in conversations related to the demonstration or react to comments from demonstrators.
- H. Officers shall maintain a courteous and neutral demeanor.
- I. Persons who reside, are employed, or have business of an emergency nature in the area marked off by a police line shall not normally be barred from entering the demonstration area unless circumstances suggest that their safety would be jeopardized or their entry would interfere with police operations.

- J. Unit commanders shall establish and maintain communication with demonstration leaders and relay information on crowd mood and intent to the incident commander. Supervisors shall maintain close contact with officers under their charge to ensure their compliance with orders, to monitor their behavior and disposition, and to ensure that they are aware of any changes in crowd attitude or intent.
- K. Before ordering forced dispersal of demonstrators, the incident commander shall determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:
1. Establish contact with crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal
 2. Communicate to the participants that their assembly is in violation of the law, that the department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively
 3. Negotiate with crowd leaders for voluntary dispersal, or target specific violent or disruptive individuals for arrest. Prior to issuing dispersal orders, the incident commander shall ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical requirements for all contingencies, and that logistical requirements related to the potential for making mass arrests are in place.
 4. When the incident commander has made a determination that crowd dispersal is required, he or she shall direct unit commanders to issue warnings prior to taking physical actions to disperse the crowd if time and circumstances permit,
 5. The warnings shall be issued loudly enough and often enough to be heard by the crowd from stationary vantage points or with the use of public address devices in moving patrol vehicles.
 6. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings shall be audio- or video-recorded at a point to the rear of the crowd, and the time and the names of the issuing officers recorded in the Incident Commander's event log.
 7. Specific crowd-dispersal tactics shall be ordered as necessary where the crowd does not heed warnings. These include any one or any combination of the following:
 - a. Display of forceful presence to include police lines, combined with motorcycles, police vehicles, and mobile field forces.
 - b. Crowd encirclement
 - c. Multiple simultaneous arrests
 - d. Use of aerosol crowd-control chemical agents

- e. Police formations and use of batons for forcing crowd movement

VII. SPONTANEOUS DEMONSTRATIONS AND CIVIL DISTURBANCES

- A. Demonstrations or large gatherings of any kind that escalate into disturbances are governed by the policies and regulations concerning crowd management, control, and dispersal as identified here with respect to civil disturbances. The first officer to arrive on the scene of a spontaneous demonstration or civil disturbance shall do the following:
 - 1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent
 - 2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, its location and estimated number of participants, current activities (such as blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles
 - 3. Request the assistance of a supervisor and any necessary backup, and advise as to the present course of action
 - 4. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse
 - 5. Attempt to identify crowd leaders and agitators and anyone engaged in criminal acts

- B. The first field supervisor in charge at the scene shall assess the situation and request sufficient personnel and related resources to perform the following tasks:
 - 1. Deploy officers to the best vantage points to observe and report on crowd actions
 - 2. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area
 - 3. Ensure that, to the degree possible, uninvolved civilians are evacuated from the immediate area of the disturbance
 - 4. Establish a temporary command post based on proximity to the scene, availability of communications, space, and security from crowd participants
 - 5. Continually assess the situation and advise communications of any change in status and any additional needs
 - 6. Ensure that surveillance points are established to identify agitators, leaders, and individuals committing crimes, and to document and report on events as they happen
 - 7. Where illegal gatherings engaged in civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the agency CEO or his or her designee shall serve as or appoint an IC to direct operations.
 - 8. The primary objectives of the IC will be as follows:
 - a. Protect persons, including nonparticipants and participants alike, and property at risk

- b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence
- c. Effect the arrest of those individual law violators and the removal or isolation of those persons inciting violent behavior
- d. To achieve the foregoing objectives, the IC shall employ tactical operations that include but are not necessarily limited to approaches previously identified in this policy
- e. In the area outside the perimeter surrounding the disorder site, the IC shall ensure that the following actions are taken:
- f. Move and reroute pedestrian and vehicular traffic around the disorder
- g. Limit access to the disorder to those persons approved by the IC or other commander
- h. Control unauthorized egress from the disorder by participants
- i. Repulse attempts to assist or reinforce the incident participants from outside the area

9. The IC shall also ensure the following matters are addressed where indicated:

- a. Ensure that adequate security is provided to fire and EMS personnel in the performance of emergency tasks
- b. Ensure that feeding and relief requirements of personnel have been addressed
- c. Ensure the adequacy and security of the incident command post and designate a staging area for emergency responders and equipment
- d. Establish liaison and staging point for media representatives and, to the degree possible, provide them with available information
- e. Ensure that the IC's event log is staffed for documenting activities and actions taken during the course of the incident
- f. Take photographs and make video-recordings of event proceedings
- g. Take photographs of any injuries sustained by police officers or the public
- h. Determine the need for full mobilization of sworn officers and the recall of off-duty officers.

VIII. MASS ARRESTS

A. During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely, and legally, the following shall be observed:

- 1. Except for felony offenses, officers shall not pursue demonstrators into buildings for the purpose of making arrests unless specifically instructed to do so by a supervisor. Supervisors shall accompany and exercise control


over members under their command who go on private property or enter buildings to make arrests.

2. Designated, supervised squads of officers shall perform mass arrests.
3. If required, an adequate secure area shall be designated for holding prisoners after initial booking and while awaiting transportation.
4. Arrest teams shall be advised of the basic charges to be recorded in all arrests.
5. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing. Two or more officers shall carry those who refuse to walk.
6. At the transport vehicle, the arrestee shall be advised of the charges. The prisoner shall be searched for weapons, evidence, and contraband, and where possible, by an officer of the same sex. Such items shall be secured and identified prior to transportation.
7. Upon arrival at the detention facility, the transporting officer shall deliver the prisoner together with their personal property.
8. All injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility.
9. Photographs shall be taken of all injuries.

- B. All arrested juveniles shall be handled in accordance with this department's procedures for the arrest, transportation, and detention of juveniles.

IX. DEACTIVATION

- A. When the disturbance has been brought under control, the IC shall ensure that the following measures are taken:
 1. All law-enforcement officers engaged in the incident shall be accounted for, and an assessment and documentation made of personal injuries.
 2. Witnesses, suspects, and others shall be interviewed or interrogated.
 3. All necessary personnel shall be debriefed as required.
- B. All written reports shall be completed as soon as possible after the incident. They will include a comprehensive documentation of the basis for the incident, the department's response to the incident, and a statement of impact that includes the cost of equipment, personnel, and other expenses related to the incident.

	MINEOLA POLICE DEPARTMENT	
	Policy 8.3 Active Shooter Response	
	Effective Date:	Replaces:
	Approved: _____ <small>Chief of Police</small>	
	Reference:	

I. POLICY

An active shooter is defined as one or more subjects who participate in a random or systematic homicidal spree by demonstrating their intent to continuously harm others. The subject’s overriding objective appears to be mass murder rather than other criminal conduct, such as robbery or kidnapping.

It is the policy of this agency to respond, contain, and stop the threats and to administer aid to the victims.

II. PURPOSE

To establish policy and procedures governing the response and activities associated with an active-shooter event that will mitigate any further risk of injury or death to civilian or law enforcement personnel.

III. PROCEDURES

A. Notifications

The ranking supervisor or officer will notify the chain of command to include the Chief of Police or his/her designee of any active shooter event. Fire and EMS should be notified and requested to stand by in accordance with their protocols.

B. Mutual Aid

Upon arriving at the scene of an active shooter event and after assessing the crime scene, the agency should implement its mutual aid agreements with other police agencies if necessary, and with fire and rescue agencies. Additionally, it may be necessary after the incident to collaborate with recovery agencies to assist with the scene and any victims.

IV. ACTIVE SHOOTER RESPONSE

The first two to five responding officers should form a single team and enter the structure. (A single officer entering a structure must understand the inherent risk assumed in taking such an action.) The first officers entering the structure should recognize that their primary objective is to stop further violence. Officers should identify and communicate locations of victims needing medical attention. If practical, and absent continued shooting, officers should treat any massive hemorrhaging that may result in the immediate loss of life.

A. Concepts and Principles

Safe, effective responses to active shooters are designed around concepts and principles. The first responding officers should:

1. Stay together as much as possible and enter the involved structure quickly.
2. Maximize communication by staying in close contact with other first responders.
3. Maximize threat coverage by addressing all angles.
4. Visually search involved areas using 540 degrees of coverage around and above the team.
5. Evaluate rooms from the threshold (commonly referred to as slicing the pie).
6. Differentiate between deliberate and direct-to-threat speeds and use the appropriate speed for the circumstances.
7. Use cover-contact principles when taking suspects into custody.

B. Follow-On Responders

Follow-on responders should be directed to victim locations if there is no active threat. Follow-on responders should:

1. Establish and maintain security in the area that follow-on responders occupy.
2. Consider the involved structure as unsearched.
3. Not enter a hallway unannounced if it is occupied by other officers.
4. Unless what other officers want accomplished is very clear, move to them after notifications and conduct a face-to-face meeting.
5. Direct victims to safety by utilizing either shelter-in-place or evacuation. If evacuating, establish a cordon of first responders to the desired exit point to ensure safety of victims.
6. Establish a casualty collection point (CCP) for injured persons. The CCP should be a room or open area (if outside of the structure) capable of holding all victims with injuries that require medical treatment. A series of

rooms next to each other can be considered if casualties exceed available space.

7. Communicate with all involved responders to ensure the area remains secure while facilitating victim treatment.

C. Post-Event

Responses to an active-shooter event must include the aftermath of the incident. Officers should apply the SIM model (Security / Immediate Action Plan / Medical).


1. Security should take priority. Responding officers must ensure that the immediate environment they are working in remains secure, particularly if the active shooter remains a threat.
2. After officers address known threats, they should formulate an immediate action plan as quickly as possible. This plan should be quick and simple and address: “if / then” – the fluid variables of the situation.
3. Responding officers should address medical issues as soon as they establish security and have an immediate action plan in place.

D. OIS Investigations

Should there be an exchange of gunfire the agency will implement its officer-involved-shooting policy and respond accordingly.

V. Media Inquiry

All requests for information should be funneled through the public information officer (PIO) or the incident commander (IC) for vetting and coordination. Consideration should be given to establishing a media staging location that is not within the immediate vicinity of the active-shooter event.

	MINEOLA POLICE DEPARTMENT	
	Policy 8.4 Line of Duty Death or Injury	
	Effective Date:	Replaces:
	Approved:	
Reference:		

I. Policy:

It is the responsibility of every law enforcement agency to provide liaison assistance to the immediate survivors of any officer who dies in the line of duty, whether feloniously or accidentally, or who is hospitalized for an indefinite period of time or requires repeated and/or intermittent hospitalization because of a line-of-duty injury or systemic illness. This assistance shall include, but not limited to, the clarification and comprehensive study of survivor benefits and emotional support during this traumatic period of re-adjustment for the surviving family.

II. Purpose:

The purpose of this policy is to establish procedures, duties, and responsibilities for providing appropriate emotional care for the seriously injured, ill or deceased employee’s family. If the incident is the line-of-duty death of a police officer, funeral arrangements are to be decided by the family of the officer with their wishes taking precedence over those of the agency.

Although this policy is intended to address the line-of-duty death or injury of police officers, many provisions provided in this document, including death notification and family assistance, may be applicable to any agency employee regardless of whether or not the death is duty related.

III. Definitions:

- A. Line-of-Duty Death: Any action, felonious or accidental, which claims the life of a Mineola Police Officer who is performing work related functions either while on or off-duty.
- B. Line-of-duty Injury or Illness: A line-of-duty injury or illness shall be an injury or systemic illness serious enough that hospitalization or time away from the department is ordered by a physician for an indefinite period.
- C. Survivors: Primary family members of the injured or deceased officer, including spouse, children, grandchildren, parents, grandparents, siblings, fiancé, and/or significant others.
- D. Beneficiary: Those designated by the officer as recipients of specific death benefits.

- E. Benefits: Financial payments made to the family to assist with financial stability following the loss of a loved one.
- G. Officer-In-Charge: The agency representative designated by the Chief of Police for assuming responsibility to carrying out specific tasks.
- H. Family Liaison Officer (FLO): consults and coordinates the needs of the family with the police department concerning the Wake or Funeral service.

IV. Procedures:

A. Officer in Charge (OIC)

1. In order to prevent duplication of efforts, maintain order, and ensure that the process works for the benefit of the officer or his or her family, the OIC shall coordinate all departmental functions regarding the incident. When possible, the OIC should be the rank of Corporal or higher.
2. The OIC shall make assignments of tasks and responsibilities to department personnel. Those persons shall report the status of their tasks to the OIC and personnel shall not perform incident related tasks without the approval of the OIC unless exigent circumstances exist.
3. If the OIC does not already possess communications equipment via which assigned personnel can make prompt contact with him or her (wireless telephone), he or she will be provided with the necessary means to facilitate such communications.
4. Personnel appointed to the position of OIC shall be thoroughly familiar with the concept and procedures of peer support, Critical Incident Stress Debriefing, Honor Guard protocols and other internal and/or external organizations involved in the process.
5. Personnel assigned to tasks regarding this policy shall be placed on special assignment and not available for routine calls until relieved of duty. OIC personnel may be required to obtain an evaluation by an approved mental health professional prior to return to regular duty.
6. In the event the officer has multiple families and/or an adversarial relationship exists between the families, the OIC may assign a separate liaison for each family.

B. Death or Life-Threatening Injury Notification:

1. Line-of-Duty deaths or life-threatening injuries notifications shall be made as soon as possible. Notification should be made by the Chief of Police or his/her designee to the immediate survivors prior to the name being released to the media. It is recommended that the informing law enforcement representative partner with

a public safety chaplain, Concerns of Police Survivors (COPS) representative, psychologist, and/or another public safety survivor to convey the notification.

2. The name of the injured or deceased officer will be released by the PIO or Chief of Police designee only after notification of the primary family members.
3. The notification plan will be communicated using the most recent confidential Line-of-Duty Death or Injury Information provided by the officer.
4. If there is knowledge of a medical condition with a primary survivor, medical personnel will be dispatched to the vicinity of the residence to coincide with the death or serious injury notification.
5. Notification will always be made by two or more persons. The Chief of Police, his representative, and/or pre-selected persons of the officer's choice will notify the family if time to assemble these persons exists. Delays in developing the appropriate notification team must be weighed against the importance of the timely notification of the primary family.
 - a. If the above-suggested persons are not readily accessible, notification shall be made by a supervisor on-duty. The opportunity to transport the family to the hospital prior to the demise of the officer is significantly more important than who delivers the notification.
 - b. If the family wishes to go to the hospital, they may be transported via Department vehicle. It is highly recommended the family not drive themselves to the hospital.
 - c. If the primary survivors are not in close proximity to Wood County, the OIC shall request personal notification from a public safety agency from their locale.
6. As soon as most public safety families see you, they will know something is wrong.
 - a. Ask to be admitted to the house. Do not make a notification on the doorstep.
 - b. Gather everyone in the home and ask them to sit down.
 - c. Inform them slowly and clearly of the information you have on the incident.
 - d. It is important to use the officer's name during the notification.
7. If the officer has already died, relay that information. Do not give the family a false sense of hope.
8. Notifying personnel must be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack, anger, fainting, shock, etc.
9. Notifying personnel must be reassuring to the survivors. The most acceptable comment to newly bereaved people is something such as "I'm so sorry this has happened" and "The agency will do everything we can to help you through this"

C. Assisting the Family at the Hospital

1. An Emergency Department Liaison (EDL.) will be appointed by the OIC to act as information liaison for medical personnel to the family of the officer and fellow police officers. It is recommended that the EDL be an agency individual who has a rapport with emergency department personnel and practices.
2. The EDL shall arrange for appropriate waiting facilities for family and fellow police officers to gather at the hospital.
3. The duties of the EDL include but are not limited to the following:
 - a. The EDL will ensure the family is updated as soon as they arrive at the hospital.
 - b. The EDL will guarantee that pertinent information on the officer's condition is relayed on a timely basis. He or she shall also make the family and fellow police officers aware of hospital policy about visitation with the injured officer and/or visitation with the body following the demise, and explain why involvement of the Medical Examiner's Office is necessary.
 - c. The EDL should prepare the family for what they might see and accompany them to the hospital emergency department.
 - d. The EDL will be responsible for notifying the emergency admitting personnel that all medical bills relating to the care and treatment of the officer should be forwarded to the Police Department.
 - This will require the EDL to have essential information regarding the officer. The officer's residence address and next of kin information should be omitted on the admitting form.
 - Do not ask a family member to sign as guarantor of payment for treatment.
 - Omit requests for any insurance information.
4. If the injuries to the officer are likely fatal and it is possible for the family to visit their officer prior to death, they should be afforded the opportunity. There is definite need to touch and hold the body while there is still life, and being present when death occurs can be comforting to the family.
5. Peer support members or Chief of Police representative will be present the entire time the family is at the hospital and should arrange whatever assistance the family may need in cooperation with the EDL.
6. The personnel who made the initial notification should be among those at the hospital.
7. Any promises, such as, "We'll promote him/her posthumously." or "We'll retire his/her badge", shall not be made to the family by any person except the Chief of Police.

8. EDL, peer support members or Chief of Police representative will make arrangements for transportation of the family back to their residence or other desired reasonable destination.

D. Support for the Family prior to, during and after a Wake or Funeral

The following services will be offered to and provided for the family unless they request otherwise.

1. The Chief of Police will appoint a Family Liaison Officer (FLO) to coordinate the needs of the family with the police department concerning the Wake or Funeral service. The family needs will take priority over those of the agency. Although the FLO should know the deceased officer and be aware of the family relationships, the FLO should not be so emotionally involved with the loss that he or she would become ineffective. The duties of the FLO shall include but not limited to the following:
 - a. Insure the needs of the family come before the wishes of the department.
 - b. Meet with the family and relate the duties of the FLO or allow the family to designate the person, if appropriate, they wish to perform the tasks.
 - c. Meet with the family regarding funeral arrangements.
 - Since many officers have not prearranged their wishes for the handling of their own funeral, the family will most likely need to decide all aspects of the funeral.
 - The FLO should only make the family aware of what they can offer in the way of assistance if the family decides to have a Line-Of-Duty funeral.
 - d. The FLO shall have access to a wireless phone to facilitate an immediate line of communication among all personnel involved.
 - e. The FLO should become familiar with all information concerning the death and the continuing investigation in order to answer family questions.
 - f. The FLO will be constantly available to the family throughout this traumatic process.
 - g. The FLO will ensure surviving parents or surrogate parents are afforded recognition and will have proper placement arranged for them during the funeral and funeral procession.
 - h. If the funeral is a Line-Of-Duty funeral, the FLO will ensure the family is briefed on the funeral procedure including the 21gun salute, presenting the flag, playing of taps, etc. The family has the option of excluding any portion of the funeral procedure.

2. A command level officer or the public information officer will be designated to handle the media throughout this traumatic ordeal. In the event the family should decide to grant an interview, this officer would attend and offer to screen all questions presented to the family to guard against jeopardizing upcoming legal proceedings.
3. In the event of a line-of-duty death, peer support members or the Chief of Police representative will ensure the home is prepared for the influx of visitors following the funeral. Food and babysitting will also be provided through community resources.
4. In the event of a line-of-duty death, peer support members or the Chief of Police representative will offer to remain at the home and screen telephone calls.
5. In the event of a of line-of-duty death, peer support members or the Chief of Police designee will provide a list of churches with seating capacities large enough to accommodate attendance at the funeral.
6. In the event of a line-of-duty death, department vehicles and drivers will be made available to the family if they desire transportation to and from the funeral home.
7. In the event of line-of-duty death, peer support members or the Chief of Police designee will be responsible for providing the family access to other public safety survivors or other support groups to include but not limited to Concerns of Police Survivors, Survivors of Homicide Victims, Compassionate Friends, Parents of Murdered Children, etc.
8. The Mineola Police Department will send peer support members or other officers on routine residence checks by the officer's or survivors' home for as long as is reasonable following the incident. Officers conducting the residence checks will also inquire if any harassing telephone calls are being received. A peer support member or police officer will be assigned to remain at the residence continually during the time that survivors are attending the funeral and related functions.

E. Providing Information and Assistance Regarding Benefits to the Surviving Family in the Event of a Line-of-Duty Death.

1. The Chief of Police will designate a benefits officer (sworn or unsworn member of the organization) to gather information regarding all department, association, and Federal benefits available to the surviving family and ensure the department's full support pursuing these benefits. The benefits officer is responsible for filing appropriate paperwork and following through with the surviving family to ensure benefits are being received.
2. A benefits officer should visit with the surviving family to discuss the benefits within a few days following the funeral. A prepared printout of the benefit payments due the family, listing named beneficiaries, contacts at various benefit offices, and when they can expect to receive the benefit should be given to the

family. This same explanation procedure should be repeated within a month following the funeral since the initial contact is clouded by the emotional numbness of the family during the first benefits meeting. A follow up will be made every six months until the surviving family receives every possible benefit.

3. If there are surviving children from a former marriage, the guardian of those children should also receive a printout of benefits to which the child or children are entitled.
4. A benefits officer should pay special attention to the problems with possible revocation of health benefits to the surviving family. The Mineola Police Department requires survivors to contact the _____ (entity's name) **Human Resource office (phone number) within thirty (30) days** if they wish to continue coverage.

F. Providing Departmental Support during Criminal Legal Proceedings


1. If criminal violations surround the death, the family will be informed of all developments prior to any press release. Also, the COPS organization will provide support to family and agency members during court proceedings.
2. If there are not any court proceedings surrounding the circumstances of the officer's death, the department will relay that information to the surviving family as soon as it becomes known.

G. Providing Extended and Follow-up Support

1. Peer support members or the Chief of Police designee will encourage and assist the family with obtaining peer support and/or professional counseling services.
2. It is of paramount importance to help the primary surviving family maintain a relationship with the agency if they desire. To that end, the following suggestions are made.
 - a. Peer support members or the Chief of Police designee should schedule follow up visits with the primary surviving family for at least two years following the line-of-duty death, to include monthly phone calls and greeting cards on special occasions and holidays.
 - b. Peer support members or the Chief of Police designee will ensure primary family members are invited to all memorial services or other agency functions deemed appropriate.
 - c. Peer support members or the Chief of Police designee will provide the primary family members with information from organizations such as Concerns of Police Survivors (COPS) and other recognized police survivor organizations.

H. Line-of-Duty Deaths in other Texas Agencies

1. When any member of the Mineoal Police Department becomes aware of a law enforcement line-of-duty death within the State of Texas, they should immediately notify the Office of the Chief of Police. If after normal business hours, including weekends or holidays, the highest ranking on-duty supervisor should be notified.
2. As soon as practical after notification of a law enforcement line-of-duty death, the Chief of Police shall cause notification to be made to all agency personnel. The notification should include an order to lower the department flags to half-staff and for personnel to wear mourning ribbons.
3. Flags may be lowered to half-staff and mourning ribbons worn until after the funeral of the involved officer.
4. The Chief of Police may order observances as deemed appropriate on a case by case basis in the event of unusual line-of-duty death circumstances occurring within the State of Texas, or occurring outside of the state.
5. Mourning ribbons may be worn on badges and may be worn by non-uniformed personnel, including civilians, in the form of a looped black ribbon.

	MINEOLA POLICE DEPARTMENT	
	Policy 9.1 Communications Procedures	
	Effective Date:	Replaces:
	Approved: _____ Chief of Police	
	Reference: TBP: 3.18, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08 and 9.09.	

I. POLICY

Accurate communication is essential to the operation of any department. The communications center, which functions 24 hours a day, is designed to provide safety and security for police personnel and to respond to the needs of the public. It is essential that every step in our communication process be conducted concisely, effectively, accurately, and properly.

II. PURPOSE.

The purpose of this policy is to establish guidelines for responses to calls received through the 911 system.

III. DEFINITIONS.

- A. 911: The telephone number 911 is used for emergency telephone communications to the department.
- B. E 911. The Enhanced 911 means that when a 911 call is received the address of the caller is displayed. (TBP: 9.05)
- C. Call-Taker: Any employee who answers a 911 or an E911 telephone call.
- D. Unknown 911: A call received on the E911 system but the caller will not or cannot communicate verbally with the call-taker. The address and telephone number of the caller will generally be available.
- E. Call-Taker Training Manual: The manual produced by the County 911 Emergency District for the purpose of uniform training of Call-Takers within the district's jurisdiction, which includes this department.
- F. ANI: Automatic number identification. ANI indicates that the call-taker's screen shows the caller's telephone number when the E911 line is answered.
- G. ALI: Automatic location identification. ALI refers to the display on the call-taker's screen of the caller's address when the E911 line is answered.

IV. GENERAL

- A. The Communications Center operates 24 hours a day and has 24- hour two-way radio communication with all members of the department operating in the field. (TBP: 9.01, 9.06)
- B. The Communications Center is a secure facility. No unauthorized personnel are allowed inside the facility without the express approval of a communications supervisor. (TBP: 9.02)
- C. All tours or other visits to the facility will be coordinated and approved in advance by the communications supervisor.
- D. Police personnel will limit their access to the Communications Center to business-related tasks and shall not take breaks, do reports, or otherwise visit personnel inside the Center.
- E. The Communications Center has an emergency back-up generator for power, and keeps portable radios and cell phones for communications in the event of a power failure. In the event of an extended power failure that puts in-coming 911 calls at risk, the 911 calls should be transferred to another PSAP and police and fire-call responses initiated by cell phone or portable radio systems.
- F. The back-up generator is maintained by emergency services and receives a documented test weekly. The communications supervisor will ensure continuing documentation of generator testing. Any failure during a test will be reported to the Chief of Police immediately. (TBP: 9.04)
- G. The dispatch consoles have a recording system that records all telephone and radio transmissions and allows for immediate playback if necessary. (TBP: 9.03)

V. ANSWERING CALLS FOR SERVICE

A. Call-Taker Responsibilities

- 1. It is the responsibility of call-takers to answer E911 phone calls by saying, "MINEOLA 9-1-1. What is your emergency?"
- 2. Priority calls requiring police action will be taken on E911 lines.
- 3. All other callers -- such as those asking for directions, jail information, etc. -- will be immediately instructed to call back on a non-emergency number.
- 4. Call-takers will not put E911 callers on hold until the call has been evaluated and there is a determination that placing the caller on hold will not further enhance the caller's emergency.
- 5. It is the responsibility of the call-taker to verbally confirm the ANI and ALI of all calls.
- 6. It is the responsibility of any call-taker who receives a hang-up or other "unknown circumstance" type of call on an E911 line to do the following:
 - a. Dispatch two (2) units if possible to an unknown 911 "UKN911" call to the address displayed on the computer screen.

- b. Call the telephone number that is displayed on the screen and try to establish communication with the caller for the purpose of informing the responding unit(s) of pertinent data. If communication is not reestablished, the units should be notified by the dispatcher prior to their arrival at the location.
 - c. Dispatch one (1) unit to “UNK911” from cellular phone to area of X-Y coordinates of caller location if audio indicated a possible disturbance or an emergency situation.
 - 7. It is the responsibility of any call-taker to transfer all calls that should be directed to another agency and instruct the caller to stay on the line and that a transfer is being made. The call-taker will stay on the line to verify the transfer. Should the caller hang up, the call-taker will continue to contact the needed agency with the information and inform the agency that the caller disconnected before the transfer was completed.
 - 8. It is the responsibility of the Communication Supervisors to ensure that all call-takers have been trained and are familiar with the Call-Taker Training Manual as well as departmental general orders.
 - 9. It is the responsibility of each call-taker to have a working knowledge of the Call-Taker Training Manual and adhere to the instructions contained therein.
- B. When call-takers have dispatched officers they shall complete the CAD dispatch screen with all appropriate information.

VI. COMPLIANCE WITH FCC RULES AND REGULATIONS

- A. Employees will comply with FCC regulations relating to the use of radio communications systems.
- B. Employees will follow established guidelines and procedures as outlined below:
 - 1. Communications involving the protection of life and property shall be afforded priority.
 - 2. False calls, false or fraudulent distress signals, unnecessary and unidentified communications, and the transmission of unassigned call signals are specifically prohibited.
 - 3. Employees shall monitor the radio frequency on which they intend to transmit for a sufficient period to ensure that their transmissions will not cause interference to others.
 - 4. The duration of radio transmissions must be restricted to the minimum practical transmission time.

VII. RADIO COMMUNICATIONS

- A. Only English will be spoken. Clear, concise, and controlled language will be used. Obscene, indecent, profane, or slang language, horseplay, and joking are not permitted.

- B. Units calling the station shall identify themselves by their full assigned unit number. They should not continue the transmission until acknowledged by the dispatcher.
- C. Units will give their unit number when responding to the dispatcher.
- D. Officers will not call for another employee by name unless their radio or unit number is unknown.
- E. Officers will advise the dispatcher of their arrival on the scene of a dispatched call using proper radio etiquette or by MDT/MDC.
- F. Officers at a scene will notify the dispatcher if they determine that no other units are needed.
- G. If an incident is found to have occurred somewhere other than at the dispatched location, the officer will update their location by radio or via message to dispatcher.
- H. Upon completion of a call, officers will clear the call in the proper manner via radio or MDT/MDC and immediately go back into service.
- I. Lengthy transmissions should not be made on the radio system's primary channels. Long transmissions should be done over a secondary channel when available, as a CAD message, or via a cell phone if available. Transmissions should always be held to a minimum.
- J. Employees will not become engaged in an argument on the radio. Conflict between an officer and a dispatcher should be referred to the employees' immediate supervisors for resolution.
- K. Officers shall refrain from seeking advice from a dispatcher regarding a point of law, enforcement action, or department policy. Officers should consult their immediate supervisor on these matters or obtain the information from their laptop computers.
- L. Communication with interacting agencies will be by telephone. Communication with Air Ambulances Air One will be by radio or cell phone as required.

VIII. EMERGENCY SITUATIONS

- A. Transmissions regarding emergencies (e.g., pursuits, serious crimes in progress, etc.) will be given priority over all other transmissions. Units not involved in the emergency will stay off the air until the situation has been resolved.
- B. When an "officer needs assistance" call is received, Communications will make a general broadcast to all units and assign other units and a supervisor.

IX. MONITORING RADIO CHANNELS

- A. Field units will continuously monitor their primary channel.

- B. Investigative, support, and special unit personnel will monitor the patrol channel when they are in the field.
- C. Supervisors may monitor additional frequencies; however, they will remain available on their primary channel.

X. RESPONSIBILITY OF SUPERVISORS

- A. Supervisors will carefully monitor and supervise the use of the radio to assist their officers as needed.
- B. Supervisors are responsible for the radio conduct of their subordinates and should immediately correct improper radio procedures.
- C. Supervisors may be assigned calls when other units are not available.
- D. Supervisors will respond to any call from subordinates and proceed to a scene when requested.

XI. MDT/MDC COMPUTER USAGE

- A. The Mobil Data Terminal/Computer (MDT/MDC) is a part of the radio system using frequencies licensed by the FCC. Rules concerning proper radio procedures also apply to the use of the MDT. Rules for MDT messages include the following:
 - 1. They will not be personal in nature.
 - 2. They will not contain derogatory references to other persons or agencies.
 - 3. They will not contain any text that a reasonable person would find offensive.
- B. Because messages sent with the CAD/MDT system slow the system response time, only concise, work-related messages may be transmitted. Personnel are urged to use abbreviations to help keep the messages brief.
- C. There is NO EXPECTATION OF PRIVACY concerning sending or receiving messages via the CAD/MDT system.
- D. Except in emergency situations or in single-key response to dispatched calls or enquiries, the driver of the vehicle will not utilize the MDT/MDC keyboard while the vehicle is in motion. Drivers will stop at a safe location before utilizing the keyboard.

XII. CALL HISTORY

- A. A report containing the following information will be created and maintained regarding each request for police services (call for service) and for officer-initiated activity:
 - 1. Call for service number and case number when needed;
 - 2. Date and time of request;

3. Name and address of complainant, if possible;
4. Type of incident reported;
5. Location of incident reported;
6. Identification of officer(s) assigned as primary and backup;
7. Time of dispatch;
8. Time of officer arrival;
9. Time of officer return to service;
10. Disposition or status of reported incident.

XIII. RADIO UNIT DESIGNATIONS

A. Field Units

1. All police units shall be identified by their three-digit badge number.
2. All fire units shall be identified by their three-digit unit or badge number.

XIV. ASSIGNMENTS OF CALLS FOR SERVICE

A. Call Priority

1. The Communications center maintains a listing of the types of calls by priority. Priority 1 calls are those that require an immediate response to prevent injury or loss of life. Some Priority 1 calls are dispatched as emergency calls with a Code 3 response. Other calls are classified as Priority 2, 3, and 4 depending on the nature of the call and which ones should be handled first.
2. The Chief of Police shall establish the call-priority list.

B. Assignment of Priority Calls

1. Units Available/Units Not Available
 - a. Calls for service shall be assigned to the in-service officer responsible for the area in which the call is located. When area officers are not available, the nearest area officer will be selected. Officer safety and call priority will be the primary considerations when selecting alternate area officers.
 - b. Supervisors will monitor dispatching of Priority 1 calls and ensure that officers are immediately available or will quickly become available to respond.
2. Backup Units
 - a. Backups are assigned to ensure officer safety, to help secure crime scenes, and to check the area for suspects. Most calls categorized as Priority 1 will require a backup. The decision to send a backup on a Priority 2 call is decided on a call-by-call basis. However, supervisors or on-scene officers may authorize the response of additional units if they feel backup is needed.

3. General broadcasts can be used for DWI's, auto theft information, warrant information, missing persons, serious weather, and to alert officers of a pending call.
- C. In responding to victim/witness calls for information or service, Communications Center personnel will determine whether an emergency or non-emergency response is required and inform the victim/witness of the department's response.
 - D. Communications radio and telephone conversations recordings will be maintained as per departmental policy on records retention. They are digitally recorded and secured. Reviewing recorded conversations will be conducted:
 1. For quality assurance for response protocol.
 2. Medical calls shall be randomly reviewed.
 3. Upon requests by internal and external sources or personnel, such as the office of the District Attorney, department investigators, Internal Affairs, etc.
 4. To randomly monitor staff for training purposes.
 - E. Death messages, messages from other criminal justice agencies, and "check welfare" calls will each be entered as a call for service that requires officer response.
 - F. To improve the use of patrol time, the desk officer will take calls for service that can be handled over the telephone. This does not preclude patrol officers from responding to this type of call for service.


XV. COMMUNICATION OFFICER TRAINING (TBP: 3.18)

- A. TCIC and NCIC Operations
 1. The Communications Center has access to TCIC and NCIC systems. (TBP: 9.07)
 2. All call-takers will be trained in TCIC/NCIC Full Access and will comply with all rules and regulations regarding operation of the systems.
- B. Communications officers are required to take the TCOLE Basic Telecommunications Officer Course, and they shall also receive initial or refresher training in the following (TBP 9.09):
 1. Operations of the computer aided dispatch system
 2. City and departmental policies
 3. Communicating with persons who have mental health challenges
 4. Crisis communications
 5. The Mineola Police Department Use of Force Policy
 6. De-escalation strategies

XVI. WARRANT MAINTENANCE (Class C Local Warrants) (TBP: 9.08)

- A. The department maintains the original of all Class C warrants originating from our department. Warrants that are Class B and above will be maintained by the Wood County Sheriff's Office.

- B. The department will comply with all TCIC/NCIC requirements for warrant maintenance, entry, removal, and auditing.
- C. All warrants are maintained in the file cabinet marked “Warrants” in alphabetical order of the wanted person, last name first. Class C city and traffic warrants are maintained separately from Class B and above warrants.
- D. New Warrant Entry
 - 1. Class C Warrants will be kept on file in the communications office.
- E. Confirmation of Warrants
 - 1. When an officer of this agency or any other agency requests a warrant confirmation, the Communications Officer will attempt to locate the original warrant in the warrant file.
 - 2. If the original warrant is located, the Communications Officer shall confirm the presence of the warrant and provide any identifying information, such as description, driver’s license number, or other identifying numbers that will help to ensure that the proper person has been stopped.
 - 3. If the officer states that it is the correct person and that an arrest has been made, the Communications Officer will provide the warrant number, date of warrant, charge, amount of bond, and their name.
 - 4. If the officer is from this agency, the officer will pick up the original of the warrant when delivering the prisoner.
 - 5. Communications Officers will not confirm a warrant without physically locating the original of the warrant.
- F. Removal of Warrants
 - 1. After a warrant has been confirmed and an officer has arrested the individual, the Communications Officer will make a copy of the warrant before it is picked up by the officer. The issuing Municipal Court will be notified that the warrant has been served.
- G. File Audits
 - 1. Traffic and Class C warrants that have not been served within five years will be returned to the court for disposition.

	MINEOLA POLICE DEPARTMENT	
	Policy 10.1 Holding Facility Operations	
	Effective Date:	Replaces:
	Approved: _____ <div style="text-align: right;">Chief of Police</div>	
	Reference:	

I. POLICY

It is the policy of this law-enforcement agency to provide secure temporary holding cells for prisoners and to maintain these facilities in a sanitary and safe manner. These prisoners are ones awaiting interrogation, the arrest process, transfer to the county jail, or any other administrative procedure. Normal operations will limit a prisoner’s stay to less than 72 hours if he/she is to be filed on in county or district court.

II. PURPOSE

To provide for operational procedures for the department’s holding facility and to ensure the safety of prisoners housed therein.

III. GENERAL ISSUES

A. Supervision

The Chief of Police shall assign an individual to serve as supervisor of the prisoner holding facility. Said individual shall be responsible for all aspects of the holding facility to include prisoner processing, record keeping, training, security, sanitation and maintenance, safety, and supervision.

B. Training

1. All sworn officers and all communications personnel charged with the responsibility of operating, maintaining, or functioning within the holding facility shall receive training for holding facility operations. This training shall include emergency evacuation and the use of all life-safety equipment located in the facility area.
2. All agency personnel shall receive, at a minimum, basic training and in-service training on the application of physical restraints, searching, and booking prisoners into holding cells.

C. Access to Facility (TBP: 10.06)

1. Access to the holding facility is limited to authorized personnel. Non-essential personnel that are allowed access to the holding facility ensure their presence does not violate a detainee's privacy, impede facility operations, or hamper the gathering of information to be used in court. Non-essential personnel are prohibited from entering the holding facility in emergency situations. Juveniles are prohibited from entering the facility at any time a prisoner is being held or is present. (TBP: 10.04)
2. Other than sworn members of the department or communications personnel, any person who enters the facility will be accompanied at all times by a sworn member or communications personnel.

D. Privacy of Prisoner Records

1. Prisoner control records are confidential unless their release is required by law.
2. Agency personnel are permitted to respond to inquiries regarding whether or not a specific person is being held, on what charges, and the bond amount if any.
3. Agency personnel are permitted to answer inquiries regarding the various options of how an individual may be visited or released.

IV. SAFTY AND SANITATION

A. Fire Protection (TBP: 10.08)

1. The holding facility is equipped with an automatic fire alarm system incorporating both heat and smoke detection systems. This system is inspected and approved in writing by the fire marshal or fire inspector.
2. Fire- prevention activities include the following:
 - a. No smoking or smoking materials -- lighters, matches, etc. -- are allowed in the facility with the exception of items belonging to the prisoner, which will be placed in prisoner's property.
 - b. Prisoners are searched completely prior to being placed in cells.
 - c. The facility is kept clean of loose debris, trash, or lint.
 - d. Mattresses and blankets are made of fire-retardant materials.
 - e. Cells are cleaned and inspected before and after every prisoner.
3. Emergency Evacuation (TBP: 10.09)
 - a. An emergency evacuation diagram is posted in the hall area of the police department.
 - b. Emergency exit signs are posted above the exit doors.
 - c. In the event that a fire requires that the facility be evacuated, the prisoners are released from their cells and directed out of the intake door. The door release can be activated by communications personnel. Prisoners may be directed to the parking area outside the door. Priority should be on getting the prisoners out of the facility rather than the security of the prisoners. If prisoners are going to be out of the building for an

extended period, arrangements should be made to transfer the prisoners to an adjacent jail facility.

B. Inspections (TBP: 10.18)

1. On every shift, the oncoming shift supervisor or officer in charge conducts a visual inspection of the holding facility.
2. Any defective equipment or facility issue will immediately be brought to the attention of the supervisor of the holding facility, who shall then notify the Chief of Police as soon as practical.
3. The holding facility supervisor conducts routine inspections of the holding facility and booking area at least weekly, recording the appropriate information to document the activity. The weekly inspection includes, but is not limited to, the following:
 - a. cleanliness
 - b. adequate supplies
 - c. medical-emergency kit
 - d. adequate food
 - e. video and audio monitors operational
 - f. fire extinguisher access and within inspectional date
 - g. fire alarm system
 - h. pest/rodent infestation
 - i. weapons and contraband in cells (with second officer)
4. Insects, rodents, or other vermin and pests are addressed by a qualified pest control service that is maintained under contract to perform this service at least quarterly.
5. The holding facility supervisor shall ensure the fire extinguisher system(s) is inspected at least semiannually.
6. Any deficiency found in any life-safety systems will be addressed immediately.
7. Any deficiency that cannot be repaired will immediately be brought to the attention of the Chief of Police.

V. FACILITY SECURITY (TBP: 10.05)

A. Firearms and Weapons (TBP: 10.21)

1. Personnel will not permit any weapon inside the holding facility area under normal operational conditions. Weapons include firearms, batons, knives, or any other device commonly considered a weapon.
2. Officers may enter the facility with a weapon only when it is immediately necessary to gain or maintain control over a violent prisoner and/or to protect another officer.
3. Weapons may be secured in an appropriate lock box or in the officer's vehicle trunk before the officer enters the facility.
4. Weapons other than ones which are contraband that are not part of an investigation but are part of prisoner's property will not be placed in prisoner's property in the holding facility, but will be placed in the property room for safekeeping.

5. Officers are allowed to keep their assigned ECD (electronic control device) on their belt while in the holding facility.

B. Twenty-four Hour Supervision (TBP: 10.20)

1. All persons being detained in holding facility are monitored on a 24-hour basis by communications through audio and visual display. At least every two hours, the on-duty officer makes a prisoner check by visually observing the prisoner in person. These checks will be logged on a prisoner check sheet on the door of the cell. If the communicator has any concern for the prisoner's wellbeing, the communicator will query the prisoner by audio. Patrol officers may be summoned to check on a prisoner if needed.
2. Special watches are conducted on the half-hour for those exhibiting special needs. These special watches are conducted by the on duty officer and logged on a prisoner check sheet on the door of the cell.
3. The on-duty communication specialist monitors the video monitors and sound activity occurring in the holding facility, listening for any distress inside the facility and using the intercom system. The communication specialist notifies on-duty sworn staff of any suspicious activity observed or heard during such monitoring and requests the officer immediately respond to address the matter.
4. Video surveillance of the interior of the cells is limited to the hall of the cells for obvious privacy reasons. Prisoners are informed of this system upon being placed in the cell. Prisoners are also informed of how to request assistance while in the cells.

C. Entering a Cell with a Prisoner

1. Officers typically do not enter a cell with a prisoner. Occasionally circumstances will arise that require police officers to enter an occupied cell. These circumstances may include, but are not limited to, the following:
 - a. To break up a fight between prisoners,
 - b. To search the cell and/or prisoner(s) for contraband,
 - c. To check on an ill or injured prisoner,
 - d. To prevent a prisoner from injuring himself or others,
 - e. To prevent a prisoner from damaging property.
2. When it is necessary for a police officer to enter an occupied cell the officer, when possible and practical, does so only with the assistance of another officer.
3. Except when actually engaged in the passing of items through the opening, the food/package access door on each cell is kept in the closed and locked position.

D. Key Control (TBP: 10.16)

1. One set of keys to the cell block area is available to personnel in the holding facility. These keys are maintained outside the secure area of the secure holding facility.
2. No additional sets of keys are issued to individuals.
3. Employees do not carry the keys around unless they are being used.

E. Cell-Block Security

1. The doors to individual cells are kept locked except when someone is entering or exiting a cell.
2. All facility entry doors are kept locked except when someone is entering or exiting.
3. All doors to storage and holding rooms directly off the booking area remain locked when not in use.

F. Holding-Cell Inspections and Cell Clean Up

1. Prior to placing a prisoner in an unoccupied holding cell the cell shall be searched for contraband and weapons. The officer conducting the search shall immediately report the finding of any weapons or contraband to his/her immediate supervisor.
2. Prior to release, and after the prisoner has been removed from the cell, the cell shall be searched for contraband and or weapons.
3. The prisoner is required to remove any trash from the cell and clean any intentional damage or mischief.
4. Officers will have the prisoner place the mattress back on the bed.
5. The prisoner must remove any personal items, such as personal hygiene items in order to return cell to a usable condition for the next prisoner.

G. Culinary Equipment / Tools

1. Culinary equipment in the holding facility is limited to plastic utensils for detainee use. All utensils are retrieved and disposed of after each meal.
2. Occasionally it is necessary to bring tools into the holding facility for repairs and routine maintenance. Personnel assigned to the holding facility accompany any outside contractor to ensure the safety of both the contractor and detainees. Upon completion of any work, the holding facility is completely inspected to ensure tools used in maintenance are not left in the holding facility.

H. Escape Procedures (TBP: 10.17)

1. In the event of an attempted escape from the holding facility the following measures shall be taken:
 - a. If a person is attempting to escape, with or without an officer present, the communications specialists monitoring jail activity shall do the following, in this order:

- i. Announce the escape attempt to any staff inside the department.
 - ii. Issue an immediate alarm in a broadcast over the police radio.
- b. The field supervisor and other resources as directed by that supervisor shall report immediately to the holding facility to assist in the prevention of the escape;
2. If the escape is successful, the communication specialist shall broadcast the information to surrounding agencies. The broadcast shall, with the approval of the field supervisor, provide a physical description of the escapee, the charge or charges against the escapee, whether or not the escapee is armed, and if there were any officer-related injuries.
3. Officers may use what force is necessary and provided for by state law in order to prevent the escape.
4. Once the escapee has been subdued, the communications specialist provides notification internally and other broadcast means signaling an end to the alert. The field supervisor shall contact the Chief of Police.
5. The field supervisor shall complete, or cause to be completed, all documentation required as a result of the escape or escape attempt. At a minimum these documents include the following:
 - a. A list of additional charges being filed against the escapee, when applicable;
 - A use of force report;
 - A follow up, or continuation of the original report;
 - A memorandum to Chief of Police.

VI. PRISONER PROCESSING

A. Prisoner Control and Security

1. Persons to be detained in the holding facility are escorted into the facility through the holding facility door near the sallyport.
2. All arrested persons are thoroughly searched for weapons and contraband. Any contraband located on the arrested person is considered evidence, seized, and properly secured as evidence.
3. Upon arrival at the facility, arrested persons are placed immediately into the temporary holding cell.
4. No person is kept in the temporary holding cell without supervision in excess of two hours.
5. All booking activity, including interviews, fingerprinting, photographing, and similar actions, is conducted while the arrested person remains in the temporary holding area.
6. Prior to placing an arrested person in an unoccupied holding cell the cell is searched for contraband and weapons. (TBP: 10.18)
7. All prisoners will be safeguarded against inappropriate activity from employees or other inmates.

8. Employees are prohibited from engaging in any form of physical contact with any prisoner except as needed to properly perform the intake, management, or release of a prisoner.
9. Employees will make an immediate report to their supervisor of any accusation of any form of abuse by an employee or inmate.
10. Any offense occurring in the holding facility will be investigated and prosecuted as in any other circumstance.

B. Special Circumstances:

1. The holding facility is not normally equipped to provide treatment to persons under the influence of drugs or alcohol.
 - a. Such detainees should remain under close observation by facility staff.
2. The following procedures will be followed for prisoners who are under the influence of alcohol or drugs or who are otherwise violent or self-destructive:
 - a. The arresting officer and at least one other person will be with the prisoner until the detainee is placed in a cell.
 - b. The prisoner will be segregated, if possible.
 - c. The prisoner will remain under strict, close audio and video supervision with hourly physical checks.

C. Juvenile Detentions

1. Children who are transported to the police building are detained either in the area designated for juvenile offenders.
2. Under no circumstances is a child who is in custody placed or allowed access to the adult holding facility.
3. Under no circumstances will a child in custody be left unsupervised.
4. All children held at the police facility will be kept out of sight and sound of adult prisoners.
5. A child who is being held for a status offense is not be detained in a secured area or any locked room. Status offenders are held in non-secured area, out of sight and sound of adult prisoners.

D. Strip Searches (TBP: 10.14)

1. Strip searches may be requested when officers have reasonable cause to believe the prisoner(s) may be concealing a weapon, drug, or other contraband.
2. Two personnel are present during a strip search, one of which is a supervisor if available.
3. Strip searches are conducted by a member of the same sex as the person being searched.
4. When searching a female prisoner, if a female officer or supervisor is not available, the search should be conducted by a female employee while a male officer is outside within reasonable hearing distance.

5. Strip searches are conducted out of the view of any person except the officials in charge of the search.
6. Employees conducting the search maintain a professional attitude, and complete the search in a quick yet thorough manner.
7. Strip searches are documented in the officer's arrest report, a copy of which will be forwarded to the Chief of Police for review and filing. The report will contain the following information:
 - a. the officer's justification for the search,
 - b. the location of the search,
 - c. the names of the persons present during the search,
 - d. the results of the search.

E. Body Cavity Searches (TBP: 10.15)

1. Officers do not conduct body cavity searches except for the mouth.
2. If an officer has reasonable cause to believe a body cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:
 - a. The on-duty police supervisor is notified;
 - b. A search warrant is secured;
 - c. The detainee is transported to an appropriate medical facility.
 - d. The search is conducted by the on-duty emergency room physician while officers stand by to take control of any evidence and provide security to the physician conducting the search.
3. Body cavity searches are documented in the officer's arrest report, which will contain the following information:
 - a. officer's justification for such search,
 - b. approving supervisor's name,
 - c. location,
 - d. names of the persons present during the search,
 - e. results of the search.
4. A copy of the report and a copy of the warrant will be forwarded to the Chief of Police for review and filing.

F. Prisoner's Property (TBP: 10.10)

1. Prisoners will surrender all personal property that is on their person.
2. An itemized inventory of the property is made by the booking officer and printed for signature of the prisoner.
3. Any property being held for evidentiary purposes is noted on the receipt.
4. Money belonging to the prisoner is counted in front of the prisoner and in sight of the video camera.
5. The property is then stored in a secure manner in the property lockers pending release of the prisoner.
6. Officers will take extra precautions to ensure that all items that could be used to harm him/herself or others are taken from the prisoner. Also any item that could be used as a weapon against officers or other prisoners

should be confiscated. These items include, but are not limited to, heavy work boots, shoelaces, high-heeled shoes, and belts.

7. To lessen the opportunity for contraband to be concealed or for a prisoner to harm themselves, each prisoner is allowed to wear only one layer of clothing, not including underclothing.

G. Intake and Medical Screening

1. All prisoners are screened when admitted to the holding facility using the intake screening form. The information obtained during this screen should contain, but is not limited to, the following:
 - a. Current health.
 - b. List of medications.
 - c. Behavioral status, including any indication, whether observed or self-professed, that the individual is homosexual, transgender, intersexual, or gender-nonconforming.
 - d. Current mental condition, including possible indications of suicidal tendencies or thoughts
 - e. Prior criminal history for any violent offenses, sexual offenses, or hate crimes.
 - f. Body deformities, scars, marks, and tattoos.
 - g. Emergency contact information.
2. This information is recorded on the booking form along with the charges and property inventory. Any significant mental or medical problems are listed on the board for other officer's information. The intake form is held in the booking file until the individual is released.
3. The holding facility is not intended for nor is it equipped to handle prisoners who require immediate or sustained medical attention. Therefore, no prisoner who has an injury or illness that requires hospitalization or the attention of a health-care professional shall be booked into the holding facility or otherwise held for interrogation or other purposes. This includes obvious cases of injury or illness as well as situations in which arrestees:
 - i. suffer from extreme alcohol intoxication or possible drug overdose.
 - ii. exhibit symptoms of severe mental disorder.
4. If the severity of medical conditions is unclear or if a prisoner requests medical attention, he/she shall be transported as soon as possible to a medical facility for evaluation.
 - a. If available, the arresting officer shall be responsible for transporting the prisoner to and security of the prisoner while at a designated medical care facility.
 - b. Subsequent detention of such prisoners is permitted only if they are released from the medical facility and further detention would not aggravate the condition.
 - c. The seriousness of the charges against the individual must also be evaluated.

H. Fingerprints

1. All prisoners require the state issued CJIS card and any supplemental cards as required.

I. Photographs

All prisoners will have a current booking photo made.

J. Prisoner Intake Form

1. The arresting officer will complete a prisoner intake form for each arrestee that will include the following:
 - a. All of the usual information regarding the individual.
 - b. Any information regarding a prisoner's special protection needs.
 - c. Any history or indication of depression or suicidal tendencies.
NOTE: Communications staff will be told about possible suicides before the arresting officer leaves facility.
2. The prisoner intake form will be sent with any prisoner who is transferred to another jurisdiction or released to another agency. The receiving officer will sign the form and the white copy will be given to the other agency while the other copy will be returned and placed in the prisoner's jail packet.

K. Arrest Reports

1. Using the computerized offense-and-arrest-report system, the arresting officer will complete an arrest report for every prisoner.
2. Arrest reports must contain information about the offense and the probable cause to believe the person committed the offense or a reference to an offence report where such information is provided.
3. All arrest reports will be completed by the arresting officer and provided to county jail personnel.

L. Housing Prisoners (TBP: 10.04)

1. Upon completion of the booking process, the booking officer directs the prisoner to a holding cell.
2. Each cell is separate and contains one bunk with no sight or sound activity available between cells.
3. At no time are a male and female placed together within a single cell.
4. Before they are placed in a cell prisoners will be informed of how they can communicate with the jail staff, and they will have the video system explained to them.
5. The following prisoners will be housed alone:
 - a. Any prisoner with a prior history of a violent, sexual, or hate-crime offense.

- b. Any prisoner who is observed to be or self-professes to be homosexual, transgender, intersexual, or gender nonconforming.
 - c. Any prisoner who by actions or admission is a potential victim of sexual abuse.
- 6. An officer who believes a prisoner may be a suicide risk will do the following:
 - a. Note “Special Watch” on the booking and intake forms.
 - b. Verbally inform the communication section of the need for special watch procedures.
- 7. If any suicide indicators are present the following special procedures will be observed:
 - a. Oncoming watch personnel for patrol, communications, and monitoring will be informed of the special watch prisoner.
 - b. The prisoner will be relieved of any article that could be fashioned into a makeshift noose, such as a tie, a belt, and shoelaces.
 - c. Clothing and bedding that cannot be torn and used as a noose will be provided.
 - d. Monitoring staff should query a suicide watch prisoner who is not clearly visible.
 - e. Officers should conduct personal checks as often as possible and check for any damage to clothing, bedding, or other materials that would facilitate suicide.

M. Mass Arrests

- 1. If a mass arrest exceeds the maximum occupancy of the holding facility, extra personnel are called in to assist with the processing of the arrestees.
- 2. Arrestees will be transported to the county jail if necessary.

N. Prisoner Identification System

- 1. The department utilizes a system for assigning an identification number and maintaining an arrest file for each person under custodial arrest.
- 2. An arrest number is a unique number that is assigned to a specific person.
- 3. Arrest numbers are assigned in sequential order to each person arrested by members of the department.
- 4. The arresting officer creates the jacket.
- 5. Once a person has been assigned an arrest number all subsequent arrests concerning that person are referenced to his/her arrest number even though the case numbers will change with each new arrest.
- 6. An arrest file for each person arrested is created and maintained by the department.
- 7. Each arrest file contains documents specifically related to each incidental arrest of one particular person, including but not limited to:
 - a. Arrest reports

- b. Booking photographs
- c. Property inventory and disposition
- d. Fingerprint cards
- e. State and federal criminal history transcripts

O. Victim / Witness Notification upon Arrest of Suspect

1. Officers making arrests of suspects after the suspect has left the scene of a crime will make reasonable efforts to notify the victim and any involved witnesses of the suspect's arrest. This action will reassure the victim and allow the victim to avoid taking unusual protective measures unnecessarily.
2. In cases of domestic violence, the victim should be contacted and asked whether a protective order is desired. If so, the officer will prepare an emergency protective order for issuance by the magistrate. The county jail staff will be responsible for victims notification upon release of a prisoner in this case.

VII. MEDICAL AND HEALTH CARE OF PRISONERS (TBP: 10.12)

A. Medical Emergencies: When a medical emergency occurs in the holding facility, the procedures listed below will be followed:

1. Police personnel serve as the first responders, and immediately provide any help that they are able to give.
2. The on-duty supervisor will also respond.
3. Fire paramedics will be called to assess the needs of the afflicted person and to comply with their standard medical protocol for treatment and transport.
4. If the paramedics recommend transfer by ambulance a transport is conducted. An officer will respond to the hospital with the prisoner.
5. If the prisoner specifically requests to be transported to a medical facility via ambulance, such transport is conducted only if it is deemed medically appropriate by the senior fire officer or senior paramedic if the ranking fire officer is unavailable. Example: A prisoner complains of minor bruising to the wrists and medical personnel determine that there is no significant or life-threatening injury, the request to be transported via ambulance may be denied by the fire services officer or paramedic.
6. If the ranking fire officer or senior paramedic believes medical attention is required but transport by ambulance is not needed, the supervisor will then determine whether the prisoner should remain in custody and be guarded or released using guidelines in section C below.
7. Custodial transports necessitate that a uniformed officer accompany the prisoner to the medical facility, and the on-duty supervisor will designate an officer for this duty.

B. First Aid Supplies

A first aid kit is kept stocked in the book-in area and is inspected weekly. Any officer using items from the first aid kit notifies the holding facility supervisor of the items used.

C. Release due to Medical Reasons

1. All felony offenses and all violent misdemeanors may be transported to necessary medical facilities and guarded until released and returned to jail, or a case is filed and custody turned over to the county, or bond is made.
2. Non-violent offenses classified as class B or class A may be released on “pending investigation” due to medical reasons by an on-duty supervisor if the offenders have not been arraigned and there is no danger of a continuing threat to another person. If they have been arraigned, the on-duty supervisor will contact the magistrate and determine the method of release. If a case has been filed and immediate care is not necessary, officers may transport the prisoner and release to the county. Any release of a class B or A non-violent offender requires the approval of a supervisor.
3. Arrested persons charged with class C warrants may be released by a supervisor with a court date if they have not been arraigned. If they have been arraigned, the on-duty supervisor will contact the magistrate to determine the type of release. A detailed incident report will be completed in either case to document the in custody arrest and decision to release.
4. If an arrested person is detained on another agency’s charge, that agency is contacted and advised to either make an immediate transfer or release charges.
5. Arrested persons released for medical priority purposes are notified that their case may be continued regardless of this release.

D. Medications (TBP: 10.13)

1. Prisoners’ medications will be maintained in their personal property.

VIII. PRISONER RIGHTS

A. Access to Telephone

1. Officers should ensure that a prisoner understands the usage of the telephone. Prisoners should be allowed to make a phone call upon being booked into the holding facility.

2. If a prisoner abuses telephone privileges by making harassing telephone calls or calls to a crime victim, the prisoner will have their phone privilege taken away.

B. Meals (TBP: 10.19)

All prisoners require daily nourishment. The district officer assures adequate meals are provided three times per day to the arrested person at or by 0700 hours, 1200 hours, and 1800 hours.

IX. RELEASE PROCESS

A. Release Documents

1. The on duty typically conducts preparation of the release documents.
2. The releasing officer conducts final completion of the forms.
3. The forms are returned to the record clerk for filing.

B. Facility maintenance

1. Prior to release, the arrested person is held responsible for removal of any trash or disposable products and return of the cell to a ready condition.
 - a. Trash is removed.
 - b. Mattress and blanket are folded.
 - c. Toilet is flushed.
2. The cell is examined for damage and orderliness. If intentional damage or defacing of the cell is identified and the damage can be attributed to a specific person, appropriate charges are considered for such willful damage.

C. Property Return (TBP: 10.10)

1. Upon release of a detainee all property is returned, according to the following procedure:
 - a. The detainee and the releasing officer compare the property being returned with the inventory on the intake form to ensure all property is accounted for.
 - b. Any property being held for evidentiary purposes is noted on the receipt.
 - c. The detainee then signs the form stating the property is returned.
 - d. If the detainee is being transported to another facility the property is given to the transporting officer and the officer signs for the property.
 - e. The intake form is forwarded to the records clerk with the release paperwork for filing.

2. If there is a difference between the property being returned and the inventory statement on the intake form, the following procedure applies:
 - a. Any discrepancies shall be reported immediately to 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 are noted separately on the inventory report.

D. Release of Prisoner to Another Agency

1. Prisoners being released to other agencies will be identified as required prior to release.
2. Communicators will make necessary notifications for prisoners to be picked up by other agencies.
3. Officers will prepare necessary documentation to accompany the prisoner. Transfers to the county will include the following documents:
 - a. Financial statement and request for appointed counsel
 - b. Magistrates warning
 - c. County jail registration form
 - d. Prisoner alert notice (notice of any mental, medical or security issues)
 - e. Courtesy paperwork – copies of warrant confirmation, active holds, etc.
4. Officers picking up prisoners will be personally informed by the releasing officer of any physical or mental problems the prisoner may have.
5. All of the prisoner's property will be signed for by the prisoner and provided to the transporting officer for safekeeping. (TBP: 10.10)

E. Transportation of Prisoner to Another Agency

1. Officers transporting prisoners to another agency are responsible for the following:
 - a. Complying with the other agency's rules, which include putting all weapons in a lock box or securing them in the trunk of the officer's vehicle.
 - b. Keeping the prisoner in handcuffs until the other agency accepts custody.
 - c. Providing the receiving agency with all necessary paperwork and the prisoner's property.



MINEOLA POLICE DEPARTMENT

Use of Force Supplement

Use of Force:
 Date: _____ Time: _____ Day of Week: _____ Shift: _____ Area: _____ Arr/Off.#: _____
 Primary Officer Using Force: _____ # _____ Time on Dept: _____ Years _____ Mos. _____
 Location: _____ Call Type: _____ Type Premises: _____
 Subject Name: _____ Race: _____ Sex: _____ DOB: _____ Age: _____
 Address: _____ Hgt: _____ Wgt: _____
 Subject Injured: No Yes: _____
 Transported to: _____ Amb. Refused Treatment
 Officer Injury: No Yes: _____
 Transported to: _____ Amb. Refused Treatment

Reason for Use of Force:
 To Effect Arrest To Defend Another Officer To Prevent Offense
 To Defend Self To Defend Another Person Restrain for Subject Safety
 Other: _____

Subject's Actions:
 Nonverbal cues indicating physical resistance
 Verbal threats, non-compliance with officer direction
 Dead weight, clinging to objects, preventing custody
 Pulling, pushing, running away, to avoid control, not harming officer
 Assault, grabbing, pushing, kicking, striking officer or another
 Assault with intent and ability to cause death or SBI
 Assault or threats with deadly weapon
 Other: _____
 Number of Suspects Resisting: _____
 Appeared or Known Under the Influence
 Alcohol
 Drugs
 Mental issues
 Other: _____

Officer Actions: (Check all that apply, if more than one type of force used, number in order of use.)
 Verbal Direction Less Lethal Munitions (Bean bag, stinger, rubber)
 Soft Weaponless Control (Muscling, joint locks, pressure points) Pointed Taser (Laser)
 Hard Weaponless Control (Hard strikes, leg strikes, shoulder pin) Discharged Taser
 OC Spray Pointed Firearm
 Asp/Baton Discharged Firearm
 Non-Lethal (Pepperball) Other: _____

Physical Control:
 Not Used Pressure Points Takedown Hobble
 Muscling (grip, push, pull) Joint Lock Handcuffing Other: _____
 Effective: Yes No: _____

OC Spray:
 OC Spray: Not Used Attempted Used Distance: _____ - _____ ft. Duration: 1: _____ 2: _____ 3: _____
 Effective: Yes No: _____

ASP / Baton:
 ASP / Baton: Not Used Used Number of Strikes: _____ Location: _____
 Effective: Yes No: _____

Non Lethal / Less Lethal Munitions: (insert number of rounds fired / hits)
 Non/Less lethal Munitions: Not Used Used Bean Bag: _____ Stinger: _____ Rubber: _____ Pepperball: _____
 Location of Hits: _____
 Effective: Yes No: _____

TASER:

Not Used Pointed Taser Only (Laser) Discharged Taser Drive Stun
 Distance Fired: _____ ft. Cycles Discharged: _____ Probes Penetrate Skin Yes No
 Taser Number: _____ Cartridge Numbers: _____ Placed in Evidence: Yes No
 Effective: Yes No: _____

Firearm:

Not Used Pointed Firearm Only Discharged Firearm
 Weapon: Sidearm Shotgun Patrol Rifle Backup / Off Duty Distance Fired: _____ ft.
 Rounds Discharged: _____ Number Hits on Target: _____ Weapon Serial Number: _____
 Effective: Yes No: _____

Environmental Conditions:

- Hot (Little or thin clothing)
- Warm
- Cool
- Cold (Heavy clothing)
- Daylight
- Dawn / Dusk
- Darkness
- Other: _____

Situational Conditions:

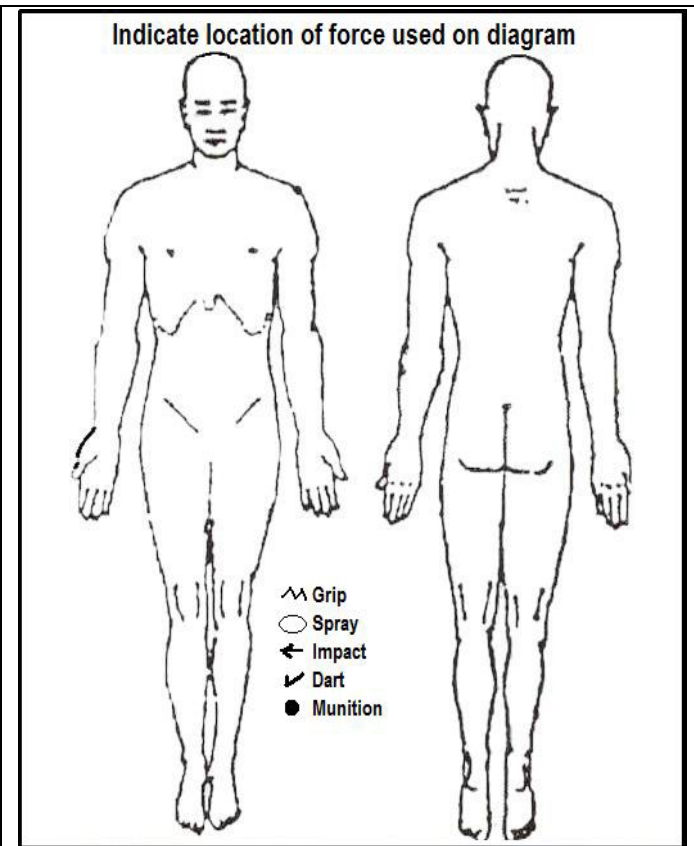
- Multiple Suspects
- Hostile Environment
- Threats to Officer(s)
- Confined Space
- Indoors
- Outdoors
- In Vehicle
- Other: _____

Officer Summary:

Type of force ultimately successful in Control of Subject:

Officer comments on regarding force effectiveness:

Reporting Officer: _____



*** Full Narrative of Use of Force in Arrest or Offense Report - Attach Copy to this Supplement ***

Supervisor:

Number of officers at scene and available when force used: _____ Video Reviewed

Comments: _____

Supervisor: _____ # _____

- In Compliance with Policy
- Further Investigation Needed

Reviewed: _____ In Compliance Investigation Needed

Patrol Lieutenant

Reviewed: _____ In Compliance Investigation Needed

Chief of Police